

Appendix B – Review Application

Brighton & Hove City Council

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

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

I Bridget Fishleigh
(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

The Whitecliffs, Marine Drive, Saltdean

Post town Brighton

Post code (if known)
BN2 8SQ

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

Julie-Anne Honeysett

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

Licence - 1445/3/2007/01355/LAPREV

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

Part 2 - Applicant details

I am

Please tick yes

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

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

Please tick yes

Mr

Mrs

Miss

Ms
✓

Other title
(for example, Rev)

Surname

Fishleigh

First names

Bridget

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

REDACTED

Post town

REDACTED

Post Code

REDACTED

Daytime contact telephone number

REDACTED

E-mail address (optional)

REDACTED

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

Please tick one or more boxes

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

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

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

In 2018 this was amended to

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

In the amendment application the owners wrote:

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

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

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

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

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

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

celebratory events.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Does not happen. See photos 10 and 11.

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

The balcony area is not secure.

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

Does not occur.

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

See photos 12, 13 and 14.

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

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

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

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

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

We understand that the owners have received warnings from BHCC.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Please tick yes ✓

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature REDACTED

Date 16 October 2024

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

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

As above

Notes for Guidance

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

