



**Brighton & Hove  
City Council**

**Schedule 12  
Appendix C**

Regulation 33, 34

**Premises Licence  
Brighton and Hove City Council**

**Premises Licence Number**

1445/3/2023/01170/LAPRMV

**Part 1 – Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Daltons, Daltons Bastion Downstairs  
Madeira Drive  
Brighton  
BN2 1EN

**Licensable activities authorised by the licence**

Performance of a Play                      Exhibition of a Film  
Performance of Live Music                      Performance of Recorded Music  
Performance of Dance  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Sale by Retail of Alcohol

**Times the licence authorises the carrying out of licensable activities**

**Performance of a Play**

Saturday – Thursday                      09:00 – 00:30  
Friday    12:00 – 00:30

**Exhibition of a Film**

Every Day    09:00 – 00:30

**Performance of Live Music**

Every Day    09:00 – 00:30

**Performance of Recorded Music**

Every Day    09:00 – 00:30

**Performance of Dance**

Every Day    09:00 – 00:00

**Anything of a similar description to Live Music, Recorded Music or Performance of Dance**

Every Day    09:00 – 00:00



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**Sale by Retail of Alcohol**

Every Day 09:00 – 00:00

**PLUS: Non-standard timings:**

For all the above times: Every Day during the Brighton Fringe period: Until 00:50

**The opening hours of the premises**

Every Day 09:00 – 00:30

**PLUS: Non-standard timings:**

For all the above times: Every Day during the Brighton Fringe period: Until 00:50

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption on the Premises.

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Madeira Leisure Limited  
2nd Floor Gadd House  
Arcadia Avenue  
London  
N3 2JU

**Registered number of holder, for example company number, charity number (where applicable)**

Registered Business Number 12699359

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Delso Da Silva  


**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Party Reference: 100/4866/2  
Council

Licensing Authority: Eastbourne Borough



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**Annex 1 - Mandatory conditions**

**S 19;** mandatory conditions where licence authorises supply of alcohol

1. No supply of alcohol may be made under the premises licence
  - a) at a time when there is no designated premises supervisor in respect of the premises, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
3. (1) 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-
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (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



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condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

(e) dispensing directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
6. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and



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(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 —

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979:

(b) “permitted price” is the price found by applying the formula—

$$P=D+(D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and



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(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.  
  
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **S 20**; mandatory condition: exhibition of films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where –
  - (a) The film classification body is not specified in the licence, or
  - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section –  
  
“children” means any person aged under 18; and



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“film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

### **S 21; mandatory condition: door supervision**

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
  - a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001: or
  - b) Be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
  - a) In respect of premises within paragraph 8 (3)(a) of Schedule 2 to the Private Security Industry act 2001 (c12) (premises with premises licences authorising plays or films): or
  - b) In respect of premises in relation to:
    - I. Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence) or
    - II. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section:
  - a) “Security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for purposes of that Act, (see Section 3(2) of that Act) and
  - b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## **Annex 2 – Conditions consistent with the Operating Schedule**

### **For the Prevention of Crime and Disorder:**



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1. On Fridays and Saturdays plus the days immediately before a Bank Holiday, there will be a minimum of one SIA door supervisor operating at the premises from 18:00 until close.
2. At all times the premises is open to the public, the management will contract the back-up services of an approved mobile support unit (MSU) 24 hours a day, with a minimum of 2 SIA registered Door Supervisors operating from it.
3. SIA licensed door supervisors or additional SIA licensed door supervisors shall be employed on any other occasions when a requirement is identified by the licence holder's written risk assessment (for example when live music events are taking place) or requested by Sussex Police in writing at least 48 hours in advance. A copy of the written risk assessment will be made available to Sussex Police Licensing on request, and Sussex Police consulted on any amendments to the risk assessment.
4. On weekends SIA door supervisors will search bags and use their judgement and discretion to search customers suspected of concealing alcohol, drugs or weapons. Searching will be in accordance with the Security Search Policy.
5. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The logbook shall be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.
6. Any refusals made at the bar e.g. for intoxication, age checks or any other reason will also be recorded in writing and logs will be available for inspection at all times.
7. Where alcohol is to be supplied to the public as an integrated element of an event, delineated areas with physical boundaries will be constructed. All such alcohol is to be consumed within the overall site, including patio area.
8. A minimum of half hour drinking up time is allowed by the licence where alcohol is supplied, even if event closes early, unless in an emergency situation.
9. The premises licence holder will participate in any approved schemes aimed at tackling/preventing crime and disorder, such as the BCRP Night Safe radio scheme.
10. The premises will store and maintain a list of any lost and found property.
11. Staff will regularly patrol and monitor all areas of the venue and surrounding public areas to ensure safety and appropriate behaviour. Inappropriate or intoxicated behaviour within the licence boundary will result in ejection of the concerned parties.





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Any such behaviour within the vicinity of the venue will be monitored and, at the discretion of staff or in line with any specific agreed procedures, reported to the appropriate authorities.

