

Licensing Panel (Licensing Act 2003 Functions)

Date: **4 April 2024**

Time: **10.00am**

Venue **Virtual**

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

Contact: Niall Breen
Democratic Services Apprentice

01273 291354
niall.breen@brighton-hove.gov.uk

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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.

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Contact Officer: Corinne Hardcastle
Ward Affected: West Hill & North Laine

Tel: 0127329

Date of Publication - Wednesday, 27 March 2024

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For further details and general enquiries about this meeting contact , (01273 291354, email niall.breen@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council

Subject: Application for a New Premises Licence under the Licensing Act 2003

Premises: BEAK MRKT
47 Trafalgar Street
Brighton
BN1 4ED

Applicant: Beak Social Club Ltd

Date of Meeting: 4 April 2024

Report of: Executive Director of Housing, Neighbourhoods & Communities

Contact Officer: Name: Donna Lynsdale **Tel:** (01273) 292494
Email: donna.lynsdale@brighton-hove.gov.uk

Ward(s) affected: West Hill & North Laine

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for Beak Social Club Ltd.

2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for Beak Social Club Ltd.

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a New Premises Licence under the Licensing Act 2003. The application proposes to be a welcoming, vibrant and easily accessible street food market showcasing food from independent businesses, along with locally produced ales and low intervention wine. The majority of the space will be dedicated to communal seating and tables for diners. Which will also include a small space showcasing barrel aged beer produced using ingredients grown just outside of Brighton.
- 3.2 Section 18 (Operating Schedule) of the application is detailed at Appendix A and proposed plan of the premises is attached at Appendix B.
- 3.3 Summary table of proposed activities:

	Proposed
Supply of Alcohol	Every Day: 09:00 – 23:00 On and Off the Premises
Hours premises are open to public	Every Day: 09:00 – 23:30

3.4 Cumulative Impact. The premises falls within the Cumulative Impact Area (“The Area”) (see paragraphs 3.1 – 3.1.10).

Representations received

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

3.6 5 representations were received. They were received from local residents, Sussex Police and the Licensing Authority. 3 supporting representations were also received from local residents and local businesses.

3.7 Representations received had concerns relating to Prevention of Crime and Disorder, Prevention of Public Nuisance and Cumulative Impact.

3.8 Full details of the representations are attached at Appendix C. Supporting representations are attached at Appendix D.

3.9 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

3.1 Cumulative impact

3.1.1 The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore, does not form part of this licensing policy statement.

3.1.2 **Special Policy** - Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

3.1.3 The licensing authority, after careful consideration, has determined that the concentration of licensed premises in an area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to 'Cumulative Impact' is necessary as part of its statement of licensing policy. The first Special Policy incorporating a Cumulative Impact Zone (CIZ) and Special Stress Areas (SSA's) was adopted in March 2008. Since that date, the licensing authority has kept the CIZ and SSA's under review. On 15 December 2011 Full Council resolved to expand the CIZ and the special stress area, covering 1.5% of the administrative area of Brighton & Hove City Council. On 20th November 2014 Licensing Committee resolved to confirm the current CIZ and SSA as defined in the current Statement of Licensing Policy. On the 29th November 2018 Licensing Committee resolved to expand the SSA into Central Hove. It is now proposed to expand the SSA into Preston Road and Beaconsfield Road. The licensing authority has published a Cumulative Impact Assessment which can be found at Appendix E.

3.1.4 This special policy will refer to a Cumulative Impact Zone (“the CIZ”) in the Brighton city centre, a detailed plan of which is shown below.

Cumulative Impact Zone, January 2021



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3.1.5 The Cumulative Impact Zone comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Holland Road to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Air Street with the west side of Queens Road and then northward to the north-west corner of Surrey Street junction with Queens Road; thence along the north side of Trafalgar Street eastwards to its junction with York Place and continuing south-east across to Grand Parade, then south to the junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Lower Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Holland Road; northward to that point and along the west side of Holland Road to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Holland Road.

3.1.6 The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.

3.1.7 This special policy also applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments. Off licences also come within this policy as they can contribute to problems of street

drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder.

3.1.8 The presumption of refusal does not relieve responsible authorities or other persons of the need to make a relevant representation. If there are no representations, the licensing authority must grant the application in terms consistent with the operating schedule submitted.

