

Licensing Panel (Licensing Act 2003 Functions)

Date: **25 July 2023**

Time: **10.00am**

Venue **Virtual**

Members: **Councillors:** Cattell, Robinson and Thomson

Contact: **Thomas Bald**
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AGENDA

1 TO APPOINT A CHAIR FOR THE MEETING

WELCOME & INTRODUCTIONS

2 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the Licensing Committee may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

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(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

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A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

3 THE BRIGHTON COCKTAIL COMPANY LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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Contact Officer: Levente Nagy
Ward Affected: Regency

Date of Publication - Tuesday, 18 July 2023

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Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council
Agenda Item 3

Subject:	Application for a Variation of a Premises Licence under the Licensing Act 2003		
Premises:	Brighton Cocktail Company 87 Dyke Road Brighton BN1 3JE		
Applicant:	The Brighton Cocktail Company Ltd		
Date of Meeting:	25 July 2023		
Report of:	Executive Director of Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Sarah Cornell	Tel: (01273) 295801
	Email:	sarah.cornell@brighton-hove.gov.uk	
Ward(s) affected:	Regency		

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Brighton Cocktail Company.

2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Brighton Cocktail Company.

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1.1 The application is for a Variation of a Premises Licence under the Licensing Act 2003. The application proposes

We would like to extend our opening hours on Sundays, changing our opening time from 12pm to 10am.

We would also like to extend our license to be able to sell and distribute mail order alcohol for our business.

- 3.2 Section 16 (Operating Schedule) of the application is detailed at Appendix A

3.3 Summary table of **existing and** proposed activities

	Existing	Proposed
Supply of Alcohol	Monday – Saturday 10:00 – 23:00 Sunday 12:00 – 22.30 On & Off the premises	Monday – Saturday 10:00 – 23:00 Sunday 10:00 – 22.30 On & Off the premises
Late Night Refreshment	Monday – Saturday 23:00 – 23:30	No change
Hours premises are open to public	Monday – Saturday 10:00 – 00:00 Sunday 12:00 – 23.00	Monday – Saturday 10:00 – 00:00 Sunday 10:00 – 23.00

3.4 Existing licence attached at Appendix B

3.5 Special Stress Area: The premises falls within the Special Stress Area. This area is deemed an area of special concern in terms of the levels of crime, disorder, and public nuisance experienced within them. (See paragraphs 3.2 – 3.2.5)

Representations received

3.6 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

3.7 5 representations were received. They were received from local residents.

3.8 Representations received had concerns relating to Prevention of Public Nuisance. Full details of the representations are attached at Appendix C

3.9 Agreements of conditions reached between the applicant & Sussex Police and the applicant & Environmental Protection are attached at Appendix D.

3.10 A map detailing the location of the premises is attached at Appendix E.

4. COMMENTARY ON THE LICENSING POLICY

4.1 The following extracts from Brighton & Hove City Council Statement of Licensing Policy are considered relevant to this application and **are numbered as they appear in the policy**:

1 Introduction

1.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. This policy takes effect from the 4th February 2021. The licensing authority is Brighton & Hove City Council.

The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol.
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club.
- The provision of regulated entertainment.
- The provision of late night refreshment.

1.2 The licensing objectives are:

- (a) the prevention of crime and disorder.
- (b) public safety.
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

1.3 Scope

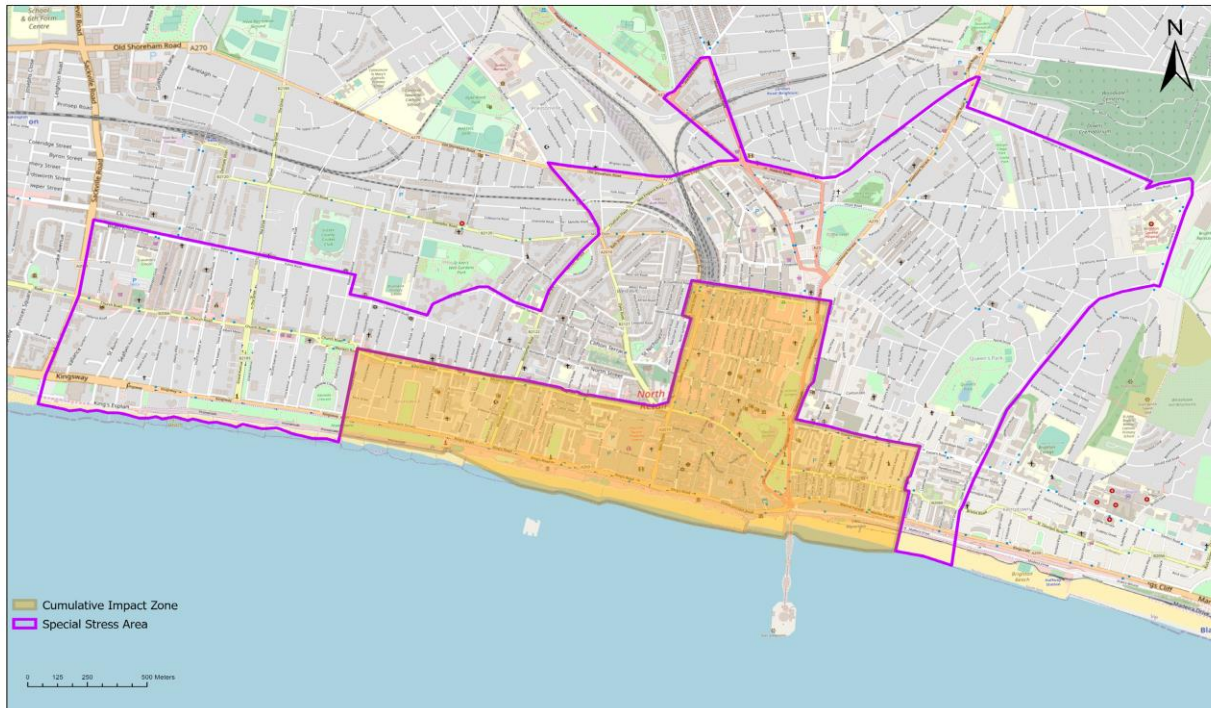
1.3.1 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity. Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the act.

