

Licensing Panel (Licensing Act 2003 Functions)

Date: **18 December 2024**

Time: **10.00am**

Venue **Microsoft Teams**

Members: **Councillors:** Hewitt, McGregor and Sykes

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AGENDA

1 TO APPOINT A CHAIR FOR THE MEETING

WELCOME & INTRODUCTIONS

2 PROCEDURAL BUSINESS

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

(b) **Declarations of Interest:**

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

In each case, you need to declare

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

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

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3 DALTONS LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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Contact Officer: Charles Boufrahi

Ward Affected: Kemptown

Date of Publication - Tuesday, 10 December 2024

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Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council

Subject:	Application for a Variation of a Premises Licence under the Licensing Act 2003		
Premises:	Daltons, Madeira Drive, Brighton, BN2 1EN		
Applicant:	Madeira Leisure Limited		
Date of Meeting:	18 December 2024		
Report of:	Corporate Director for City Services		
Contact Officer:	Name:	Emma Grant	Tel: 07826 951829
	Email:	emma.grant@brighton-hove.gov.uk	
Ward(s) affected:	Kemptown		

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Daltons.

2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Daltons.

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

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

Extension of hours applied for sale of alcohol for off premises until 00:00 every day then 00:00 until close on site consumption only”

- 3.2 Section 16 (Operating Schedule) of the application is detailed at Appendix A and the proposed plan of the premises is attached at Appendix B.

3.3 Summary table of existing and proposed activities.

	Existing	Proposed
Plays	Sat – Thur 09:00 – 00:30 Friday 12:00 – 00:30 Indoors	No Change
Films	Every Day 09:00 – 00:30 Indoors	No Change
Live music	Every Day 09:00 – 00:30 Indoors	Mon – Thur 10:00 – 00:30 Fri – Sat 10:00 – 03:00 Sun 10:00 – 00:30 – Indoors
Recorded Music	Every Day 09:00 – 00:30 Indoors & Outdoors	Mon – Thur 09:00 – 00:30 Fri – Sat 09:00 – 03:00 Sun 09:00 – 00:30 – Indoors & Outdoors
Performance of Dance	Every Day 09:00 – 00:00	No Change
Anything of a similar description within e, f, or g	Every Day 09:00 – 00:00 Indoors	Mon - Thur 10:00 – 00:30 Fri – Sat 10:00 – 03:00 Sun 10:00 – 00:30 – Indoors
Late Night Refreshment	N/A	Every Day 23:00 – 00:30 - Indoors & Outdoors
Supply of Alcohol	Every Day 09:00 – 00:00 On the Premises	Mon - Thur 09:00 – 00:30 Fri – Sat 09:00 – 03:00 Sun 09:00 – 00:30 – On and Off the Premises - Sale of alcohol for off premises until 00:00 every day then 00:00 until close on site consumption only
Hours premises are open to public	Every Day 09:00 – 00:30	Mon - Thur 09:00 – 00:45 Fri – Sat 09:00 – 03:30 Sun 09:00 – 00:45
Adult entertainment services, activities, other entertainment or matters ancillary to use of the premises that may give rise to concern in respect of children	We have 2 gambling machines on site which are licenced through an external supplier.	

Conditions removed as a consequence of the proposed Variation	The premises will only operate as a theatre led arts venue with at least an average of 14 theatre activities to be held per seven days the premises is open to members of the public which shall include public performances, rehearsal and group work. A schedule of such activities shall be made available to the licensing authority and the police on request. There shall be no DJ led performances.
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- 3.4 Existing licence attached at Appendix C.
- 3.5 Cumulative Impact. The premises falls within the Cumulative Impact Area (“The Area”) (see paragraphs 3.1 – 3.1.10).

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:
- 3.7 2 representations were received. They were received from Sussex Police and The Licensing Authority. The Environmental Protection (EP) Team have agreed conditions with the applicant.
- 3.8 Representations received had concerns relating to Prevention of Crime and Disorder, Cumulative Impact and Prevention of Public Nuisance.
- 3.9 A representation was received from Sussex Police which included conditions relating to Prevention of Crime and Disorder and Prevention of Public Nuisance. If the variation is granted Sussex Police would want the proposed conditions included in the operating schedule accordingly.
- 3.10 Full details of the representations with Sussex Police proposed conditions and EP agreed conditions are attached at 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 the 4th February 2021. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if ‘relevant representations’ are made by other persons or responsible authorities. This policy

will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol.
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club.
- The provision of regulated entertainment.
- The provision of late night refreshment.

1.2 The licensing objectives are:

- (a) the prevention of crime and disorder.
- (b) public safety.
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

1.3 Scope

1.3.1 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity. Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the act.

3 Special Policies and Initiatives

3.1 Cumulative impact

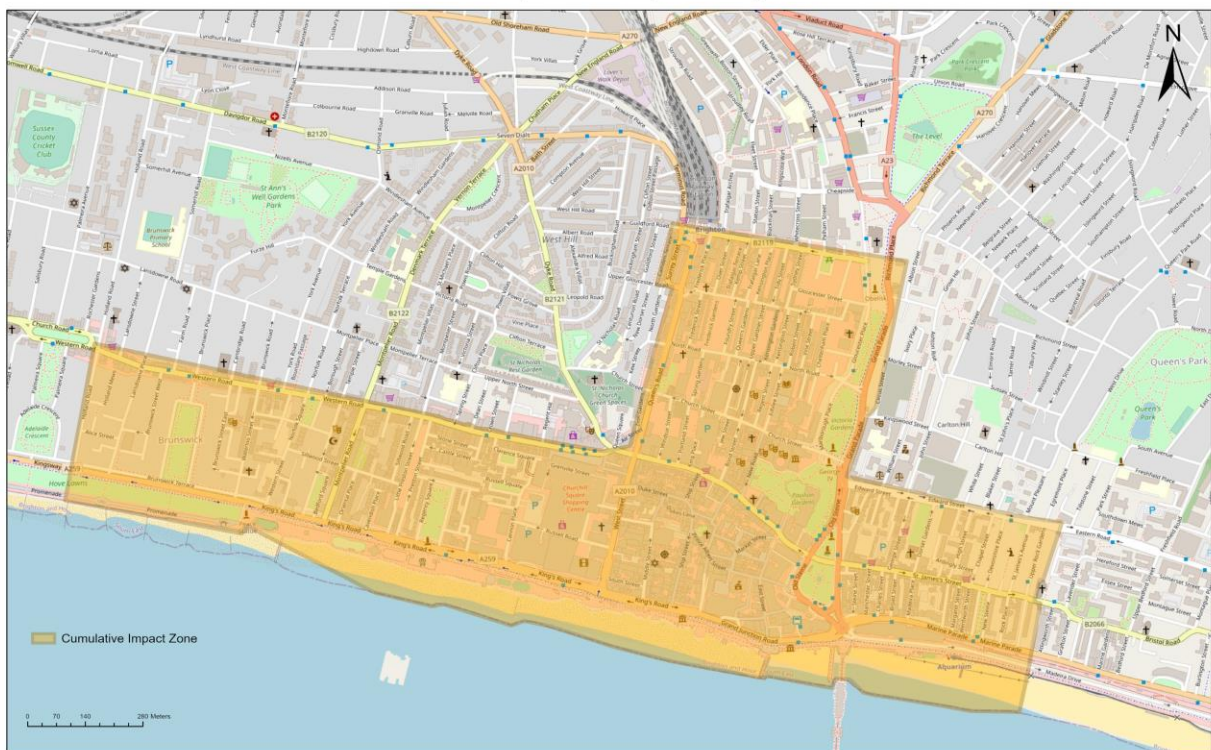
3.1.1 The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore, does not form part of this licensing policy statement.