3.1.9 Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, 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. If an application is unlikely to add to the cumulative impact of the area, it may be granted. The impact can be expected to be different for premises with different styles and characteristics. For example, 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. The fact that a premises will be/is exceptionally well managed with a well-qualified applicant, or that there are no residential premises nearby, will not be considered exceptional.

3.1.10 If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved.

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 ClZ 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.

3.3.3 Cafes - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following conditions that will prevent the premises becoming a public house.

- The sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables.
- Substantial food shall be available at all times. The licensing authority shall judge each case on its own merits but as a general rule, a bowl of crisps, nuts, or olives does not constitute substantial food.

3.3.3 Restaurants - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following restaurant condition.

- Intoxicating liquor shall not be supplied or sold on the premises otherwise than to persons taking table meals there and for the consumption by such a person as an ancillary to their meal. There will be no vertical drinking.
- Restaurants with outside service - the licensing authority will also consider applications from restaurants that request to serve alcohol to areas adjacent

to or immediately outside their premises. In addition to the above conditions for cafes, the licensing authority will require evidence that the applicants have an agreement with the local authority to use the area as defined on a plan provided. The following condition may also apply:

- The sale and supply of alcohol for consumption off the premises shall be restricted to an area licensed by the Local Authority for use of the public highway as shown on the plan deposited and such area shall be defined by a physical barrier acceptable to the licensing authority.

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.

3.6 Street drinking

3.6.1 The Licensing Authority will have regard to areas highlighted by Sussex Police that are at risk from alcohol related anti-social behaviour. The nature of these areas can be fluid/seasonal and so updated maps and data will be produced regularly to ensure the information is current. These hot spot areas are considered high risk for street drinkers and the Licensing Authority will have regard to prevention of crime and disorder by virtue of street drinking and anti-social behaviour when considering applications in this area.

3.9 Promoters and irresponsible drinks promotions

3.9.1 The Licensing Act 2003 makes no mention or provision for the use of promoters within licensed premises. Many of the late night bars and clubs within the Brighton & Hove Cumulative Impact Zone regularly hire promoters to sell nights at their venues. In recent years with the introduction of promoters within the Brighton night time economy, several issues have arisen. This includes promoters vouching for underage customers to get them inside licensed premises where they can access alcohol, providing flyers to passers-by who throw them on the floor and

irresponsible promotions for their nights. Many premises now have an agreement with their promoter for acceptable promotions and behaviour which includes the signing of a written contract of expectations. This shows premises evidencing their due diligence and ensures that promotion companies know what is expected of them. The contract could include, obligations to pick up self-generated litter, verification of ages of their customers and users of their social media, promoters being over the age of 18 and responsible advertising on social media.

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.

4 Prevention of Crime and Disorder

The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.

4.1.1 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.

4.1.2 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.

4.1.3 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

4.1.4 Measures put in place should support the intentions of Operation Marble (police operational order), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the city centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

4.2 Sussex Police

4.2.1 Sussex Police have a specific Operation relating to the night time economy called Operation Marble (detailed in 3.4.1) and work closely with partners to ensure a safe and vibrant city centre. There continues to be an increasing demand for resources further into the early hours of the morning with the highest concentration of crimes occurring between 21:00 and 06:00 on a Friday into a Saturday and between 20:00 and 06:00 on a Saturday night into a Sunday. The data set used shows that up to 80% of arrests made in the timeframe 20:00 – 06:00 on these days were affected by alcohol. For full details of these statistics see the Cumulative Impact Assessment at Appendix E.

4.2.2 The dealing and use of drugs remains an issue across the city and Sussex Police welcome proactive policies from licensed premises. A drug safe and seizure recording initiative is in place of which further details can be obtained by contacting Brighton & Hove Police Licensing (brighton.licensing@sussex.pnn.police.uk). This initiative encourages licensed premises with Door Supervisors to search and seize drugs from persons attempting to enter their premises and ensures that once drugs are removed from persons, they can be safely collected and destroyed by Sussex Police.

4.2.3 Dispersal from the city centre during the late evening and early morning remains a policing challenge. Over recent years, there has been a proliferation of off-licences and late-night refreshment venues along the city's arterial routes. This has led to incident 'hot spots' where patrons from the night time economy continue to interact, albeit away from any safety measures afforded by on-licences. As such, Sussex Police support the Council's Special Policy in offering guidance to both applicant and the Licensing Committee in relation to off-licences and late night refreshment. licences.