3 Special Policies and Initiatives

3.2 Special Stress Area

3.2.1 The map below details the area of the city centre which borders the Cumulative Impact zone at 3.1.3 and which is deemed an area of special concern in terms of the levels of crime and disorder and public nuisance experienced within it. The area recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below delineated in purple:

Special Stress Area and Cumulative Impact Zone, January 2021



Brighton & Hove Public Health Intelligence, 2021
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The Special Stress Area - an area bounded by and including: The west side of Hove Street/Sackville Road, northwards to the intersection with the north side of Blatchington Road, along north side of Blatchington Road and Eaton Road, southwards at the junction onto the east side of Palmeira Avenue and then eastwards at the junction onto the north side of Landsdowne Road; eastwards to the junction with Furze Hill, along the north side Furze Hill to its end and then due east along the north side of Victoria Road to its junction with Montpelier Road (west side), north to where Montpelier Road joins Vernon Terrace then north to Seven Dials; north west along the west side of Dyke Road until the junction with the Old Shoreham Road, then East along the north side of Old Shoreham Road, continuing on the north end of New England Road, north west at Preston Circus at the junction of New England Road and Preston Road along the west side of Preston Road until the junction with Stanford Avenue then and north east along the north side of Stanford Avenue until the junction with Beaconsfield Road, south along the east side of Beaconsfield Road until the junction at Preston Circus and Viaduct Road, eastwards along the north side of Viaduct Road, then at the junction with Ditchling Road, North East along the north side of Upper Lewes Road until the junction with Lewes Road; south along the Lewes Road to junction with Hartington Road, along the north side of Hartington Road until the junction with St. Helen's Road, south into the north side of May Road, eastwards until its junction with Freshfield Road (east side), then south into Upper Bedford Street, into Bedford Street to the mean water mark south of Bedford Street, then due west until the mean water mark south of Lower Rock Gardens; North on Upper Rock gardens, to the north side of Eastern Road, west along Eastern Road and Edward Street until Grand Parade, north along the Eastern side of Grand Parade to the junction of York Place and Trafalgar Street, West along the Northern boundary of Trafalgar Street, up to and including Surrey Street and then South along the Western boundary of Queens Road to the junction with Air Street, West along the north side of Air Street, South-west to the junction of Western Road Brighton, then West along the North side of Western Road Brighton, South along the West side of Holland Road to the mean water mark south of Kingsway and Kingsway Esplanade as far as the west side of Hove Street/ Sackville Road.

3.2.2 This Special Stress Area (SSA) is of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it. The area will be kept under review.

3.2.3 New and varied applications for premises and club premises certificates within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. Appendix A of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.

3.2.4 On receipt of any application in the SSA, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in Appendix A, Licensing Best Practice Measures. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.

3.2.5 The Licensing Authority will keep the Cumulative Impact Zone and Special Stress Area under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening, the Special Policy will be reviewed.

3.3 The Matrix Approach

The Licensing Authority will support:

3.3.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore supports mixed use venues encouraging a wider age balance.

3.3.2 A "matrix" approach to licensing decisions has been adopted and is set out below. It provides a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investor and businesses making applications.

Matrix approach for licensing decisions in a Statement of Licensing Policy (times relates to licensable activities)

	Cumulative Impact Area	Special Stress Area	Other Areas
Restaurant	Yes (midnight)	Yes (midnight)	Yes (midnight)
Café	Yes (10 pm)	Yes (10 pm)	Yes (10 pm)
Late Night Takeaways	No	Yes (midnight)	Yes (midnight)
Night Club	No	No	No
Pub	No	Yes (11pm)	Yes (midnight)
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes (favourable)
Off-licence	No	No	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
Members Club (club premises certificate)	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes

Notes on matrix

Subject to the following notes, the policy, as represented in the matrix, will be strictly adhered to:

- 1) Each application will be considered on individual merit
- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).

