

Appendix D - Representation from Premises

Representation In Connection With The Review of: Whitecliffs, Marine Drive, Saltdean, Brighton, BN2 8SQ

Representation made by: Ms Julieanne Gilbert

Of: **REDACTED**
Whitecliffs
Marine Drive
Saltdean
Brighton
BN2 8SQ

Introduction

I took over as proprietor of Whitecliffs on the 3rd October 2024 and this is my representation in connection with the review lodged on the 16th October 2024.

As all the representations relate to allegations about what happened before I had any significant involvement or any control over the business I would like to introduce myself as I feel this is important in understanding that there has been a change in the management. I ask the Licensing Committee to distinguish between myself and **REDACTED**.

I grew up in Rottingdean and have lived and worked in the area for all my life. I have a highly successful career as an artist and run my own gallery, the JAG gallery, in Brighton as well as having provided artwork for commercial album covers and celebrities. I was nominated for "best Brightonian" for raising £350,000 for charity with my "Stars on Canvas" initiative.

Having lived at different locations in Saltdean I purchased the lease to Whitecliffs in 2018 **REDACTED** The building, in art deco style, is set on two levels with residential above a commercial use. The upper storey is set at road level while the lower level is built into the cliff face and is set below the road.

REDACTED had managed a nightclub in the centre of Brighton and was familiar with managing premises associated with entertainment and events. **REDACTED**. He would run a business in the ground floor space and I would continue with my own business.

REDACTED was the Designated Premises Supervisor and was in charge of all aspects of running the business and had the first and final decision on any matter relating to it. For my part, I occasionally attended events and, **REDACTED** dressed the establishment.

REDACTED

I became the person in control of the commercial aspects of the property **REDACTED**. It is not a business with which I am overly familiar but my business skills from the art world and art gallery are transferable.

My Business Model and Actions

I haven't had a great deal of time to develop a business model and to refine every detail but it is my intention that the business focuses on the daytime and evening trade and to make it one of the best destination food establishments on the South Coast. I am committed to ensure that the business is conducted in a responsible fashion and in compliance with all legal requirements.

To demonstrate to the Committee my commitment and approach, in the short time since taking control I have, amongst other things:

- Reviewed the business against the requirements of the licence to ensure that there is full compliance.
- Commenced a review of the licence with a view to updating it.
- Appointed a new Designated Premises Supervisor.
- Completed personal licence holder training myself and now seeking approval to become the DPS.
- Trained staff to increase the number of employees who hold the award for personal licence holders in relation to alcohol.
- Removed the nightclub style sound and lighting system.
- Updated the sound system with a controllable background zonal sound system.
- Cancelled events that **REDACTED** had booked as I was concerned about the effect on the local community.
- **REDACTED**
- Organised the clearance of waste **REDACTED**
- Appointed an Independent Environmental Health Officer to advise on noise
- Focussed on rebalancing the establishment toward food by designing a new menu
- Appointed a new Chef who has attained Michelin stars to lead the food offering
- Commenced staff training on customer service and skills such as coffee barista to improve the quality of our service and foods.
- Appointed business support services including accountants to assist me turn the business around.
- Arranged external redecoration and replaced scruffy A board signage with professionally printed signage to smarten up the building exterior.

This list is not exhaustive but it can be seen that am I tackling longstanding issues, changing the nature of the business and seeking to ensure we comply with all legal requirements.

I have also invited feedback on social media as to how we could improve what we do and what sort of offering people would like to see. We received over 140 comments, the vast majority of which were supportive, positive and constructive.

For the avoidance of doubt, the majority of these actions were instigated prior to the review being lodged. The lodging of the review has not influenced any of these decisions irrespective of when they were made.

REDACTED

I am pleased to say that even in this short time we have become much busier during the day and evening period and we hope to build on this. We are receiving great feedback from

customers. We believe that we are seeing people who stopped visiting Whitecliffs return and we know that people are trying us for the first time because of the positive comments they have seen on social media.

In addition to providing a valuable facility to the local community the business at Whitecliffs offers several benefits. It is important for the local economy and we employ 20 local people on a full time and part time basis. As we are becoming busier we are planning to recruit a sous Chef to assist in the kitchen and additional serving staff. The building is owned by the Brighton and Hove City Council and the rent provides valuable income to it. Money from the business also serves to ensure that it is kept in good condition despite the harsh environment.

