

Appendix E

APPLICATION FOR A PREMISES LICENCE

BRIGHTON DOME CAFÉ AND RESTAURANT CHURCH STREET BRIGHTON BN1 1UE

APPLICANT'S SUBMISSIONS

Background

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

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

The Applicant

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

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

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

9. The cafes have won national awards, most notably for sustainability, including the Most Sustainable Restaurant in the UK, and for their support of global farmers. The businesses support an area in Rwanda for its farmers and their families building infrastructure such as a school for 600 and health post for 900, amongst other initiatives. In Brighton they focus support on young adults with learning disabilities providing employment for 18 people alongside the charity Team Domenica¹.

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

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

1 Redacted

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Consultation & Representations

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

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

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

Statement of Licensing Policy

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

16. The Policy correctly seeks to address existing “*problems of crime and disorder and public nuisance*”² in the Brighton City Centre. The Policy creates a rebuttable presumption to refuse premises licence applications that are likely to add to cumulative impact in the City Centre³. The Applicant submits that the type of premises proposed, together with numerous controls safeguarded by enforceable conditions and stringent lease provisions, mean that the premises is not the type of venue likely to add to crime and disorder, public nuisance or contribute to negative cumulative impact in the City Centre.

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

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

2 Paragraph 3.1.3 of the Policy

3 Paragraph 3.1.6 of the Policy

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Policy Exceptions

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

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

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

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

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

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

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exceptional circumstances⁴. The applicant's corporate social responsibility activities, locally and in Rwanda, are also compliant with these possible Policy exceptions.

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

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

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

iii. Independent operator and not a chain

iv. Sustainability with local staff and local sourcing

v. Team training opportunities

vi. Price point discounts for staff and members

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

Summary

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

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

4 Matrix note 5, page 19 of the Policy

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

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

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

cultural destination.

Thomas & Thomas Partners LLP

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