3.1.2 **Special Policy** - Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

3.1.3 The licensing authority, after careful consideration, has determined that the concentration of licensed premises in an area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to 'Cumulative Impact' is necessary as part of its statement of licensing policy. The first Special Policy incorporating a Cumulative Impact Zone (CIZ) and Special Stress Areas (SSA's) was adopted in March 2008. Since that date, the licensing authority has kept the CIZ and SSA's under review. On 15 December 2011 Full Council resolved to expand the CIZ and the special stress area, covering 1.5% of the administrative area of Brighton & Hove City Council. On 20th November 2014 Licensing Committee resolved to confirm the current CIZ and SSA as defined in the current Statement of Licensing Policy. On the 29th November 2018 Licensing Committee resolved to expand the SSA into Central Hove. It is now proposed to expand the SSA into Preston Road and Beaconsfield Road. The licensing authority has published a Cumulative Impact Assessment which can be found at Appendix E.

3.1.4 This special policy will refer to a Cumulative Impact Zone ("the CIZ") in the Brighton city centre, a detailed plan of which is shown below.

Cumulative Impact Zone, January 2021



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3.1.5 The Cumulative Impact Zone comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Holland Road to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Air Street with the west side of Queens Road and then northward to the north-west corner of Surrey Street junction with Queens Road; thence along the north side of Trafalgar Street eastwards to its junction with York Place and continuing south-east across to Grand Parade, then south to the junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the

eastern sides of Upper Rock Gardens and Lower Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Holland Road; northward to that point and along the west side of Holland Road to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Holland Road.

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

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

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

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

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

3.3 The Matrix Approach

The Licensing Authority will support:

3.3.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the

number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore supports mixed use venues encouraging a wider age balance.

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

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

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

Notes on matrix

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

- 1) Each application will be considered on individual merit
- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).
- 6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
- 7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or cafes, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing on our website www.brighton-hove.gov.uk/licensingact.
- 8) In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops.
- 9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The licensing authority will have regard to Noise Council guidance.
- 10) Non-alcohol led category does not include "alcohol in shared workplaces". It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on "alcohol in shared workplaces" please see paragraph 3.3.4-3.3.6.

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

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

3.3.3 Restaurants - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following restaurant condition.

- Intoxicating liquor shall not be supplied or sold on the premises otherwise than to persons taking table meals there and for the consumption by such a person as an ancillary to their meal. There will be no vertical drinking.
- Restaurants with outside service - the licensing authority will also consider applications from restaurants that request to serve alcohol to areas adjacent to or immediately outside their premises. In addition to the above conditions for cafes, the licensing authority will require evidence that the applicants have an agreement with the local authority to use the area as defined on a plan provided. The following condition may also apply:
- The sale and supply of alcohol for consumption off the premises shall be restricted to an area licensed by the Local Authority for use of the public highway as shown on the plan deposited and such area shall be defined by a physical barrier acceptable to the licensing authority.

3.5 Off licences

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

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

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

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

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

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

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

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

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

3.6 Street drinking

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

3.9 Promoters and irresponsible drinks promotions

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

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

4 Prevention of Crime and Disorder

The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.

4.1.1 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the

designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.

4.1.2 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.

4.1.3 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

4.1.4 Measures put in place should support the intentions of Operation Marble (police operational order), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the city centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

4.2 Sussex Police

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

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

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

4.2.4 Sussex Police have continuing concerns that, despite staff training in age-restricted sales, under age individuals are still being served alcohol both on and off the

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

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

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

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

4.3 Care, control and supervision of premises

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

deter violent crime and disorder. The council will support a responsible licensing scheme.

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

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

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

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

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

6 Prevention of Public Nuisance

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

6.1.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or

from individuals or groups of customers gathered outside (eg in order to smoke).

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

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

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

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

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

6.2 Smoking Advice

6.2.1 Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc. have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence you may find it necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.

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

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

8 Integration of Strategies

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

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

- Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice

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

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

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

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

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

8.3 Enforcement

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

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

account to complement the policy, including:

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

10 Live Music, Dancing & Theatre

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

10.1.2 The Licensing Committee represents the general interests of a community in determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives. All members of the Licensing Committee will be trained on Licensing Act 2003 and S182 Guidance. The Licensing authority is aware of the need to avoid measures which deter live music, dancing and theatre - such as imposing indirect costs out of proportion to the income of the licence holder and to the risks presented. Only appropriate, proportionate and reasonable licensing conditions should impose any restrictions on such events.

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

APPENDIX A – Licensing Best Practice Measures

Best Practice Measures to be included for consideration, in particular in SSA:

Matters that would normally be expected in operating schedules:

- the adoption of a policy (e.g. Challenge 25) with acceptable proof of ID as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated

- the installation of a digital CCTV system by liaison with, and to a standard approved by, Sussex Police
- policies for dispersal of customers which may include signage regarding taxi services' telephone numbers and advice to respect neighbours and minimize noise

Items to which positive consideration would be given:

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

Recommend best practice for both on and off premises

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

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

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

Finance Officer Consulted Michael Bentley

Date: 09/12/24

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 – Section 16 of the Application
2. Appendix B – Proposed Plan of Premises
3. Appendix C – Part A of Premises Licence
4. Appendix D – Representations, Sussex Police proposed conditions and EP agreed conditions
5. 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 2023.