6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.

7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or cafes, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing on our website www.brighton-hove.gov.uk/licensingact.

8) In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops.

9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The licensing authority will have regard to Noise Council guidance.

10) Non-alcohol led category does not include "alcohol in shared workplaces". It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on "alcohol in shared workplaces" please see paragraph 3.3.4-3.3.6.

3.5 Off licences

In recent years there has been a noticeable shift towards more people buying alcohol from shops and drinking at home prior to going into premises such as pubs and clubs. The council is concerned that alcohol loading from off-licence sales is a significant problem in the city and adversely affects the licensing objectives as it gives rise to problems of drunkenness, disorderly behaviour and a higher risk of alcohol sales to children. Representations from the police, local residents and the director of public health at licensing panel hearings have testified to these problems and Information published in the Public Health Framework for assessing alcohol licensing presents a ward by ward analysis of crime and disorder and health data which is relevant in this respect.

3.5.1 The special policy on cumulative impact and the special stress areas apply to off licences as explained in the matrix approach at 3.3. But in general, where applications are made for new premises or variations to existing licences, and where the police or others make representations against the grant of a further licence for off sales, the council will give specific consideration to restricting the number, type, and the hours of premises selling alcohol exclusively for consumption off the premises. Decisions will be grounded in the Public Health Framework for assessing alcohol licensing. The council will want to be assured that the operating

schedule of premises, and their overall management, training and levels of staffing, are appropriate to ensure that the licensing objectives are promoted in what may be challenging circumstances. Retail outlets and stores where the provision of fresh produce is the principal product sold maybe considered more favourably.

3.5.2 The Licensing Authority encourage off licences to join the Council led “Sensible on Strength” scheme to reduce the availability of cheap super strength beers and ciders. Off licences voluntarily sign up not to sell cheap super-strength beers and ciders over 6% ABV and operate good practice measures (see 3.5.3) for which they receive an accreditation as a responsible retailer.

3.5.3 Areas of best practice that may be included in an Operating Schedule include

- the installation of a digital CCTV system by liaison with, and to a standard approved by Sussex Police
- Challenge 25 policy
- Refusals system
- Documented staff training including underage sales, drunkenness and proxy sales
- Voluntary restriction of high strength alcohol - operating schedules may be used to limit high ABV beers and ciders
- BCRP membership (or other accredited scheme)
- No sale of single cans
- Displays should not be located at the entrance/exit points or near checks out

3.5.4 The Licensing Authority and Sussex Police have specific concerns around the delivery of alcohol off the premises due to issues around the end location of delivery, age verification checks (Challenge 25), the increased possibility of the alcohol coming into the CIZ and SSA from other areas, as well as the personal safety of drivers when having to refuse a delivery at the end destination.

3.5.5 Alcohol delivery poses a unique set of challenges as it often transfers the final age verification to a person who has no responsibility in relation to the Premises Licence which authorised the sale of alcohol. A premises licence holder needs to be satisfied that their drivers or the delivery drivers of the third party company they chose to use, have received regular and comprehensive training in age verification and identifying persons who have consumed too much alcohol.

3.5.6 Evidence has shown that customers have previously used landmarks/businesses not related to them as addresses for delivery so that alcohol could be consumed in open spaces/parks. The risk being that this may lead to increased crime and disorder including anti-social behaviour and criminal damage, as well as the possibility that underage persons can gain access to alcohol. Concerns have also been raised about the delivery of alcohol to known street drinking hotspots. Therefore, a condition requiring all deliveries to be to a verifiable residential or business address and a face to face ID verification is vital in mitigating some of this risk.

3.5.7 While the Licensing Authority and Sussex Police recognise this is a growing area of business, new or variation applications to include the delivery of alcohol off the premises will be subject to increased scrutiny. Suggested conditions for the provision of an alcohol delivery service can be found at Appendix A. These are not

exhaustive and each application will be considered on its own merits.

3.9.2 The Licensing Authority expect licensed premises to develop staff policy and training on recognising signs of drunkenness and vulnerability, for example, offering drinking water and tips for refusing customers who appear drunk. And discourage company policies that promote bonuses and sales incentives for selling alcohol. Licensing Authority will expect necessary precautionary processes to restrict drunkenness, e.g. Licensing Guidance states happy hours should not be designed to encourage individuals to drink excessively or rapidly.

6 Prevention of Public Nuisance

The following details and measures are intended to address the need for the prevention of public nuisance which may be associated with licensed premises and certificated club premises:

6.1.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (eg in order to smoke).

6.1.3 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

6.1.6 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 6.2 below).

