



Lower Promenade  
Madeira Drive  
Brighton BN2 1TB

**SUMMMARY OF APPLICANT’S SUBMISSIONS**

**For Hearing Wednesday 18 December 2024**

**Introduction**

1. Daltons Brighton (the “Premises”) is a grassroots performance and events venue backed by Arts Council England and Music Venue Trust. It has been trading since March 2023. Numerous positive reviews have been received. Links to some of these are here:

<https://www.brightonandhovenews.org/2024/12/12/brightons-homegrown-festival-is-back-for-spring-2025/>

<https://www.brightonandhovenews.org/2024/12/11/slack-city-presents-vince-jo-have-a-radio-show-trio-of-live-bands-in-action/>

<https://www.brightonandhovenews.org/2024/07/02/trio-of-terrific-bands-on-offer-at-daltons-brighton-gig/>

<https://www.brightonandhovenews.org/2024/10/02/winter-gardens-launch-new-u-u-single-at-brighton-gig/>

<https://www.brightonandhovenews.org/2024/08/09/seafront-showcase-event-highlights-rising-talent/>

<https://www.brightonandhovenews.org/2024/07/21/rockin-out-on-brighton-beach-with-bacci-pouch-friends/>

<https://www.brightonandhovenews.org/2024/07/14/its-heaven-for-george-crump-at-brighton-gig/>

<https://www.brightonandhovenews.org/2024/07/04/see-5-punk-bands-for-free-on-brighton-beach/>

<https://www.brightonandhovenews.org/2024/06/03/loud-women-minifesto-a-resounding-success-on-brighton-beach/>

<https://www.brightonandhovenews.org/2024/05/22/unofficial-escapes-part-1-thursday-16th-may/>

<https://www.brightonandhovenews.org/2024/05/22/unofficial-escapes-part-2-friday-17th-may/>

<https://www.brightonandhovenews.org/2024/05/27/top-5-music-performances-during-this-years-official-and-unofficial-escapes/>

<https://www.brightonandhovenews.org/2024/04/22/loud-women-minifesto-to-take-place-on-brighton-beach/>

Also, photographs of the Premises are at **annex 1**.

2. Upcoming events include gigs from the likes of Brake Loose, Dead Harts and Lemon Wax. Scheduled are also quizzes, karaoke and more unusual events such as RockFit (a fitness class

set to a rock and metal soundtrack). Testimonials from contented patrons and performers are attached at **annex 2**.

3. The Premises is popular with a diverse 'alternative' crowd but, with the considerable headwinds faced by licensed venues, it is currently a very difficult trading environment. This means that it is important to maintain, or grow, revenue given the significant increases in costs. In addition, the applicant has received numerous requests from patrons to open later as there is little in the way of live music offers in Brighton after the current terminal hour. The Premises has extended hours via Temporary Event Notices over nine nights during the past six months or so for live music events. These have proceeded without incident.
4. The layout of the Premises is relatively simple. A single floor venue at lower ground level, it has an outside terrace with doors which lead onto a bar and seating area with a main stage. Towards the back of the Premises is a seated lounge area and a green/safe/meeting room.

### **The Application**

5. Given the above, the application comprises four elements:
  - a) a request to extend the terminal hour for most licensable activities with the latest proposed hours being Fridays and Saturdays until 3.00 a.m.;
  - b) the permanent addition of off sales;
  - c) a proposal to replace the existing conditions which slightly relax the timings for door supervisors and the number/nature of required performances; and
  - d) a minor variation to the approved plan to reduce the size of the licensed area and remove a wall.