Public Health Framework for Assessing Alcohol Licensing – January 2022.

Background Documents

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

Appendix A

Section 16 of 18
LICENSING OBJECTIVES
Describe the steps you intend to take to promote the four licensing objectives:
<p>a) General – all four licensing objectives (b,c,d,e) List here steps you will take to promote all four licensing objectives together.</p> <div style="border: 1px solid black; padding: 5px;"> <p>A sufficient number of trained staff on site to cover long shifts and busy periods. Regular staff training. Regular refreshers for all staff and management in the 4 licensing objectives. Regular management meetings and briefings each week to identify areas that need improvements. Regular staff training in up to date acceptable ID. BCRP etiquette training for all staff. Staff to monitor all areas of the site to limit any noise disturbances throughout opening hours to include noise level monitor device use and written records.</p> </div>
<p>b) The prevention of crime and disorder</p> <div style="border: 1px solid black; padding: 5px;"> <p>On Fridays and Saturdays plus the days immediately before a Bank Holiday, there will be a minimum of one SIA door supervisor operating at the premises from 19:00 until close. At all times the premises is open to the public, the management will contract the back-up services of an approved mobile support unit (MSU) 24 hours a day, The number of SIA registered Door Supervisors for the recommended amount of customers on site operating from it. SIA licensed door supervisors or additional SIA licensed door supervisors shall be employed on any other occasions when a requirement is identified by the license holder's written risk assessment (for example when live music events are taking place) or requested by Sussex Police in writing at least 48 hours in advance. A copy of the written risk assessment will be made available to Sussex Police Licensing on request, and Sussex Police consulted on any amendments to the risk assessment. On weekends SIA door supervisors will search bags and use their judgment and discretion to search customers suspected of concealing alcohol, drugs or weapons. Searching will be in accordance with the Security Search Policy. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The logbook shall be kept on the premises and be available for inspection at all times the premises are open by authorized officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made at the bar e.g. for intoxication, age checks or any other reason will also be recorded in writing and logs will be available for inspection at all times. Where alcohol is to be supplied to the public as an integrated element of an event, delineated areas with physical boundaries will be constructed. All such alcohol is to be consumed within the overall site, including patio area.</p> </div> <div style="border: 1px solid black; padding: 5px;"> <p>A minimum of half hour drinking up time is allowed by the license where alcohol is supplied, even if event closes early, unless in an emergency situation. The premises license holder will participate in any approved schemes aimed at tackling/preventing crime and disorder, such as the BCRP Night Safe radio scheme. The premises will store and maintain a list of any lost and found property. Staff will regularly patrol and monitor all areas of the venue and surrounding public areas to ensure safety and appropriate behaviour. Inappropriate or intoxicated behaviour within the license boundary will result in ejection of the concerned parties. Any such behaviour within the vicinity of the venue will be monitored and, at the discretion of staff or in line with any specific agreed procedures, reported to the appropriate authorities.</p> </div>
<div style="border: 1px solid black; padding: 5px;"> <p>Polycarbonate drinking vessels/containers will be in use where risk assessment deems it necessary.</p> </div>

c) Public safety

The premises license holder will organize and document frequent communications with B&HCC Environmental Health & Licensing section, the Seafront office, and the Emergency Services. This will give an effective forum in which operational issues can be discussed and changes to the operating schedule of the premises can be consulted on. This process will also allow the applicant and their DPS to be aware of specific and changing challenges within the CIZ and respond accordingly.

All events will be risk assessed in consultation with our Security & Stewarding partners and in response to show interest and ticketing reports. A projected deployment schedule will be developed in such numbers and at such times as deemed necessary, and in consultation with Sussex Police as required. Ongoing discussions with Sussex Police licensing will identify opportunities to enhance the protection of the surrounding area and seafront in the vicinity of the premises as well as the safety of customers within the licensed boundary of the premises.

No patrons are to be admitted into the venue if in possession of alcohol and any patron showing signs of excess intoxication will be denied access.

No sale of alcohol to intoxicated patrons will be permitted and rejection logs will be kept. Challenge 25 will be in operation at all times, even when age checks are carried out at entry to the venue. Bar staff will be briefed and trained accordingly. This training will be regularly reviewed, and a training log maintained on site.

We will regularly update staff training in respect of licensing legislation, policies and procedures to ensure all staff are up to date in these areas.

a) When on duty at peak times, Security SIA-licensed staff at the entrance will use their judgement and discretion to search customers suspected of concealing alcohol, drugs or weapons. Items of concern include bottles of spirits, wine and strong beers; and drugs and weapons of any kind. Searching will be in accordance with the Security Search Policy. Dynamic risk assessment may lead to random searching at an appropriate ratio which may also be usefully implemented as a preventative measure. At times, in addition to the aforementioned dynamic risk assessment, we may implement strict 'all-bag' searches on patrons entering the site

(b) At other times, our Front of House stewarding team, alongside bar staff will constantly assess patrons for risk, and use our membership of BCRP, Pub-watch or similar to either receive alerts, or pass them on, of troublesome individuals, and where necessary arrange SIA assistance, increased SIA staffing coverage or MSU support.

Our in-house staff will work closely with our Security partners to monitor and look out for patrons leaving in the direction of the seafront, using established practices to maintain public safety. Reporting procedures of vulnerable or at-risk persons will be established with the professional lifeguarding teams and regular contact will be made to enhance and target effective procedures to ensure the safety of patrons and other members of the public within observation of the venues staff.

d) The prevention of public nuisance

All performances within the venue will be constantly monitored for noise and will be maintained within agreed limits with Environmental health and suitable for the location of the premises. All noise limits will take into consideration the time of year and the use of external doors and isolations within the venue.

The venue will operate with a designated outdoor smoking area to minimise disruption from external noise. This area will be constantly monitored by staff and feature-maintained receptacles to collect rubbish/cigarette butts. Noise will be monitored to minimise any noise disturbance.

Signage will be displayed at all exit points encouraging patrons to leave quietly and not disturb neighbours as they do so. Staff will echo this message to departing customers and will

encourage patrons back to the upper promenade and away from the seafront.

Taxi details will be clearly displayed to aid audience journey's home, utilising established partnerships with Streamline (enabling cards to be offered generally to audience members etc.), as well as highlighting other transport links such as the nearby bus stops and common routes away. These will also be communicated via email when sending ticket confirmations to encourage customers to consider their onward journey before attending the premises.