6.2 Smoking Advice

6.2.1 Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures,

awnings, retractable canopies, etc. have the relevant planning permission.

- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence you may find it necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for rapid police response and alert other venues where customers and staff are endangered.
- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.
- Use CCTV to manage outside areas.

6.2.2 Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

8 Integration of Strategies

8.1.1 The licensing authority shall secure the proper integration of this policy with local

crime prevention, planning policy, transport, tourism and cultural strategies by:-

- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
- Liaising and consulting with Public and Alcohol Programme Board
- Liaising and consulting with the East Sussex Fire & Rescue Service
- Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
- Liaising and consulting with the Planning authority
- Liaising and consulting with the Highways authority
- Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
- Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice

8.1.2 In line with statutory requirements and the council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.

8.1.3 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.

8.1.4 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.

8.1.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.

8.1.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

8.3 Enforcement

8.3.1 The Enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient

deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at Appendix D (Lead Agency Status) of the Statement of Licensing Policy. In addition, the Licensing Authority will have regard to its published Licensing Enforcement Policy in making enforcement decisions in accordance with Brighton & Hove City Council's Statement of Licensing Policy (Appendix B). In order to better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements.

8.3.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the protocol. A number of other council and government policies, strategies and guidance documents must be taken into account to complement the policy, including:

- Community Safety & Crime Reduction Strategy
- Drugs and alcohol strategies – local alcohol harm reduction strategy
- Objectives of the Security Industry Authority
- The Anti-Social Behaviour Act 2003/ASBPC Act 2014
- The Health Act 2006
- The Violent Crime Reduction Act 2006
- Policing and Crime Act 2009

APPENDIX A – Licensing Best Practice Measures

Best Practice Measures to be included for consideration, in particular in SSA: Matters that would normally be expected in operating schedules:

- the adoption of a policy (e.g. Challenge 25) with acceptable proof of ID as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital CCTV system by liaison with, and to a standard approved by, Sussex Police
- policies for dispersal of customers which may include signage regarding taxi services' telephone numbers and advice to respect neighbours and minimize noise

Items to which positive consideration would be given:

- membership of Business Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of 'Night Safe' radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and

- available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators
- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Recommend best practice for both on and off premises

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences
- Signage on premises should set out legal duties
- Voluntary restriction of high strength alcohol – operating schedules may be used to limit high ABV beers and ciders
- Staff training – in addition to personal licence holders training, staff must be adequately trained for duties
- Challenge 25 would be the norm, particularly in the off licence trade
- Signage – proxy sale – deterrence

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

Finance Officer Consulted Michael Bentley

Date: 12/07/23

Legal Implications:

- 5.2 The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Rebecca Sidell

Date: 10/07/23

Equalities Implications:

- 5.3 Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

Sustainability Implications:

- 5.4 Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Section 16 (Operating Schedule) of the Application
2. Appendix B – Premises Licence
3. Appendix C – Representations
4. Appendix D – Agreed Conditions with Sussex Police and Environmental Protection
5. Appendix E – Map of area

Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018.

Public Health Framework for Assessing Alcohol Licensing – January 2022.

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

Appendix A

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

For the Prevention of crime and disorder, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm see below steps to promote them in the premises.

b) The prevention of crime and disorder

24 hour CCTV is installed on the premises.

We are members of Brighton & Hove Business Crime Reduction Partnership.

Installation of CCTV in the premises that will be in operation at all times. We will display A4 signs advising that CCTV is in operation.

An incident book will be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises must be recorded. The incident book will be kept on the premises at all times and will be made available for inspection by the police.

No one carrying open or sealed bottles or glasses will be admitted to the premises at any time.

Relating to mail order activities, we will use national delivery partners, such as Royal Mail or DHL and we will require age verification to enter our website and purchase alcohol.

c) Public safety

Irresponsible drinks promotions will not be on offer.

The license holder will ensure that all staff receive appropriate training about emergency and general safety precautions and procedures.

The license holder will ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

Free drinking water will be available at all times the premises is open to the public.

The electrical system at the premises, including portable appliances will be inspected and tested annually by a competent person and a satisfactory safety report obtained.

The gas system, including appliances, will be inspected annually and tested by a Gas Safe Registered engineer and a satisfactory Gas Safety Certificate must be obtained.

All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies.

The fire safety measures provided on the premises will be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the Regulatory Reform (Fire Safety) Order 2005.

An adequate and appropriate supply of first aid equipment and materials will be available on the premises.

Relating to mail order activities, we will use national delivery partners, such as Royal Mail or DHL and we will require age verification to enter our website and purchase alcohol.

d) The prevention of public nuisance

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Continued from previous page...

Prominent, legible notices requesting people to leave the premises and the area quietly will be displayed at all exits. The licence holder will control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter.

All external doors and windows will be kept shut, other than for access and egress, in all rooms when events involving amplified music or speech or other entertainment are likely to rise to noise.