### **Representations received**

6. The applicant was pleased to receive no representations from local residents and that amendments could be agreed with Environmental Protection (see below). Nevertheless,

representations remain from Sussex Police and the Licensing Authority. The applicant's comments on these representations are below:

#### Sussex Police

It is noted that Sussex Police have made a detailed representation which expresses concerns that the application (as it stood then) could allow the Premises to become a nightclub. Since the representation was raised, Sussex Police have had several very helpful meetings and discussions with the applicant. Attached at **annex 3** is a list of conditions **agreed** with Sussex Police (with some duplications where a condition is relevant to more than one licensing objective). As far as the applicant is aware, the only aspect of the application not agreed is the request to have off sales. Currently the Premises has off-sales pursuant to the Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2022 but there is a risk that this deregulation will not be extended past March 2025. On warm days the ability to have off-sales onto the beach is a vital revenue stream. Nevertheless, **the applicant is happy to amend the request for off sales so they are limited to 10 a.m. to 10 p.m. from 2 April to 30 September and 10 a.m. to 8 p.m. 1 October to 1 April.**

#### Licensing Authority

7. As its gatekeeper it is unsurprising that the representation from the Licensing Authority focuses on the Licensing Policy of Brighton and Hove City Council (the "Policy"). Whilst the Premises is located within the Cumulative Impact Zone ("CIZ") the applicant submits that the Policy broadly supports the application.
8. The presumption to refuse applications in the CIZ which are likely to add to the existing Cumulative Impact can be rebutted. Furthermore, the Policy states that, 'the special policy is not absolute' and that 'the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case'. The Policy goes on to give an example of the type of application which might add to cumulative impact and those that might not, namely, 'while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant, theatre or live music venue (where alcohol is not the primary activity) may be considered exceptional circumstances'.

9. As a live music venue, the applicant notes that the matrix approach adopted in the Policy welcomes 'non-alcohol lead (e.g. theatre)' venues in the CIZ without a stipulated terminal hour. The notes on the matrix also list several exceptional circumstances which the applicant meets, namely:

- a) Consultation with and meeting the requirements of the responsible authorities
- b) Having an appropriate corporate social responsibility

The applicant takes its corporate social responsibility extremely seriously. It supports and arranges fundraises for the likes of:

- BYC (Brighton Youth Centre);
- BIMM;
- Waterbear;
- Sussex University Rock Society;
- Helping Rhinos;
- CALM;
- T4T;
- Transcend Borders;
- IVY Network;
- Brighton Revolt;
- Brighton Creative Arts;
- Brighton Queers For Palestine;
- T4T / BNDM;
- Brighton Drag King Night; and
- Dyke Makers Market.

- c) Alcohol sale being ancillary to business activity

Conditions have been agreed that the Premises must operate as a grassroots music venue and must have at least 7 arts led live entertainment events per week.

10. Finally, the applicant welcomes the statement that the licensing authority is 'aware of the need to avoid measures which deter live music... such as imposing indirect costs out of proportion to the income of the licence holder and to the risks presented'.

### Environmental Protection

11. It is noted that Environmental Protection have withdrawn their representation based on the email exchange being at page 55 of the Committee Report. Given that what was agreed was not in the form of enforceable conditions, the applicant suggests that **the request of outdoor regulated entertainment is withdrawn altogether** and that the following conditions is also added to the licence if the application is granted:

'From 00.00hrs to close daily the capacity of the outside terrace to be restricted to 100 persons (excluding staff)'.

The other recommendations are covered in the conditions agreed with Sussex Police.

### Conclusion


12. This is an important application to ensure that the long term viability of the Premises is assured and that Brighton continues to have a well-run venue to promote grassroots music. These broader factors can be considered by a licensing sub-committee. In *R (o/a/o Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others* [2011] EWCA Civ 31, the Court of Appeal (per Toulson LJ) observed that [at 42]:

'Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on.'

13. Since the application has been lodged the applicant has had excellent discussions with the statutory authorities and their objections are now limited and nuanced. There are a considerable number of conditions already on the licence. Not only have the vast

majority been maintained but there are several new and updated conditions to ensure that, even with later hours, the licensing objectives are upheld.

14. Given the above, the Licensing Sub-Committee is therefore respectfully asked to grant the application as sought.

  
Partner, Keystone Law

13 December 2024