Operating schedules will be responsive to the wider context of the premises to the city and will be adaptable to the changing operating area. Major events will be considered, and operating schedules adapted to ensure the venue remains a positive influence on the CIZ and does not adversely contribute to times of high impact on city services.

An assessment of the venues "zone x" responsibilities will be discussed and agreed with lifeguarding and Police representatives. This assessment will be under constant review to enhance and optimise the venues impact on the immediate area and minimise adverse impact within the CIZ.

The Nightsafe radio system, or similar, will be in operation to help with maintaining patrons and the general public's safety and to inform staff of any potential operational issues that may emerge from time to time.

e) The protection of children from harm

Individual shows will be age-rated and access controlled accordingly by Box Office and Front Of House staff.

Advice will be sought from the Child Protection Unit where appropriate with regards events.

Children under 16 are to be accompanied at all times.

No unaccompanied under 18s to be allowed after 22.00 hrs.

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, driving licenses with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence or conditions attaching to it.

Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.

(a) The Premises License Holder 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:

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

(b) All age-restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police and Brighton & Hove Trading Standards Service upon request.

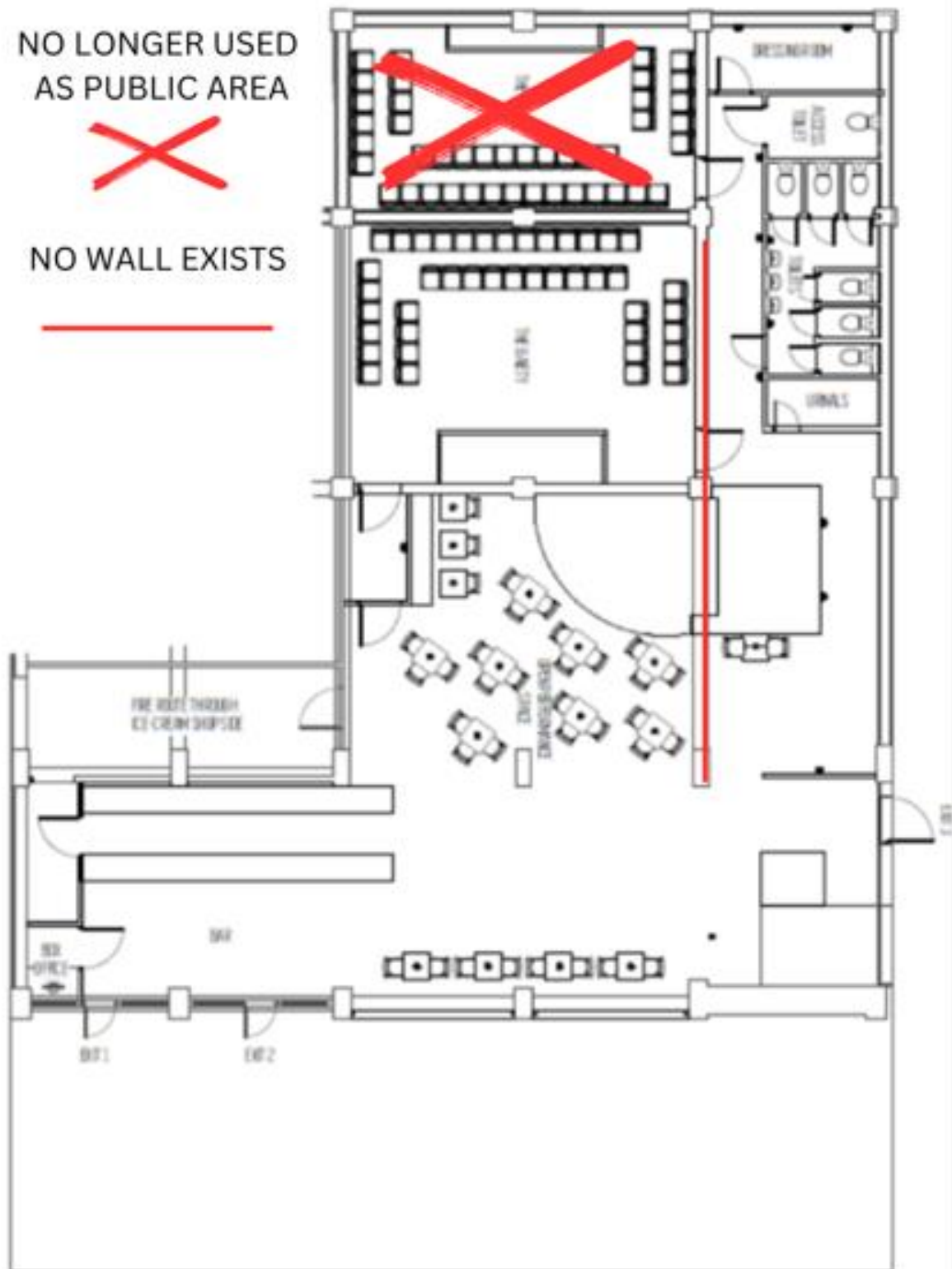
Staff will be aware of the risks of proxy sales and use best practice to help deter offences.

Appendix B

NO LONGER USED
AS PUBLIC AREA



NO WALL EXISTS





**Brighton & Hove
City Council**

**Schedule 12
Appendix C**

Regulation 33, 34

**Premises Licence
Brighton and Hove City Council**

Premises Licence Number

1445/3/2023/01170/LAPRMV

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Daltons, Daltons Bastion Downstairs
Madeira Drive
Brighton
BN2 1EN

Licensable activities authorised by the licence

Performance of a Play Exhibition of a Film
Performance of Live Music Performance of Recorded Music
Performance of Dance
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Performance of a Play

Saturday – Thursday 09:00 – 00:30
Friday 12:00 – 00:30

Exhibition of a Film

Every Day 09:00 – 00:30

Performance of Live Music

Every Day 09:00 – 00:30

Performance of Recorded Music

Every Day 09:00 – 00:30

Performance of Dance

Every Day 09:00 – 00:00

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Every Day 09:00 – 00:00



**Brighton & Hove
City Council**

Sale by Retail of Alcohol

Every Day 09:00 – 00:00

PLUS: Non-standard timings:

For all the above times: Every Day during the Brighton Fringe period: Until 00:50

The opening hours of the premises

Every Day 09:00 – 00:30

PLUS: Non-standard timings:

For all the above times: Every Day during the Brighton Fringe period: Until 00:50

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

Madeira Leisure Limited
2nd Floor Gadd House
Arcadia Avenue
London
N3 2JU

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

Registered Business Number 12699359

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

Delso Da Silva


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: 100/4866/2
Council

Licensing Authority: Eastbourne Borough



**Brighton & Hove
City Council**

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;
 - (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



Brighton & Hove City Council

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



Brighton & Hove City Council

(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;

(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



Brighton & Hove City Council

(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,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



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“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:
 - 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:



Brighton & Hove City Council

1. On Fridays and Saturdays plus the days immediately before a Bank Holiday, there will be a minimum of one SIA door supervisor operating at the premises from 18:00 until close.
2. At all times the premises is open to the public, the management will contract the back-up services of an approved mobile support unit (MSU) 24 hours a day, with a minimum of 2 SIA registered Door Supervisors operating from it.
3. SIA licensed door supervisors or additional SIA licensed door supervisors shall be employed on any other occasions when a requirement is identified by the licence holder's written risk assessment (for example when live music events are taking place) or requested by Sussex Police in writing at least 48 hours in advance. A copy of the written risk assessment will be made available to Sussex Police Licensing on request, and Sussex Police consulted on any amendments to the risk assessment.
4. On weekends SIA door supervisors will search bags and use their judgement and discretion to search customers suspected of concealing alcohol, drugs or weapons. Searching will be in accordance with the Security Search Policy.
5. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The logbook shall 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.
6. Any refusals made at the bar e.g. for intoxication, age checks or any other reason will also be recorded in writing and logs will be available for inspection at all times.
7. Where alcohol is to be supplied to the public as an integrated element of an event, delineated areas with physical boundaries will be constructed. All such alcohol is to be consumed within the overall site, including patio area.
8. A minimum of half hour drinking up time is allowed by the licence where alcohol is supplied, even if event closes early, unless in an emergency situation.
9. The premises licence holder will participate in any approved schemes aimed at tackling/preventing crime and disorder, such as the BCRP Night Safe radio scheme.
10. The premises will store and maintain a list of any lost and found property.
11. Staff will regularly patrol and monitor all areas of the venue and surrounding public areas to ensure safety and appropriate behaviour. Inappropriate or intoxicated behaviour within the licence boundary will result in ejection of the concerned parties.



Brighton & Hove City Council

Any such behaviour within the vicinity of the venue will be monitored and, at the discretion of staff or in line with any specific agreed procedures, reported to the appropriate authorities.

12. Polycarbonate drinking vessels/containers will be in use where risk assessment deems it necessary.

For Public safety

13. The premises licence holder will organise and document frequent communications with B&HCC Environmental Health & Licensing section, the Seafront office, and the Emergency Services. This will give an effective forum in which operational issues can be discussed and changes to the operating schedule of the premises can be consulted on. This process will also allow the applicant and their DPS to be aware of specific and changing challenges within the CIZ and respond accordingly.
14. All events will be risk assessed in consultation with our Security & Stewarding partners and in response to show interest and ticketing reports. A projected deployment schedule will be developed in such numbers and at such times as deemed necessary, and in consultation with Sussex Police as required. Ongoing discussions with Sussex Police licensing will identify opportunities to enhance the protection of the surrounding area and seafront in the vicinity of the premises as well as the safety of customers within the licenced boundary of the premises.
15. No patrons are to be admitted into the venue if in possession of alcohol and any patron showing signs of excess intoxication will be denied access.
16. No sale of alcohol to intoxicated patrons will be permitted and rejection logs will be kept. Challenge 25 will be in operation at all times, even when age checks are carried out at entry to the venue. Bar staff will be briefed and trained accordingly. This training will be regularly reviewed, and a training log maintained onsite.
17. We will regularly update staff training in respect of licensing legislation, policies and procedures to ensure all staff are up to date in these areas.
18. (a) When on duty at peak times, Security SIA-licensed staff at the entrance will use their judgement and discretion to search customers suspected of concealing alcohol, drugs or weapons. Items of concern include bottles of spirits, wine and strong beers; and drugs and weapons of any kind. Searching will be in accordance with the Security Search Policy. Dynamic risk assessment may lead to random searching at an appropriate ratio which may also be usefully implemented as a preventative measure. At times, in addition to the aforementioned dynamic risk assessment, we may implement strict 'all-bag' searches on patrons entering the site



Brighton & Hove City Council

(b) At other times, our Front of House stewarding team, alongside bar staff will constantly assess patrons for risk, and use our membership of BCRP, Pubwatch or similar to either receive alerts, or pass them on, of troublesome individuals, and where necessary arrange SIA assistance, increased SIA staffing coverage or MSU support.

19. Our in-house staff will work closely with our Security partners to monitor and look out for patrons leaving in the direction of the seafront, using established practices to maintain public safety. Reporting procedures of vulnerable or at-risk persons will be established with the professional lifeguarding teams and regular contact will be made to enhance and target effective procedures to ensure the safety of patrons and other members of the public within observation of the venues staff.

For the Prevention of Public Nuisance

20. All performances within the venue will be constantly monitored for noise and will be maintained within agreed limits with Environmental health and suitable for the location of the premises. All noise limits will take into consideration the time of year and the use of external doors and isolations within the venue.
21. The venue will operate with a designated outdoor smoking area to minimise disruption from external noise. This area will be constantly monitored by staff and feature-maintained receptacles to collect rubbish/cigarette butts. Noise will be monitored to minimise any noise disturbance.
22. Signage will be displayed at all exit points encouraging patrons to leave quietly and not disturb neighbours as they do so. Staff will echo this message to departing customers and will encourage patrons back to the upper promenade and away from the seafront.
23. Taxi details will be clearly displayed to aid audience journey's home, utilising established partnerships with Streamline (enabling cards to be offered generally to audience members etc.), as well as highlighting other transport links such as the nearby bus stops and common routes away. These will also be communicated via email when sending ticket confirmations to encourage customers to consider their onward journey before attending the premises.
24. Operating schedules will be responsive to the wider context of the premises to the city and will be adaptable to the changing operating area. Major events will be considered, and operating schedules adapted to ensure the venue remains a positive influence on the CIZ and does not adversely contribute to times of high impact on city services.