Where outside areas are provided for the use of customers facilities for the disposing and collecting of litter will be maintained.

Relating to mail order activities, we will use national delivery partners, such as Royal Mail or DHL and we will require age verification to enter our website and purchase alcohol.

e) The protection of children from harm

A proof of age policy agreed in writing will be enforced.

A challenge 21/25 policy will be employed where those individuals who appear to be under the age of 21/25 attempting to purchase alcohol must be asked for identification. The only type of ID that will be accepted is PASS accredited ID, passport or photo driving license.

Relating to mail order activities, we will use national delivery partners, such as Royal Mail or DHL and we will require age verification to enter our website and purchase alcohol.



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Appendix B Schedule 12 Part A

Regulation 33, 34

Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/ 2023/00015/LAPRET

Part 1 – Premises Details

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

The Brighton Cocktail Company
87 Dyke Road
Brighton
BN1 3JE

Telephone number

Licensable activities authorised by the licence

Late Night Refreshment
Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Monday – Saturday 23:00 – 23:30

Sale by Retail of Alcohol

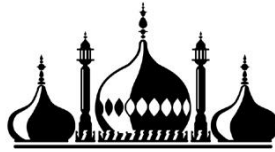
Monday – Saturday 10:00 – 23:00

Sunday 12:00 – 22.30

Sale of Alcohol and Late Night Refreshments on 31st December

10:00 (12:00 if a Sunday) to 01 January 01:30

The opening hours of the premises



Brighton & Hove City Council

Monday – Saturday 10:00 – 00:00
Sunday 12:00 – 23:00

Opening hours on 01 January to close at 02:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption on and off the Premises.

Part 2

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

The Brighton Cocktail Company Ltd
Flat A
93 Brading Road
Brighton
BN2 3PE

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

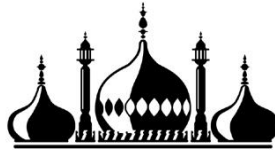
Registered Business Number 12795701

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

Shannon Auburn Severy

REDACTED

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



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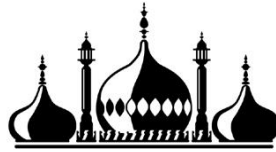
REDACTED

Annex 1 - Mandatory conditions

S19: 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;



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(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.

(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—



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- (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

(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,



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(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

(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.

Annex 2 – Conditions consistent with the Operating Schedule

General

1. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.
2. The sale of intoxicating liquor and other beverages in the café area (including the outside area) shall be waiter/waitress service for consumption by persons seated at tables and there will be no vertical drinking.



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3. Substantial food shall be available at all times that alcohol is offered for sale on these premises.
4. Sale of alcohol for consumption off the premises will be permitted only until 18:00 hours each day to persons who have already purchased food or drink for consumption on the premises, and will be restricted to unopened bottles of wine only.

For the Prevention of Crime and Disorder:

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. 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 Data Protection 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 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.



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- 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. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at intervals not to exceed 4 weeks. The log book should 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. Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty four (24) months.
- 7. The premises will become a member of the BCRP or similar scheme approved by the Licensing Authority that operates with radios and uses the Nightsafe & Yellow Card Scheme or similar reporting scheme.

For Public Safety:

- 8. SIA licensed door supervisors shall be employed on any other occasions when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Centre Events e.g., Pride. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.

For the Prevention of Public Nuisance:

- 9. Provide signage at all exits and outdoor areas, including those used for smoking by staff and patrons 'Please respect the needs of local residents, leave quickly and quietly; do not disturb neighbours';
- 10. Use a wind down period to encourage people not to leave en-masse, staff to ensure people are directed to taxi ranks/public transport or wait for taxis in a manner that will not



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cause nuisance, staff to manage persons leaving the premises do not congregate in the immediate vicinity so as to minimise disturbance;

11. All windows and doors (front and rear) should be kept closed after 11pm, except for access and egress;
12. Staff shall not allow smokers to take drinks outside and shall limit the number/location, as necessary and monitor customers smoking outside on a regular basis to ensure there is no public nuisance.
13. Keep the premises and immediate vicinity free from litter at all times, including at close of trading;
14. Deliveries, recycling and rubbish should not be dropped off, collected or placed outside except between the hours of 7am and 7pm;
15. Licensees are expected to communicate with local residents and businesses with a view to addressing and resolving problems relevant to the four licensing objectives. Including: giving contact telephone numbers to local residents so they can report any issues to the premises and have them dealt with. It is expected that contacts at the premises would be in a position of responsibility, available when the premises are open, so that problems can be addressed at the time. Licensees should also arrange meetings offering contact with neighbours, where changes are planned or to resolve problems, with a view to good relations.

For the Protection of Children from Harm:

16. 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 licenses with a photograph 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.
17. Signage advertising the 'Challenge 25' policy will be displayed in prominent locations in the premises.