4.2.4 Sussex Police have continuing concerns that, despite staff training in age-restricted sales, underage individuals are still being served alcohol both on and off the premises in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted to highlight premises where sales are taking place and ensure appropriate enforcement action is taken to prevent further sales. The introduction of identification scanning machines at premises throughout the city has proved successful in mitigating some risk, but operators must maintain vigilance regarding the fraudulent use of genuine IDs. Sussex Police continue to work alongside the Business Crime Reduction Partnership to tackle the problem of those who use false or another's identification to enter licensed premises and purchase alcohol.

4.2.5 Sussex Police work closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. As well as work to prevent underage sales, vulnerability training is offered to identify persons who may have been made vulnerable through alcohol or drugs. Sussex Police also support initiatives such as (but not limited to) safe spaces, mobile teams of volunteers actively checking people's well-being and the Beach Patrol.

4.2.6 Public Space Protection Orders have proved an effective tool for Sussex Police in targeting enforcement action in problem areas of the city. It 'allows Police Officers and Police Community Support Officers to remove alcohol from any person in a public place if that person is involved in anti-social behaviour (ASB) or the officer believes that by

having alcohol in their possession there is an increased risk of ASB. It is an offence to refuse to hand over alcohol when required to do so.' They have been particularly effective in the day time economy where members of the street community are causing ASB issues for members of the public and local businesses, especially during the summer months where there is a large influx of visitors to Brighton & Hove.

4.2.7 Policing the night time economy continues to provide a challenge and in the climate of limited resources and newly emerging problems, Sussex Police support maintaining the council's Special Policy which defines cumulative impact and special stress and will continue to take enforcement action where appropriate if the actions of a Premises Licence Holder, Designated Premises Supervisor, Door Supervisors or Staff have fallen below the high standard expected across the city.

Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton & Hove a safe and enjoyable city.

4.3 Care, control and supervision of premises

4.3.1 The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.

4.3.2 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, e.g. type of licence, capacity, operating hours restrictions.

4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.

4.3.4 This policy recognises the use of registered Door Supervisors All Door Supervisors will be licensed by the Security Industry Authority. Mobile security units and similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. This policy endorses the use of units following such guidance and standards in appropriate circumstances.

4.3.5 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.

4.3.6 Enforcement will be achieved by the enforcement policy appended (Appendix B).

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).

6.1.2 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence. Noise emanating from within licensed premises should not normally be audible outside.

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.

6.1.4 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.

6.1.5 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

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: 26.03.24

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: 25/03/2024

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 18 (Operating Schedule)
2. Appendix B – Proposed Plan of Premises
3. Appendix C – Representations
4. Appendix D – Supporting Representations
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, December 2023.

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 18 of 21

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)

Continued from previous page...

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

We are focused on good management of our business.

We will adhere to the Brighton & Hove City Council Statement of Licensing Policy.

All staff will receive effective training awareness of the licensing objectives and the sale/supply of alcohol. All new members of staff will be trained prior to commencement of their duties.

All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

- The Challenge 25 Policy including the forms of identification that are acceptable
- The hours and activities and conditions permitted in the premises licence
- How to complete and maintain the refusal register in operation at the premises
- Recognising the signs of drunkenness
- The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase
- Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed every year. Training records shall be made available for inspection.

Our age verification policy is on site, the DPS will ensure all staff are not only aware of the policy but also are applying it. We recommend photo ID at the point of delivery, ID will be checked and if the age of the customer cannot be verified, the sale will not be made. We will pay particular attention to the licensing objective that of protection of children from harm and will work with Brighton & Hove City Council to achieve this objective.

Potable water will be available for all customers.

Contact details of local taxi operators will be made available.

A refusals book shall be operated and maintained on the premises to record refused sales of alcohol which shall be made available to the Police and Licensing Authority on demand.

We will give notice of special events held at the premises to the relevant authorities and agree appropriate additional measures. Notice will be provided 31 days prior to the event.

All off-sales to be made in sealed containers for consumption away from the premises.

b) The prevention of crime and disorder

Premises checks will occur at regular intervals throughout opening hours.

A written drugs policy shall be in place and operated at the premises. The policy will minimise the opportunity to use or supply illegal substances within the premises. The policy will be made available for inspection and copying upon request by an authorised officer of a responsible authority.

