

APPENDIX C3 (APPENDIX 2)

From: Emily Fountain
Sent: Thursday, September 29, 2022 12:28:03 PM
To: PLH
Cc: Brighton Police Licensing

Subject: Licensing Inspection - 12a Regency Square And 76-78 Preston Street

Dear Rachit Mehrotra

Licensing Act 2003

12a Regency Square And 76-78 Preston Street, Brighton, East Sussex, BN1 2FG
Premises Licence Number: 2022/00663/LAPRET

Thank you for taking the time to meet with myself and my colleague Corinne Hardcastle on Thursday 15th September.

As discussed our initial reason for a visit to the Premises was because we had received an allegation that you were open beyond your opening hours of 02:00, that there was loud music and people still drinking outside the premises after 02:00.

Your licence has the following conditions:

For the Prevention of Public Nuisance:

- 1. Noise levels will be checked by the management to ensure that there is no disturbance to surrounding residents.***
- 2. The manager will not allow customers to drink alcohol where they could cause a nuisance.***
- 3. When leaving customers will be asked leave quietly and respect the neighbours.***
- 4. The RDF (Gray's) bar will operate a quiet door policy where door staff will ask all customers leaving the bar to please leave quietly.***

We discussed these conditions and the complaints, you said that you do not close any later than midnight at the moment even though your licence permits 02:00 and that you often aren't open at all at the beginning of the week, which is when the complaint was received. It was suggested to you that you may want to keep a record of closing times and days when the Premises isn't open at all. In addition that you could keep and record your own noise checks to demonstrate your own due diligence with regard to noise. We also left you an incident and refusals book so that you can keep a record of any issues at the Premises and we gave you some signage to put outside/on the doors of the premises reminding people to leave quietly and respect your neighbours.

With regard to the inspection itself as you are currently only trading from 77 Preston Street, we went through the licence and conditions on the basis of this part of the premises only.

- **Part A and Part B**, of the Premises Licence need to be updated to show the new trading name of the premises. Part B the one for display needs to have your personal details removed.
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You will need to complete and pay for the name change to 'The Cocktail Rooms' You need to follow this link below for the forms.

Apply for a change of name or address to your premises licence

Go to GOV.UK to [apply for a change of name and/or address to your premises licence](#).

This includes:

- the trading name of the premises
- change of name or registered address of the Premises Licence Holder

If you complete these forms then we can issue you with a new copy of the licence both Part A and Part B with your personal details removed.

Your licence also has the following conditions:

General

1. *Staff will be trained to provide a good service but not to allow under-age drinking or unacceptable behaviour in a non-confrontational manner.*

For the Prevention of Crime and Disorder:

1. *No access will be allowed to customers who are already intoxicated or whose behaviour is unacceptable.*

We left you an alcohol sales guidance book where you can record regular training and written DPS authorisation for the sale of alcohol (currently verbal). I have also attached the flyer for our free Age Restricted Sales training and would strongly recommend that you and your staff undertake this training.

For the Prevention of Crime and Disorder:

2. *Selective searching will be carried out on entry to the RDF (Gray's) bar with checks carried out on high risk groups and if necessary searching all in that group.*

You do not currently employ SIAs as the premises at 77 is small, however you are considering using Pagoda when 76 re-opens.

3. **Toilets checks will be carried out at least once an hour.**

This is being done and recorded.

4. *Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the RDF (Gray's) bar and covering the entrance following consultation with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate co-operation and technical assistance to the Police in the event of them requesting CCTV footage.*

We were unable to check the CCTV as you were waiting for a monitor to arrive the following day. Please can you confirm that this is now working and we can arrange to re-visit as soon as possible to check.

5. *The RDF (Gray's) bar will join the night safe scheme and operate the yellow card scheme while these schemes are in existence.*

You are currently not a member of any scheme and we discussed the Business Crime Reduction Partnership with you. Please follow this link for more details and to apply for membership:

[Membership — Brighton & Hove Business Crime Reduction Partnership \(bcrpbrighton.com\)](http://bcrpbrighton.com)

Challenge 25 was also discussed and the appropriate signage was up. Again we would suggest you take up the training mentioned above which covers underage drinking.

Please address the points above that require action as a matter of urgency and contact me to confirm when they have been rectified.

We also discussed some changes you may want to make to your licence as follows.