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18. 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 including proxy sales
 - Refusing the sale of alcohol to a person who is drunk
- b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed twelve (12) weeks, with the date and time of the verbal reinforcement/refresher training documented.
- c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

Annex 3 – Conditions attached after a hearing by the licensing authority – N/A

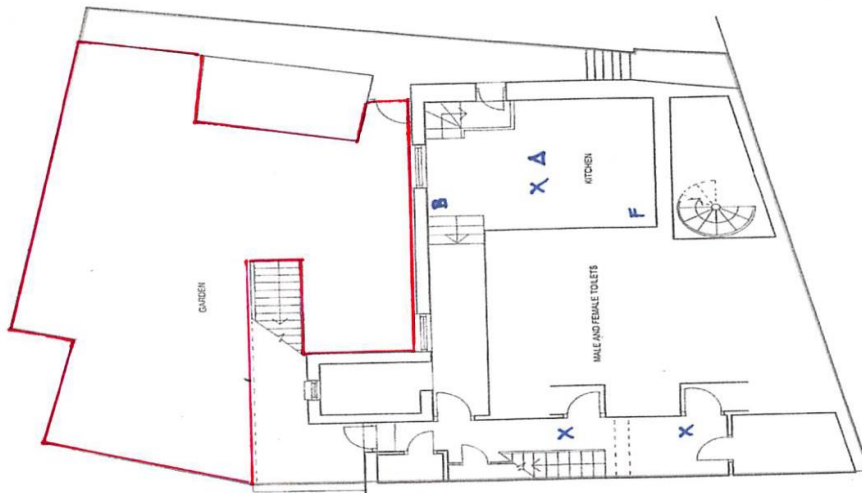


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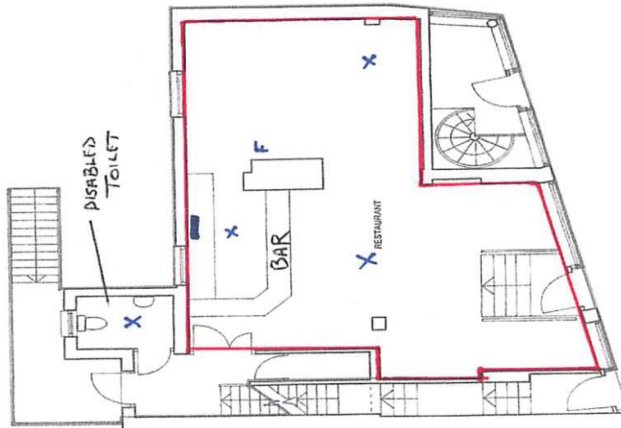
Annex 4 – Plans

FIRE PRECAUTIONS

- X SMOKE DETECTOR
- A HEAT DETECTOR
- F FIRE EXTINGUISHERS
- FIRE ALARM PANEL



BASEMENT PLAN scale 1:100 @ A3 size



GROUND FLOOR PLAN scale 1:100 @ A3 size



LOCATION PLAN scale 1:1,250 @ A3 size

PROJECT: 87 - 93 DYKE ROAD, BRIGHTON BN1 3JE

CLIENT:

Drawing Title: LEASE PLAN

Scale: 1:100 / 1:1250 @ A3 Date: March 2019

Drawing Number: 143/P/101 Rev.

VERSION 2 - JUNE 2019

1 2 3 4 5 6 7 8 9 10 metres @ 1:100

— LICENSED AREA

Appendix C

REP A

From: Redacted

Sent: Sunday, June 25, 2023 11:16 PM

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

Subject: The Brighton Cocktail Company Ltd proposed variation

SC CON END 28.06.2023 VALID PPN (A)

The Brighton Cocktail Company Ltd at 87-93 Dyke Road have applied to extend their opening hours to be able to open at 10am on a Sunday morning.

This bar has a garden which backs on to residential gardens and the level of noise pollution it generates is already incredibly loud during the afternoons and evenings at weekends.

The noise and music often goes on past 10:00pm making it very difficult to get children to sleep or for people to enjoy any peace in their gardens.

Many pubs in Brighton have a curfew and people are told to move inside by 10:00 PM but this does not seem happen with this bar.

The thought that they will be able to open from 10:00 AM on a Sunday morning and we will have to endure the noise all day and all evening is really unacceptable.

For these reasons we object to this proposed variation in the strongest possible terms.

Yours

Redacted

REP B

From: Redacted

Sent: Monday, June 26, 2023 9:01 PM

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

Subject: The Brighton Cocktail Company

SC CON END 28.06.2023 VALID PPN (B)

I would like to object to the application that the Brighton Cocktail Company are making to extend their opening hours.

I live right **Redacted**. The reason for my objection is because of the amount of noise that comes from the bar and their garden and the impact this has on myself and my family. Not only does the noise stop us from using our garden whenever the weather is nice, but we also have to close all our windows otherwise we hear the noise (shouting and music they play from speakers in the garden) which infiltrates into our home especially on Saturday and Friday afternoons and evenings. I also work from home and this can effect my work. We have never experienced such noise with any of the previous tenants.