Response to the review

David Monk of DM Environmental is assisting us to respond to the review. He has over 35 years experience in Environmental Health. Amongst other things he has acted on behalf of the responsible authority for Environmental Health making recommendations in relation to the prevention of public nuisance to the Licensing Authority. He has also conducted investigations into noise nuisance and we consider is well placed to advise us.

Although the review application covers a range of matters (and we will respond to all of those), the only consistent theme was noise and the effect of it on the community.

In response to this I have asked Mr Monk to:

- Engage with the relevant authorities to and councillors to understand the issues and identify solutions (this work is in progress)
- Undertake a noise assessment (which is in the process of being arranged) to understand the performance of the building so that I can be assured of compliance with the licensing objectives.
- Produce a noise management plan based on the outcome of the above.

I have direct oversight of this.

Mr Monk has met, and been liaising with, the Environmental Health Authority and the Licensing Authority throughout this. We note the representations that have been made by both those parties and we comment on those separately below.

We have also met with the Councillors with a view to seek agreement on matters so far as is possible to assist the Licensing Committee. The only item that they wished to discuss was that of noise with a focus on hours of operation.

I have proposed to significantly reduce the hours of opening and licensable activities whilst still allowing some flexibility for the business going forward. We have discussed this with the councillors and for the most part we are edging to an agreement but agreement has not yet been reached.

As part of Mr Monk's ongoing work we are also considering what additional controls may be necessary to provide assurance that we achieve the licensing objective of prevention of public nuisance.

Representations from Licensing and Responsible Authorities

Licensing Authority

The representation by the Licensing Authority includes Appendix A that contains proposed conditions. We have no objection to the proposed conditions. However, we ask that should the Committee place those conditions on the Licence it ensures that the licence is updated so that the application of those conditions does not cause duplication or inconsistency.

For example it appears that

Proposed item 1. replaces the Annex 2, Prevention of Crime and Disorder item 4.

Proposed item 2 replaces the Annex 2, Prevention of Crime and Disorder item 1 (noting that the premises will need an opportunity to produce a risk assessment).

(Proposed item 3. appears to be a new inclusion.)

Proposed items 4-6 replace a number of Annex 2 conditions which we think includes Prevention of Crime and Disorder, items 2, 5, 6, and 7; and under the heading Protection of Children from Harm, items 1,2,4.

Environmental Health Authority

The Environmental Health Authority has offered additional conditions for the control of noise and we welcome their suggestions. However, with the ongoing work we would like to determine if they are necessary or if different forms of control are more appropriate. We would envisage such controls forming part of a wider noise management plan.

My Proposals

As other parties have made comment on the controls in their representations we would ask that the Licensing Committee take into consideration our proposals for updating the licence.

The first control is that of timing of the hours of opening and licensable activities. A full analysis of the change and details of times are shown in Appendix 1 but the following broadly summarises what we are seeking:

Standard timings as follows:

Sunday to Thursday: Opening times: 08:00 to 23:30
Licensable activities terminate at 23:00

Friday to Saturday: Opening times: 08:00 to 01:00
Licensable activities to terminate at 00:30

Non standard timings are sought for:

New Years Eve only: Opening hours for New Years Eve to terminate at 02:00
Licensable activities to terminate at 01:30

This is a significant reduction in hours and in some cases is more stringent than that of other local establishments. We consider that this will reduce the inherent risk from the business.

We would also ask the Licensing Committee, should it be so minded, to remove Item 3. Under Prevention of Crime and Disorder. It is ambiguous and potentially unenforceable and we query whether it is necessary.

Given the changes under the Business and Planning Act 2020 in relation to the sale of alcohol we also ask that the Committee remove the three conditions under Annex 2 Public Safety as these are no longer relevant and their presence is misleading.

Summary

REDACTED It is understood that one of the options for a review panel is to consider removing the DPS. As events have unfolded this occurred prior to the lodging of the review.

I am taking the business in a different direction and I am doing so by taking appropriate advice. I am seeking to update and demonstrate compliance with the licence. This does not mean to say that we will not hold private events, including weddings and other family occasions but that those will be of a different nature and in accordance with controls that we are in the process of formulating by reference to good practice, an updated licence and the licensing objectives.