A structured training programme surrounding substance misuse will be in place. Training will be undertaken annually for all staff that deal with persons who are in the possession of/or incapacitated through the use of drugs or the combined effect of drugs and alcohol. Records will be maintained detailing the time and date of substance misuse training, the people who received the training, and the name of the person delivering the training. Records will be available for inspection by an authorised officer of a responsible authority at all reasonable times. The records will be retained for at least 12 months.

No illegal drugs shall be permitted on the premises, all staff and customers will be made aware we have a zero tolerance to drugs on the premises.

A clear and legible notice must be prominently displayed at all entrances to the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.

All staff will be trained to ensure no open containers leave our premises. All staff will be briefed daily and any problems identified, recorded with actions. We will engage with the community police/Safer Neighbourhood Team regarding any local crime and disorder issues, and implement recommended actions.

Continued from previous page...

We will adhere to the Portman Group on drinks strategy and adopt a no proof no sale scheme and adopt Challenge 25. We will have procedures in place to conduct age verification checks – Passports, Photo Drivers Licences and Proof of Age Standardisation which identification to accept

We have CCTV both to the exterior and interior of the premises, including the bar and main social/restaurant area. The system comprises of 6 cameras and a 31 day memory

We will provide litter bins to help reduce rubbish and litter. All staff will monitor external areas to keep the area litter free. There is adequate internal and external lighting. All lighting will be checked regularly.

All of those in charge will work closely with the Police, Fire Authority, local businesses and local people to ensure our customers are not endangered at anytime. All staff will receive ongoing training including identification of anti-social behaviour.

A Violence Workplace Policy shall be in place and operated at the premises. The policy will be made available for inspection.

An incident log shall be kept and maintained at the premises which will include a log of the following:

Any incidents of disorder or of a violent or anti-social nature

All crimes reported to the premises or by the premises to the police

All ejections of patrons

Any complaints received

Seizures of drugs or offensive weapons

Any faults in the CCTV system

Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records will be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

We will become a member of the Business Crime and Reduction Partnership and the Night Safe Radio Scheme. We will engage with the police regarding any local crime and disorder issues and implement recommended actions.

Crime prevention notices will be displayed.

We have a customer dispersal policy to ensure are customers leave quietly to prevent disorder, signs will be displayed. No children under the age of 18 years will be allowed on the premises at any time unless with an adult over 18 years of age. Hours will be from 20:00 hours on Friday and Saturday. The supervisor(s) shall remain on duty until the premises closes.

There shall be a minimum of one door supervisor per 100 customers and staff, who have been accredited by the Security Industry Authority on duty from 20:00 hours on Friday and Saturday and who shall remain on duty until the premises closes.

The premises licence holder shall ensure that the following details for each door supervisor, are entered on our register:

Full name & SIA Certificate number including expiry date of that accreditation

The time they began their duty

The time they completed their duty.

This register will be kept at the premises at all times and shall be maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the particulars of all door supervisors engaged at the premises during the period of not less than 31 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or a constable upon request.

c) Public safety

Risk assessments have been completed and will be adhered to and checked regularly. Our customers have a right to expect that all due consideration has been taken of their needs with respect to public safety. We have all the relevant certificates for electric and gas. All portable equipment, fire equipment and emergency lighting, will be checked and maintained and kept in good working order and tested regularly.

Continued from previous page...

We will maintain all escape routes and exits.

We are working closely with a fire risk consultant to produce our rigorous Fire Risk Assessment. The same consultant is working with our building contractor, this will include a sprinkler system, a fire evacuation plan. All staff will be trained on fire evacuation and use of fire equipment. The fire evacuation notice will be displayed, maintained and kept in good condition. All training will be carried out regularly. Fire drill and emergency lighting tests will be conducted monthly. All records are available for inspection.

There is a Smoking Policy Statement and sign displayed at the premises we have a zero tolerance to smoking. Customers permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them. During peak hours, door supervisors will closely monitor and control the number of customers congregating outside the building.

We will have a first aid box and accident book. A risk assessment will be taken to deal with the first aid requirements, the designated first-aider will be trained to deal with drug and alcohol related problems.

We have undertaken a risk assessment and identified the maximum number of people attending the premises at any one time so all can be evacuated safely in the event of an emergency. All exits will be maintained, daily checks will take place to make sure the exits are free from obstructions, in good order with non-slippery surfaces. All exits are clearly identifiable. Access for emergency vehicles will be kept clear and free from obstruction.

