

REPA

From: REDACTED

Sent: 08 November 2024 19:47

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

Subject: Whitecliffs Cafe License review

EF CON ENDS 13.11.2024 VALID PPN (A)

STATEMENT OF REDACTED

Age 71 years

Date: 14th October 2024

My REDACTED. I estimate that REDACTED Whitecliffs Cafe.

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

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

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

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

REDACTED

REP B

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

Sent: 12 November 2024 12:38

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

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

EF CON ENDS 13.11.2024 VALID PPN (B)

Good afternoon,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.

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

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

REP C

From: REDACTED

Sent: 13 November 2024 17:57

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

Subject: Whitecliffs cafe license review

EF CON ENDS 13.11.2024 VALID PPN (C)

Hello EHL Licensing,

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

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

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

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

neighbours than the Whitecliffs.

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

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

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

Best regards,

REDACTED