Julieanne Gilbert

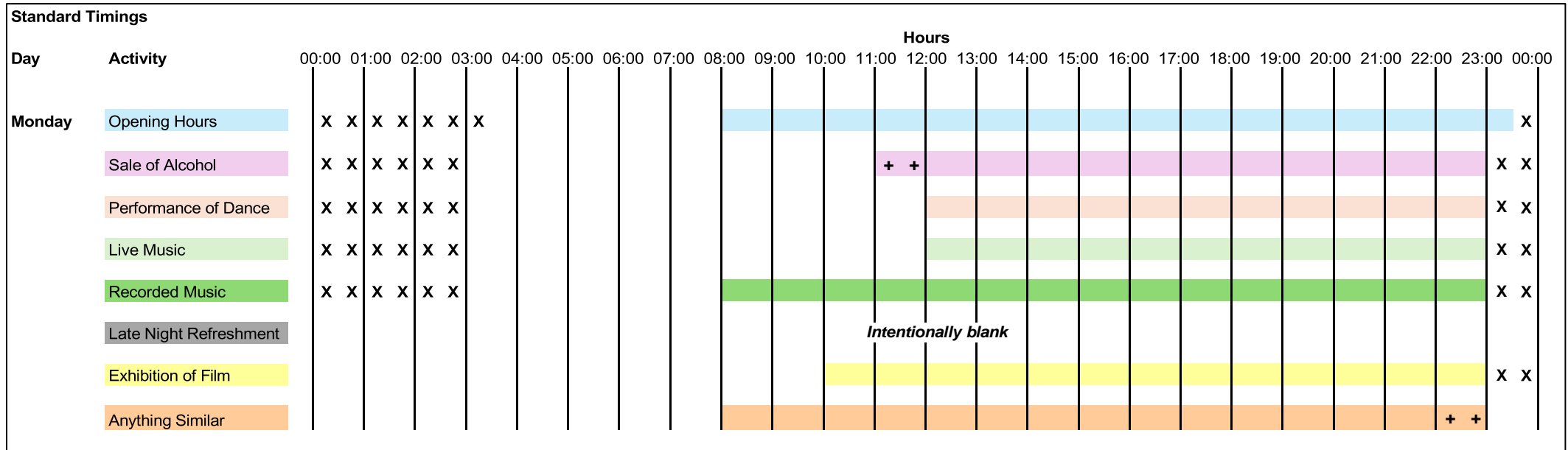
Dated: 13 November 2024

Appendix 1 – Timings Proposed By Julieanne Gilbert

1.1: A tabular comparison of existing vs proposed hours of operation and licensable activities

A Graphical Comparison of Whitecliffs Proposal vs Existing Licence Times showing changes By Days or Groups of Similar Days