I recently sent them a polite email asking if they could keep the noise down but I never received a response and the noise seems to have got louder. The other local businesses seem to respect that this is a residential area but the Brighton Cocktail Company seem to not care at all.

Yours sincerely

Redacted

REP C

From: Redacted

Date: Tuesday, 27 June 2023 at 11:55

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

Cc: Redacted

Subject: 87-93 Dyke Road

SC CON END 28.06.2023 VALID PPN (C)

To Whom It May Concern

I would like to lodge an objection to the application for an extension to the licensing hours at 87-93 Dyke Rd that was lodged on 1 June 2023

As a resident **REDACTED**, we have had our evenings ruined by the constant hum of air conditioning units, loud music, cigarette smoke, take away containers thrown over the wall and shouted conversations .

We do not need more of the same in the mornings

Regards

Redacted

REP D

From: Redacted

Sent: Wednesday, June 28, 2023 9:58 AM

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

Cc: Redacted

Subject: Statement of objection to licence extension re Brighton Cocktail Company

SC CON END 28.06.2023 VALID PPN (D)

Redacted

Dear Regulatory Services Manager

Brighton Cocktail Company premises licence application

We are **Redacted**.

We note the application for variation of a premises licence by Brighton Cocktail Co Limited.

We wish to register our objection to this proposed variation.

The Brighton Cocktail Company premises includes a garden which is used by guests, as we understand it, all day. These guests generate, on occasion, a lot of noise. The noise is exacerbated due to reflection off the surrounding walls in the neighbourhood.

We are concerned that extending opening hours on Sunday to commence at 10:00 AM instead of 12 noon will create further substantial noise in the area.

We would in particular be concerned that 'bottomless brunches' or similar events involving the consumption of alcohol would commence at 10:00 AM on a Sunday morning in a residential neighbourhood.

If it is the intention that the application for an extended licence be granted, we request that the garden not be used.

We would also request that steps be taken to reduce the noise currently coming from the premises' garden, and consideration be given to noise conditions attaching to the current licence.

The application includes an application to sell alcohol 'online and via mail order'. We assume this doesn't permit premises to get around licensing laws that would otherwise apply in terms of sale and/or consumption of such alcohol on the premises. i.e. customers couldn't order alcohol online and have it delivered to them for consumption at the premises.

Thank you.

Redacted

REP E

From: Redacted

Sent: Wednesday, June 28, 2023 12:25 PM

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

Subject: Against the plan to extend the license for the Brighton Cocktail Company.

SC CON END 28.06.2023 VALID PPN (E)

To whomever it may concern,

I would like to voice my concern, both for myself and my family, about the proposed license extension for the Brighton Cocktail Company (87-93 Dyke Road, BN1 3JE).

The reason for this is due to a very noticeable increase in noise pollution in the evenings (most notably at weekend). The property in question has opened a beer garden, and this has, for two weekends in a row (I assume since opening), kept myself and my family awake with loud shouting and cheering. **REDACTED**

After having spoken to a fair few neighbours whose properties back onto the aforementioned cocktail bar, I know the sentiment to not extend the license is strong.

The noise pollution from the new bar is very invasive and loud - and certainly not welcome. I understand that a certain amount of noise pollution from any company (or private dwelling) is to be expected, especially in a central part of the city, but the level of noise coming from the bar is unacceptable, in my view.

Thank-you for your consideration.

Kind regards

Redacted

Appendix D

Final Proposed Revision of Conditions for Brighton Cocktail Company, 87-93 Dyke Road – 27th June 2023

Retain

Remove

Replace/Update/New

Annex 2 – Conditions consistent with the Operating Schedule

General

1. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.
2. The sale of intoxicating liquor and other beverages in the café area (including the outside area) shall be waiter/waitress service for consumption by persons seated at tables and there will be no vertical drinking.
3. Substantial food shall be available at all times that alcohol is offered for sale on these premises.
4. Sale of alcohol for consumption off the premises will be permitted only **as follows**:
 - a) Until 18:00 hours each day to persons who have already purchased food or drink for consumption on the premises, and will be restricted to unopened bottles of wine only.
 - b) **In sealed units as part of a gift box for a pre booked and pre paid event where the person paying for the gift boxes has done so prior to the event taking place. All events will be finished by 21:00.**
 - c) **As part of an online order that will be fulfilled as per conditions 19, 20, 21, 22 and 23**

For the Prevention of Crime and Disorder:

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. 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 Data Protection 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 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. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at intervals not to exceed 4 weeks. The log book should 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. Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty four (24) months.~~

6.

- (a) An incident and refusals log will be maintained by the premises showing a detailed note of incidents and refusals that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at intervals of no more than four (4) weeks.
- (b) The log book should 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.
- (c) Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.