The current licence includes 12a Regency Square which is the Royal Pavilion Town House Hotel, you confirmed that you have nothing to do with this business. It had been suggested to you previously that you could remove this Premises from your licence by way of a minor variation (MV). You also mentioned making some other minor changes to 76. Details of how to do this can be found here:

Minor variations

If you want to make a small, low-risk change to your premises licence, you may be able to use the minor variation process. This is cheaper and quicker than the full variation application.

Small changes could include:

- removing a licensable activity
- reducing the hours you sell alcohol
- making small changes to the layout of your premises

If you apply for a minor variation and your application is rejected, you will not be able to appeal. You can reapply using the full variation process.

- [submit a minor variation online](#)
- [download a paper application for a minor variation](#)
- [licensing minor variation public notice](#)

[Premises minor variation application privacy notice.](#)

On speaking to you however you were not sure that you actually wanted to remove 12a Regency Square from your licence. You were advised that this means you are responsible for the licence even though you have nothing to do with this business, we suggested that you seek independent licensing advice regarding this.

You also discussed the possibility of assigning a new DPS this paperwork required for this can be found here:

In addition **Designated premises supervisors**

A designated premises supervisor (DPS) is the person who has day-to-day responsibility for the running of the business.

All businesses and organisations selling or supplying alcohol, except members clubs and certain community premises, must have a designated premises supervisor.

Whoever holds this role must be named in the operating schedule, which you will need to complete as part of the application process, when you apply for a premises licence.

- [submit a change of designated premises supervisor application online](#)
- [download a paper application to change a designated premises supervisor](#)
- The new designated premises supervisor will need to [complete a consent form](#)

[Designated premises supervisor variation form privacy notice.](#)

[Designated premises supervisor consent form privacy notice.](#)

As previously mentioned you are currently only trading from 77 Preston Street. 76 Preston Street is currently undergoing a full refurbishment and 78 is actually the flat above 77. We discussed the plans for re-opening 76 Preston Street. You mentioned that you were considering applying for off sales, to sell high end alcohol products when 76 Preston Street re-opens. To add off sales to your licence you would need to submit a full variation application. Please follow this link if you want to submit a variation to your licence (<https://www.brighton-hove.gov.uk/business-and-trade/licensing-and-gambling/apply-premises-licence>).

We also discussed that the premises falls within our Cumulative Impact Zone and I would advise on having a look at our [Statement of Licensing Policy](#) (SoLP). This sets out the council's general approach to making licensing decisions.

You will be expected to complete an Operating Schedule as part of an application and this is where you describe your control measures, based on the four Licensing Objectives (the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm). In addition, [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.

As mentioned, the council's SoLP includes a Matrix Model approach for licensing decisions, which recognises the diverse operation and different risks presented by different classes of licensed premises. It provides a vision of what the licensing authority would like to see within its area and gives an indication of likelihood of success or otherwise to investors and local businesses making applications.

It gives an indication of the type of licensed premises and terminal hours the council would like to see. It is important to note that the SoLP does state that each application is still considered on its individual merit and there is discretion to depart from the policy where justified. However, departure from the Matrix Model is only expected in exceptional circumstances.

As you may be aware when a new Premises Licence application is submitted, there follows a legal 28 day consultation period during which anyone can make a representation (normally these are objection letters, but can include supporting letters). Your application will be sent to all of the Responsible Authorities to scrutinise your application, to assess whether they want to make a representation. I would therefore recommend that you contact the Sussex Police Licensing Team in Brighton, to pre-consult with them on your proposals. They can be contacted by either dialling **101** (the non-emergency number) and asking the controller to put you through to the Licensing Team, or you can email them on brighton.licensing@sussex.police.uk

I would add that the council's Licensing Officers do not make decisions on applications made for premises licences. Instead we have a duty to scrutinise and measure applications to make sure we believe they will promote the licensing objectives. Where we do not think an application goes far enough to explain how they will promote licensing objectives, we may make a representation (a type of objection letter) and the application would then follow a democratic process, where a Licensing Sub-Committee would hear the application and make a decision on it.

If you have any further queries, please don't hesitate to let me know.

I have copied Brighton Police Licensing into this email for their information.

Kind regards

Emily Fountain | Licensing Officer, Safer Communities | Brighton & Hove City Council
2nd Floor, Barts House, Barts Square, BN1 1JP