Diagram 1 – Standard Timings: MONDAY



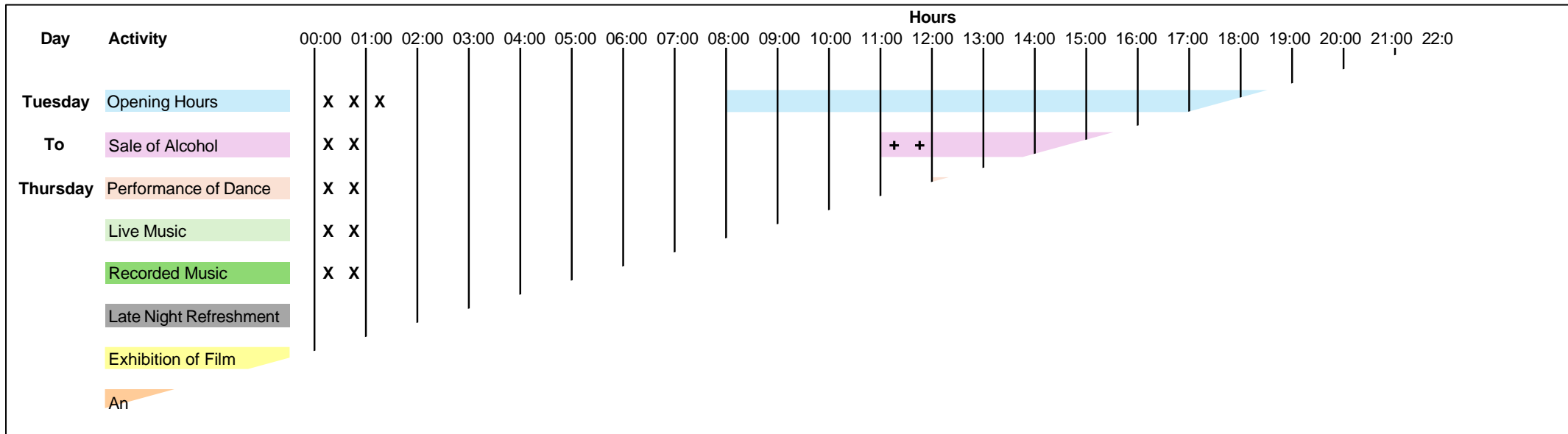
Notes

All units of time are 30 minutes

+ is additional time sought for an activity compared to previous licence

X is time removed from activity compared to previous licence.

Diagram 2 – Standard Timings: TUESDAY TO THURSDAY



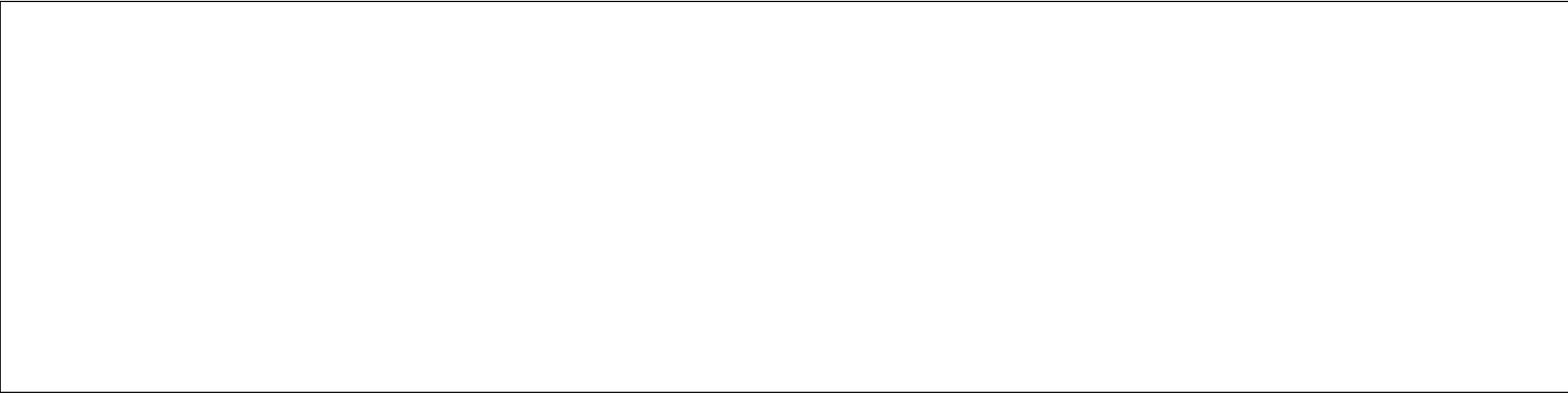
Notes

All units of time are 30 minutes

+ is additional time sought for an activity compared to previous licence

X is time removed from activity compared to previous licence.