(d) Any refusals made for alcohol service e.g. underage, will be recorded and feedback given to staff as relevant. The log will be kept for a minimum of twenty four (24) months.

7. The premises will become a member of the BCRP or similar scheme approved by the Licensing Authority that operates with radios and uses the Nightsafe & Yellow Card Scheme or similar reporting scheme.

For Public Safety:

8. SIA licensed door supervisors shall be employed on any other occasions when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Centre Events e.g., Pride. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.

For the Prevention of Public Nuisance:

9. Provide signage at all exits and outdoor areas, including those used for smoking by staff and patrons 'Please respect the needs of local residents, leave quickly and quietly; do not disturb neighbours';
10. Use a wind down period to encourage people not to leave en-masse, staff to ensure people are directed to taxi ranks/public transport or wait for taxis in a manner that will not cause nuisance, staff to manage persons leaving the premises do not congregate in the immediate vicinity so as to minimise disturbance;
11. All windows and doors (front and rear) should be kept closed after 11pm, except for access and egress;
12. Staff shall not allow smokers to take drinks outside and shall limit the number/location, as necessary and monitor customers smoking outside on a regular basis to ensure there is no public nuisance.
13. Keep the premises and immediate vicinity free from litter at all times, including at close of trading;
14. Deliveries, recycling and rubbish should not be dropped off, collected or placed outside except between the hours of 7am and 7pm;
15. Licensees are expected to communicate with local residents and businesses with a view to addressing and resolving problems relevant to the four licensing objectives. Including: giving contact telephone numbers to local residents so they can report any issues to the premises and have them dealt with. It is

expected that contacts at the premises would be in a position of responsibility, available when the premises are open, so that problems can be addressed at the time. Licensees should also arrange meetings offering contact with neighbours, where changes are planned or to resolve problems, with a view to good relations.

For the Protection of Children from Harm:

16. 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 licenses with a photograph 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.
17. Signage advertising the ‘Challenge 25’ policy will be displayed in prominent locations in the premises.
18.
 - 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 including proxy sales
 - *Refusing the sale of alcohol to a person who is drunk
 - b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed twelve (12) weeks, with the date and time of the verbal reinforcement/refresher training documented.
 - c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

Customer online orders for delivery

19. The company website through which alcohol is sold will have measures in place to prevent underage sales. This includes customers having to select/fill out a declaration that they are over 18 before purchasing online.
20. All forms of advertising and promotional literature detailing online sales (including internet sites and flyers/leaflets) will clearly and predominantly state that the company operates a Challenge 25 policy. The forms of approved ID that will be accepted will be listed clearly on the premises website and at point of purchase.

21. Alcohol will only be delivered via the postal service e.g. Royal Mail or other recognised parcel provider to a residential or business address. No alcohol will be delivered in an 'instant' same day fashion e.g. locally by a member of staff or third party delivery service. There will be no collections of orders from the premises.
22. When an order is taken for delivery a record will be kept by the premises of the following:
- a) A list of individual items ordered;
 - b) The delivery address;
 - c) The method of payment;
 - d) The name of the person ordering and receiving alcohol;
 - e) The date and time of delivery;
 - f) The name of the employee of the premises who posted the delivery
23. This record of sales and deliveries will be kept and made available for inspection by the Police, Licensing Authority or Trading Standards for 6 months from the date of delivery or refusal of alcohol.

Environmental Protection

From: Emma Grant <Emma.Grant@brighton-hove.gov.uk>
Sent: 06 June 2023 12:03
To: EHL Licensing <EHL.Licensing@brighton-hove.gov.uk>
Subject: FW: The Brighton Cocktail Company, Dyke Road - variation

I refer to the application for Variation of the prem lic for The Brighton Cocktail Company, Dyke Road. Subject to the conditions proposed in the application, on the current premises licence and the following condition which has been agreed with the applicant, EP will not be putting in a representation to this variation.

Mail order deliveries will only be collected by the national delivery partners between the hours of 7am and 7pm?

There is no history of noise complaints at this premises. The applicants agreement to the above condition can be seen in the email chain below.

Thanks Emma
Environmental Protection Officer

Emma Grant
Licensing Officer. Safer Communities | Brighton & Hove City Council,
2nd Floor, Barts House, Barts Square, BN1 1JP
07826 951829 / emma.grant@brighton-hove.gov.uk

My working hours are Monday to Thursday mornings

Our customer promise to you

We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect | Our organisation complies with the GDPR. To learn more about how we comply and care for the security and privacy of your personal data, visit this page.

From: Shannon Severy REDACTED

Sent: Tuesday, June 6, 2023 11:06 AM

To: Emma Grant <Emma.Grant@brighton-hove.gov.uk>

Subject: Re: The Brighton Cocktail Company, Dyke Road – variation

Hi Emma,

Thank you for your email. Yes, I am happy to add the proposed condition.

Best,

Shannon Severy

Founder | **The Brighton Cocktail Company**

Appendix E