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25. An assessment of the venues “zone x” responsibilities will be discussed and agreed with lifeguarding and Police representatives. This assessment will be under constant review to enhance and optimise the venues impact on the immediate area and minimise adverse impact within the CIZ.
26. The Nightsafe radio system, or similar, will be in operation to help with maintaining patrons and the general public’s safety and to inform staff of any potential operational issues that may emerge from time to time.

For the Protection of Children from Harm

27. Individual shows will be age-rated and access controlled accordingly by Box Office and Front Of House staff.
28. Advice will be sought from the Child Protection Unit where appropriate with regards events.
29. Children under 16 are to be accompanied at all times.
30. No unaccompanied under 18s to be allowed after 22.00 hrs.
31. 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, driving licences with a photograph, photographic military ID or proof of age cards bearing the ‘PASS’ mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence or conditions attaching to it.
32. Suitable and sufficient signage advertising the “Challenge 25” policy will be displayed in prominent locations in the premises.
33. (a) The Premises Licence Holder 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:
 - The lawful selling of age restricted products
 - Refusing the sale of alcohol to a person who is drunk
- (b) All age-restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police and Brighton & Hove Trading Standards Service upon request.



**Brighton & Hove
City Council**

34. Staff will be aware of the risks of proxy sales and use best practice to help deter offences.

Annex 3 – Conditions attached after a hearing by the licensing authority on 30th November 2020:

In regard to Minor Variation application 1445/2023/01170/LAPRMV to remove existing condition 1 and replace with below:

1. The premises will only operate as a theatre led arts venue with at least an average of 14 theatre activities to be held per seven days the premises is open to members of the public which shall include public performances, rehearsal and group work. A schedule of such activities shall be made available to the licensing authority and the police on request.
2. There shall be no vertical drinking in the premises save for during a ticketed public event or performance where standing is part of the artistic environment of the show.
3. There shall be no DJ led performances.
4. There shall be no vertical drinking in the outside area of the premises. Poly carbonate drinking vessels will be used in all outdoor areas.
5.
 - (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.
 - (b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times
 - (c) CCTV footage will be stored for a minimum of 31 days.
 - (d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
 - (e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
 - (f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able



Brighton & Hove City Council

to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.

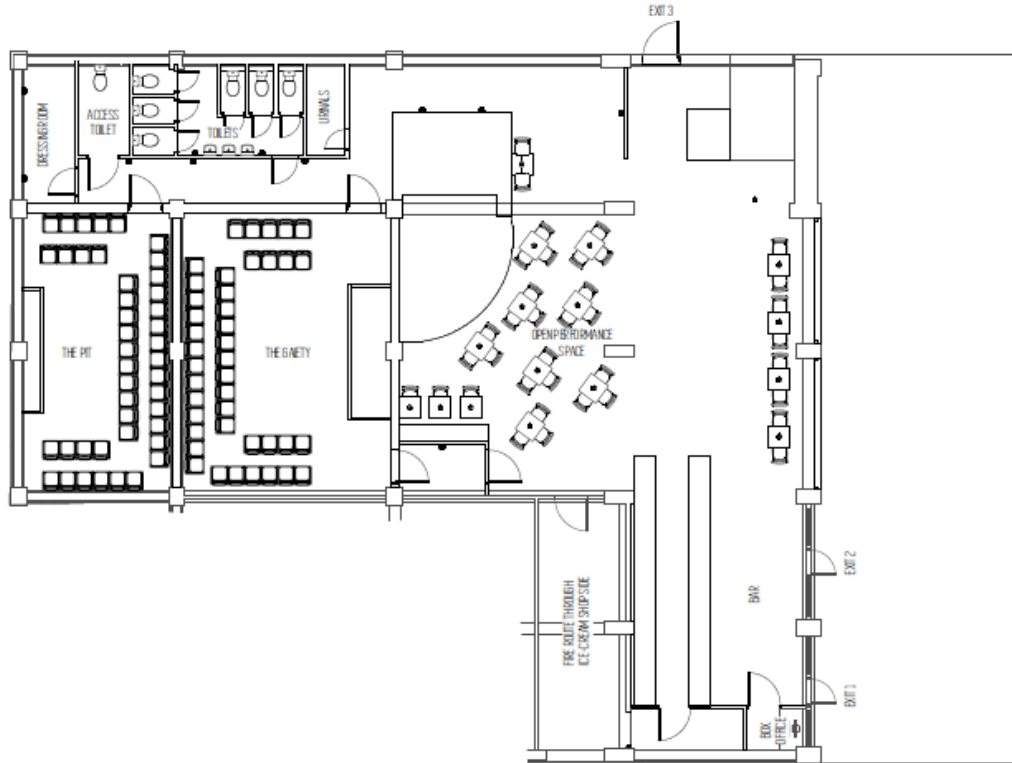
- (g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
 - (h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
6. The licence holder must operate in accordance with a Search Policy drawn up in consultation with Sussex Police. As part of this policy the premises will operate random searching of customers as a condition of entry.

Annex 4 – Plans



Brighton & Hove City Council

THE ELECTRIC ARCADE POP UP GROUND PLAN



Appendix D

REP A



Brighton & Hove Licensing Unit

Police Station
John Street
Brighton
BN2 0LA

Email: brighton.licensing@sussex.police.uk

EG CON ENDS: 20.11.2024 VALID PCD & PPN (A)

15th November 2024

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

Dear Emma Grant,

RE: APPLICATION FOR A VARIATION OF THE PREMISES LICENCE FOR DALTONS, MADERIA DRIVE, BRIGHTON, BN2 1EN UNDER THE LICENSING ACT 2003.

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

This is a proposed variation of the premises licence application in an area of the City which is subject to a Special Policy adopted by Brighton & Hove City Council. The premises lies in the Cumulative Impact Area (CIZ) (as defined in the BHCC Statement of Licensing Policy).

Paragraph 3.1.2 of the Brighton and Hove City Council 2021 Statement of Licensing Policy states:

“The licensing authority, after careful consideration, has determined that the concentration of licensed premises in an area of the city centre is causing problems of crime and disorder.”

In accordance with the Statement of licensing policy this application would be a “NO”

Sussex Police had not been pre consulted on before this application was submitted and have noted that a lot of changes to this premises licence have been requested.

This letter will address each change on its own merit.