12. Polycarbonate drinking vessels/containers will be in use where risk assessment deems it necessary.

### **For Public safety**

13. The premises licence holder will organise and document frequent communications with B&HCC Environmental Health & Licensing section, the Seafront office, and the Emergency Services. This will give an effective forum in which operational issues can be discussed and changes to the operating schedule of the premises can be consulted on. This process will also allow the applicant and their DPS to be aware of specific and changing challenges within the CIZ and respond accordingly.
14. All events will be risk assessed in consultation with our Security & Stewarding partners and in response to show interest and ticketing reports. A projected deployment schedule will be developed in such numbers and at such times as deemed necessary, and in consultation with Sussex Police as required. Ongoing discussions with Sussex Police licensing will identify opportunities to enhance the protection of the surrounding area and seafront in the vicinity of the premises as well as the safety of customers within the licenced boundary of the premises.
15. No patrons are to be admitted into the venue if in possession of alcohol and any patron showing signs of excess intoxication will be denied access.
16. No sale of alcohol to intoxicated patrons will be permitted and rejection logs will be kept. Challenge 25 will be in operation at all times, even when age checks are carried out at entry to the venue. Bar staff will be briefed and trained accordingly. This training will be regularly reviewed, and a training log maintained onsite.
17. We will regularly update staff training in respect of licensing legislation, policies and procedures to ensure all staff are up to date in these areas.
18. (a) When on duty at peak times, Security SIA-licensed staff at the entrance will use their judgement and discretion to search customers suspected of concealing alcohol, drugs or weapons. Items of concern include bottles of spirits, wine and strong beers; and drugs and weapons of any kind. Searching will be in accordance with the Security Search Policy. Dynamic risk assessment may lead to random searching at an appropriate ratio which may also be usefully implemented as a preventative measure. At times, in addition to the aforementioned dynamic risk assessment, we may implement strict 'all-bag' searches on patrons entering the site



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(b) At other times, our Front of House stewarding team, alongside bar staff will constantly assess patrons for risk, and use our membership of BCRP, Pubwatch or similar to either receive alerts, or pass them on, of troublesome individuals, and where necessary arrange SIA assistance, increased SIA staffing coverage or MSU support.

19. Our in-house staff will work closely with our Security partners to monitor and look out for patrons leaving in the direction of the seafront, using established practices to maintain public safety. Reporting procedures of vulnerable or at-risk persons will be established with the professional lifeguarding teams and regular contact will be made to enhance and target effective procedures to ensure the safety of patrons and other members of the public within observation of the venues staff.

### **For the Prevention of Public Nuisance**

20. All performances within the venue will be constantly monitored for noise and will be maintained within agreed limits with Environmental health and suitable for the location of the premises. All noise limits will take into consideration the time of year and the use of external doors and isolations within the venue.
21. The venue will operate with a designated outdoor smoking area to minimise disruption from external noise. This area will be constantly monitored by staff and feature-maintained receptacles to collect rubbish/cigarette butts. Noise will be monitored to minimise any noise disturbance.
22. Signage will be displayed at all exit points encouraging patrons to leave quietly and not disturb neighbours as they do so. Staff will echo this message to departing customers and will encourage patrons back to the upper promenade and away from the seafront.
23. Taxi details will be clearly displayed to aid audience journey's home, utilising established partnerships with Streamline (enabling cards to be offered generally to audience members etc.), as well as highlighting other transport links such as the nearby bus stops and common routes away. These will also be communicated via email when sending ticket confirmations to encourage customers to consider their onward journey before attending the premises.
24. Operating schedules will be responsive to the wider context of the premises to the city and will be adaptable to the changing operating area. Major events will be considered, and operating schedules adapted to ensure the venue remains a positive influence on the CIZ and does not adversely contribute to times of high impact on city services.



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25. An assessment of the venues "zone x" responsibilities will be discussed and agreed with lifeguarding and Police representatives. This assessment will be under constant review to enhance and optimise the venues impact on the immediate area and minimise adverse impact within the CIZ.
26. The Nightsafe radio system, or similar, will be in operation to help with maintaining patrons and the general public's safety and to inform staff of any potential operational issues that may emerge from time to time.

### **For the Protection of Children from Harm**

27. Individual shows will be age-rated and access controlled accordingly by Box Office and Front Of House staff.
28. Advice will be sought from the Child Protection Unit where appropriate with regards events.
29. Children under 16 are to be accompanied at all times.
30. No unaccompanied under 18s to be allowed after 22.00 hrs.
31. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence or conditions attaching to it.
32. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
33. (a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:
  - The lawful selling of age restricted products
  - Refusing the sale of alcohol to a person who is drunk
- (b) All age-restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police and Brighton & Hove Trading Standards Service upon request.



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34. Staff will be aware of the risks of proxy sales and use best practice to help deter offences.

**Annex 3 – Conditions attached after a hearing by the licensing authority on 30<sup>th</sup> November 2020:**

**In regard to Minor Variation application 1445/2023/01170/LAPRMV to remove existing condition 1 and replace with below:**

1. The premises will only operate as a theatre led arts venue with at least an average of 14 theatre activities to be held per seven days the premises is open to members of the public which shall include public performances, rehearsal and group work. A schedule of such activities shall be made available to the licensing authority and the police on request.
2. There shall be no vertical drinking in the premises save for during a ticketed public event or performance where standing is part of the artistic environment of the show.
3. There shall be no DJ led performances.
4. There shall be no vertical drinking in the outside area of the premises. Poly carbonate drinking vessels will be used in all outdoor areas.
5.
  - (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.
  - (b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times
  - (c) CCTV footage will be stored for a minimum of 31 days.
  - (d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
  - (e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
  - (f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able



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to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.

- (g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
  - (h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
6. The licence holder must operate in accordance with a Search Policy drawn up in consultation with Sussex Police. As part of this policy the premises will operate random searching of customers as a condition of entry.

### **Annex 4 – Plans**



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## THE ELECTRIC ARCADE POP UP GROUND PLAN