Diagram 3 – Standard Timings: FRIDAY



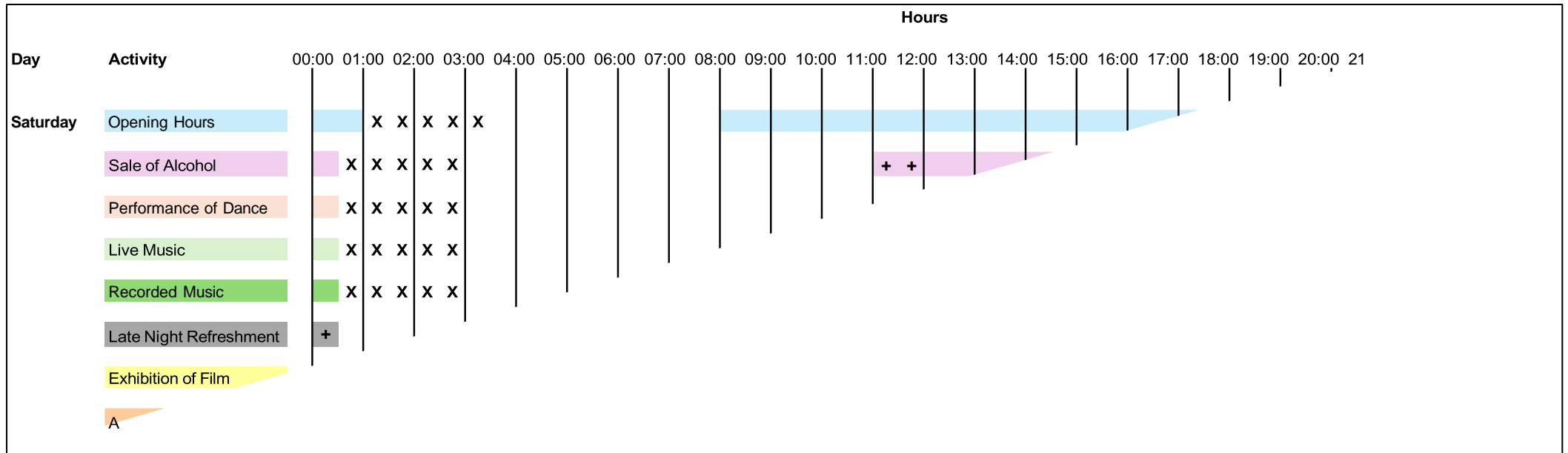
Notes

All units of time are 30 minutes

+ is additional time sought for an activity compared to previous licence

X is time removed from activity compared to previous licence.

Diagram 4 – Standard Timings: SATURDAY



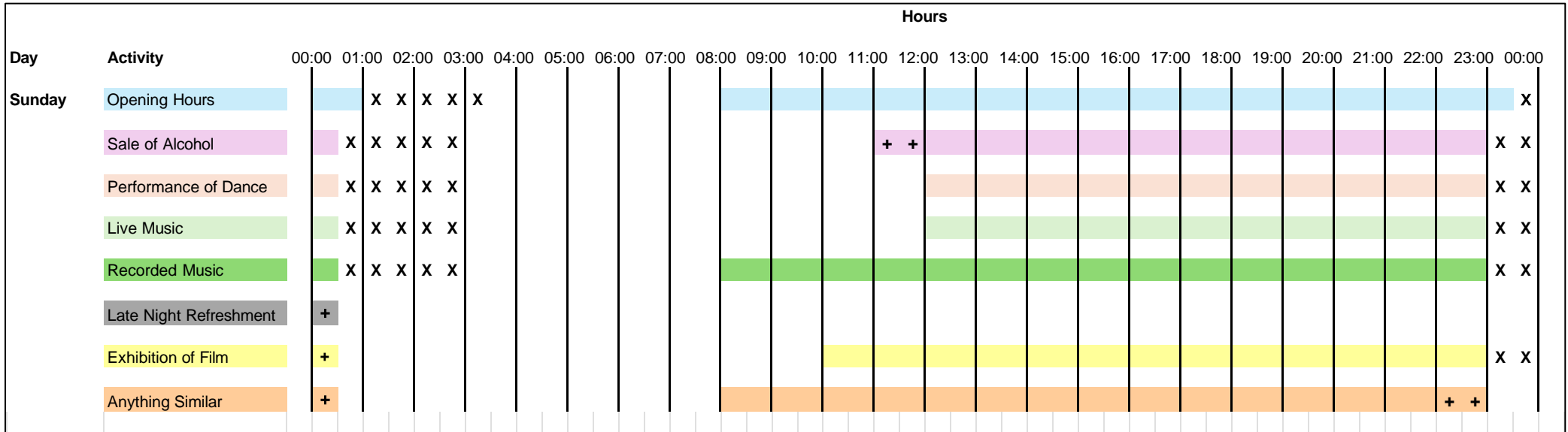
Notes

All units of time are 30 minutes

+ is additional time sought for an activity compared to previous licence

X is time removed from activity compared to previous licence.

Diagram 5 – Standard Timings: SUNDAY



Notes

All units of time are 30 minutes

+ is additional time sought for an activity compared to previous licence

X is time removed from activity compared to previous licence.

Non standard timings are sought for:

New Years Eve only: Opening hours for New Years Eve to terminate at 02:00
 Licensable activities to terminate at 01:30