- Extend their licensable activities until 03:00 on Fridays and Saturday - Increase Opening hours to Sunday – Thursday 09:00 – 00:45 and Friday – Saturday 09:00 – 03:30. (Not set guidance on times for NYE)

Sussex Police have noted that the operating schedule on this application form includes all the conditions under Annex 2 of the premises licence. The application form has failed to include the Conditions under Annex 3 which specify this premises will operate as a theatre led arts Venue. Therefore Sussex Police fear this will allow this premises to operate as an additional Nightclub on the beach, thus diminishing the venues core business as a theater lead venue and counter to the Councils Statement of Licensing Policy 2021 in relation to being favorable to theatre lead venues.

Annex 3 conditions currently on the premises licence include:-

1. The premises will only operate as a theatre led arts venue with at least an average of 14 theatre activities to be held per seven days the premises is open to members of the public which shall include public performances, rehearsal and group work. A schedule of such activities shall be made available to the licensing authority and the police on request.
2. There shall be no vertical drinking in the premises save for during a ticketed public event or performance where standing is part of the artistic environment of the show.
3. There shall be no DJ led performances.
4. There shall be no vertical drinking in the outside area of the premises. Poly carbonate drinking vessels will be used in all outdoor areas.

In Addition to this, Sussex Police would expect to see additional safety measures offered if this premises wish to trade until 3am at the weekend such as ID Scanners, with further information of how the premises will be operating in these additional hours.

- To add New Years Eve as a seasonal extra to extend their licence.

Sussex Police struggle to comment on this as there was no guidance on timings requested with what measures will be put into place during a busy event in the city.

- Recorded Music to be Both Indoors and Outdoors.

Sussex Police raise this as a concern as again no further measures have been offered on how Music until 03:00 on Friday and Saturday is going to be managed to ensure no Public

Nuisance is experienced or how the beach will be managed if members of the public begin to congregate around the outside of the premises.

The beach is an area of concern for Sussex Police with regards to Vulnerability.

- Too add Late Night refreshment to match all licensable activity times.

Sussex Police have minimal concern regarding this aspect of the application. However, we question whether the sale of Late-Night refreshment would be within the premises only as again concerns of vulnerability if food being taken away.

- Alcohol off sales until Midnight.

Sussex Police would like to put this before a licensing panel and ask for this aspect of the application to be refused as there are no further conditions which have been offered and Sussex Police can propose which will mitigate the risks of alcohol being taken onto the beach or into the city.

Sussex Police is aware of the RLSS UK Don't drink and drown campaign and their statistics show that 46% of accidental drownings of those aged between 18-25 involve alcohol and/or drugs in the last 6 years.

Beach Patrol is an organization that exists to aid the safety of the nighttime economy.

The night-time economy within Brighton & Hove can at times be challenging for all the emergency services. Within Brighton & Hove we are unique in that we have a high number of licensed venues all of which are in very close proximity to each other and is inclusive of licensed premises around the Beach. The beach is a particular area of vulnerability, not only in relation to the risk of drowning, but the environment of the beach which creates 'hidden' areas in darkness which perpetrators of crime exploit, including sexual offending.

Due to the risks associated with intoxication, the city has several initiatives that support Police and other emergency services in safeguarding the public. These include Beach Patrol as mentioned and Safe Space. More recently an initiative for Night Safety Marshalls who are SIA registered security staff with numerous training sessions completed to be able to deal with the challenges they might come across patrolling on foot within the night-time economy at the weekends between 8pm and 4am with the focus on vulnerability. Many of these organisations and persons involved are volunteers and operate in their spare time. The fact these safeguarding services are needed and exist goes a long way to prove the negative impact alcohol has within the night-time economy.

With high numbers of persons descending on the city especially at the weekends Sussex Police operate a standalone night-time operation each weekend and at other various peak times throughout the year. This involves dedicated Police resources patrolling the main night-time economy area, focusing on vulnerability, while the remainder of response resources service emergency call demand in the city. Having a visible police presence in the area goes some way to assist in reducing vulnerability and criminal incidents occurring, but unfortunately does not stop them in their entirety. Most incidents dealt with have an element of alcohol and drugs linked to them. This is a mix of persons becoming drunk and disorderly, violent and a high number of incidents involve persons who have become a

victim of crime such as sexual assaults and robberies due to their own vulnerability after consuming alcohol. Staff at venues and emergency services are also far too often at the end of a drunk person's aggression.

Recent incident & crime states indicate that during the period of 16th November 2023 and 12th November 2024 there were 207 incidents linked to Maderia Drive and surrounding close by surrounding areas. The majority of these incidents were recorded as violent crime and thefts.

Although we are unable to support this application and ask for a licensing panel to scrutinise this application, if the Licensing Panel are minded to grant this application at the hearing, Sussex Police have attached some conditions and ask that these conditions are added to the Premises Licence. The conditions being offered unfortunately do not mitigate fully the risks should this premises trade until 03:00am on a Friday and Saturday with LNR and Off sales of alcohol. They go some way to reduce incidents occurring within the premises itself but there are no conditions that can address the risks once customers have departed. The risks of them becoming a victim of crime or them partaking in criminal activity is one that will need to be dealt with by the emergency services. Or if public nuisance issues occur, then this will be for the environmental officers to pick up.

Therefore, Sussex Police invite the Licensing Authority to seriously consider refusing this application however we reserve the right to submit conditions to the licensing panel.

Yours sincerely,

REDACTED

Insp Daniel Eagle
Ops Planning and Events (inc. Licensing) Inspector
Brighton & Hove Division
Sussex Police

REP A – Police Proposed Conditions

Proposed Conditions for Daltons.

Conditions under annex 3 to remain:-

1. The premises will only operate as a theatre led arts venue with at least an average of 14 theatre activities to be held per seven days the premises is open to members of the public which shall include public performances, rehearsal and group work. A schedule of such activities shall be made available to the licensing authority and the police on request.
2. There shall be no vertical drinking in the premises save for during a ticketed public event or performance where standing is part of the artistic environment of the show.
3. There shall be no DJ led performances.
4. There shall be no vertical drinking in the outside area of the premises. Poly carbonate drinking vessels will be used in all outdoor areas.
5. (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.

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

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

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

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

(f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.

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

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

6. The licence holder must operate in accordance with a Search Policy drawn up in consultation with Sussex Police. As part of this policy the premises will operate random searching of customers as a condition of entry.

ID scanner Condition

1. The premises shall install a recognised electronic identification scanning system for customers entering the premises. The system shall be operated at all times door staff are on duty and all persons entering the premises will be scanned. The system should have the ability to identify the hologram of an ID and read both Passports and ID cards, including PASS cards. The system should be able to conduct tests to determine if a document is genuine or counterfeit. The system must be compliant with the Information Commissioners good practice guidance for ID scanning in clubs and bars.
2. The premises can trade past Midnight when Live music is taking place, this does not include DJ's .
3. Late Night Refreshment will only be available to existing customers in the premises and only for consumption inside the premises or within the terrace area.



Safer Communities – Licensing Team
Brighton & Hove City Council
2nd Floor Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

REP B

EG CON ENDS: 20.11.2024 VALID PCD, PPN & CIZ (B)

Mrs Emma Grant
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Date: 18 November 2024
Our Ref: 2024/02640/LICREP/EH
Phone: 01273 292143
e-mail: emily.fountain@brighton-hove.gov.uk

Dear Mrs Emma Grant

**Licensing Act 2003 – Licensing Authority representation against the variation application for a Premises Licence reference: 2024/04389/LAPREV
Daltons Bastion Downstairs - Madeira Drive, Brighton, BN2 1EN**

I refer to the application made by Madeira Leisure Limited for a variation to the Premises Licence for **Daltons Bastion Downstairs - Madeira Drive, Brighton, BN2 1EN**

The application seeks to increase the times of the following licensable activities: Live and recorded music and alcohol on the premises on Friday and Saturday evenings from 00.30 to 03.00. New Years Eve is also on the application form, but no times are specified.

To add off sales of alcohol everyday until 00.00.

To add late night refreshment (LNR) Sunday to Thursday 09.00 until 00.30 and Friday and Saturday 09.00 to 03.00

To remove the following conditions from Annex 3:

1. The premises will only operate as a theatre led arts venue with at least an average of 14 theatre activities to be held per seven days the premises is

open to members of the public which shall include public performances, rehearsal and group work. A schedule of such activities shall be made available to the licensing authority and the police on request.

3. There shall be no DJ led performances.

I have concerns about this application and make a representation on the grounds of the Prevention of Crime and Disorder and Prevention of Public Nuisance and that this application falls within our Cumulative Impact Area (CIA).

The licensing authority, after careful consideration, determined that the concentration of licensed premises in an area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to 'Cumulative Impact' is necessary as part of its statement of licensing policy. The licensing authority has published a Cumulative Impact Assessment which can be found at Appendix E of our Statement of Licensing policy. Statement of Licensing Policy 2021 (brighton-hove.gov.uk)

The policy states new applications and variations to existing licences within the Cumulative Impact Area should normally be refused following relevant representations. This presumption of refusal can be rebutted by the applicant if they can show that their application will have no negative cumulative impact on licensing objectives including the Prevention of Crime and Disorder and Public Nuisance. The Licensing Authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case.

The Council's Statement of Licensing Policy (SoLP) includes a Matrix approach for licensing decisions with provisions for a terminal hour for all classes of licensed premises in a particular area. The Matrix Model recognises the diverse operation and different risks presented by different classes of licensed premises. It provides a vision of what the Licensing Authority would like to see within its area and gives an indication of likelihood of success or otherwise to investors and local businesses making applications. This application seeks an increase of alcohol times, to add off sales of alcohol and late night refreshment. The matrix says 'No' to Off Licences, Late Night Takeaways, Pubs and Nightclubs in the CIA. Each application is still considered on its individual merit and there is discretion to depart from the Matrix approach policy in exceptional circumstances.

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

There is no mention of the Cumulative Impact Area on the application form. Furthermore the application whilst seeking an increase to licensable activities has not offered any additional conditions to mitigate the increased risks. In fact it seeks to remove some existing conditions that were put on the licence by a licensing panel in November 2022 (albeit under a different operator) that were considered necessary to promote the licensing objectives and emphasise the non-alcohol led character of an operation within the CIA. The applicant has not demonstrated exceptional circumstances to depart from our policy or how they will not add to the existing cumulative impact of the area.

I am making this representation as a guardian of our policy this application is contrary to the SoLP and is in the Cumulative Impact Area neither of which have been referenced to in the application and ask the licensing panel to determine the outcome.

Yours sincerely

REDACTED

Emily Fountain
Licensing Officer
Licensing Team

Environmental Protection Agreed Conditions

From: Daltons Brighton REDACTED
Sent: 18 November 2024 17:36
To: Matsekana Tsekana REDACTED
Subject: Re: Licensing Application 2024/02617/EPLIC/EH

Good Evening Matsekana,

Thankyou for your email and very valid points. We are more than happy to adjust our application to the following with your recommendations.

- Outside background recorded music will be kept at a low level between the hours of 20:00 until 00:00. After this all amplified music will be turned off at 00:00 and kept off for the duration of the evening.
- The outside low level fenced off terrace area will have a maximum of 100 patrons at one given time (Terrace is approx 250 cap) between the hours of 00:00-03:00. This area will be managed by SIA security staff by using electronic clickers and subsequently recorded on the hour (Currently already in place as standard for inside events) at all times. The area will be fully cleared and patrolled for issues at the close of business before SIA are stood down.
- The outside areas of the venue will be patrolled regularly by SIA staff and also venue staff throughout the night (We carry this out as part of our current

routine). Regular sound readings will be taken by our qualified in house sound techs and recorded (We currently also carry this out as part of our current routine)

On Mon, 18 Nov 2024 at 14:43, Matsekana Tsekana REDACTED wrote:

Dear REDACTED,

I hope you're doing well.

I've been asked to comment on your licensing application on behalf on Environmental Protection and as I went through the details, I noticed a couple of points I wanted to discuss with you. I understand that your application includes playing music **outdoors until 3am on Friday and Saturday nights**, but I'd like to suggest a couple of adjustments for the sake of preventing public nuisance, and supporting both your business and the wider community.

1. **Stopping outdoor music at 00:30** : This would align your operations with other nearby premises and help reduce the risk of noise disturbances to the surrounding area particularly in the quieter hours of the morning.
2. **Limiting the number of people in the outdoor area after 00:30**: This will help minimize noise from patrons and discourage people from congregating on the beach, which can otherwise lead to safety concerns.
3. The Licence holder and staff must undertake regular inspections inside and outside the premises in order to monitor noise levels and ensure that both ambient sound and sound generated by recorded or live entertainment is at a level that does not constitute a nuisance.

These suggestions are precautionary measures to help balance the needs of your business with those of the local community.

I would appreciate if you could review these and let me know.

With the above conditions considered, the Environmental Protection Team is happy to forward the application without any further comments.

Best Regards
Duduzile

Appendix E