We have a fire alarm and fire extinguishers both will be inspected and certified. All exits will be maintained, daily checks will take place to make sure the exits are free from obstructions, in good order with non-slippery surfaces.

The premises is adequately illuminated during the hours of darkness and when we are open for the licensable activities. All exits are clearly identifiable. Access for emergency vehicles will be kept clear and free from obstruction. Safety checks will take place at the start of each day, all checks will be recorded, emergency lighting will be maintained and working prior to admission of the public. All relevant certificates are on site and available for inspection.

We will ensure that adequate provision is made for the collection and disposal of waste and litter at our premises.

All drinks shall be served in toughened glass. No drinking vessel, glass or bottle may be taken from the premises.

The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.

The maximum number of persons allowed at the premises shall not exceed 250.

I am aware of the need to conduct ongoing Health & Safety risk assessments to identify and deal with hazards that might involve tripping, manual handling, electric shock, hazardous substances, etc. My customers have a right to expect that all due consideration has been taken of their needs with respect to public safety.

A logbook will be maintained to show that regular checks have been carried out. Staff will be advised of the findings from the risk assessments during training. The escape route and exit will be maintained and free from obstructions. Exits will be clearly identifiable.

All internal and external doors, fixtures and fittings, lighting and emergency lighting will be kept in good working order and regular checks made.

d) The prevention of public nuisance

Our management have been trained to be responsible at all times. All staff will make regular visits to all parts of the premises including toilets and external areas. All relevant staff employed at the premises are trained in the orderly dispersal of both customers and themselves.

No deliveries (in relation to licensable activities) to the premises shall take place between 19:00 and 06:00 hours. All commercial deliveries, collection and storage or disposal of waste will be restricted to specific times.

We will ensure all staff leave the premises quietly at the end of their shifts so as to avoid causing disturbance or nuisance to local residents. The outside area shall be regularly swept and litter and sweepings collected and stored in accordance with

Continued from previous page...

the approved refuse storage arrangements by close of business.

A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible. Telephone numbers for local taxi firms will be made available.

A sufficient number of suitable receptacles will be located in appropriate locations for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter by customers.

Noise nuisance could affect residents living near to the premises, therefore, we will have a complaints log.

A telephone number shall be made available for neighbours and local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the Designated Premises Supervisor. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises.

We will limit the escape of noise from the premises and monitor noise levels and its impact on the community, doors and windows will be closed except for ingress and egress to minimise noise leakage after 22:00.

We are conducting an acoustics survey to assess noise leakage from the premises. We will install sound proofed ceiling installation.

e) The protection of children from harm

We will ensure that we have adequate staff on duty when the premises is open for licensable activities.

All children under the age of eighteen years of age have to be accompanied by a responsible person who has attained the age of 18 years or above.

Challenge 25 notices will be displayed.

Proof of age scheme and age verification policy in use at all areas of the premises.

No children under the age of 18 are permitted to consume or purchase alcohol in the premises.

We encourage a culture in which the checking of proof-of-age cards is accepted as the norm in circumstances where doubt might otherwise exist. We verify a person's age by the following identification, passport, photo card driving licence issued in a European Union country and the Proof of Age Standards Scheme Card e.g. the PASS card.

All staff will have received training prior to working, and records will be kept on site with the date and name of the person trained.

We will have a refusals book and train all staff in the importance of checking for proxy sales. The refusals book will include the date and time of the refusal, details of the person refusing the sale and description of the customer. The refusals book shall be made available for inspection when requested by an authorised officer. The book will be inspected monthly by the DPS and signed to confirm inspection.

Appendix B

NEW CIVIL ENGINEERING

NO.	DATE	DESCRIPTION
1	2023/01/10	ISSUED FOR PERMIT
2	2023/02/15	REVISED PER PLANING & LICENSING
3	2023/03/20	REVISED PER PLANING & LICENSING
4	2023/04/25	REVISED PER PLANING & LICENSING
5	2023/05/30	REVISED PER PLANING & LICENSING

NEW EXISTING NAME OF EACH SCHEDULE

SCHEDULE	NAME	AREA (SQM)
1	RECEPTION	15.0
2	OFFICE	45.0
3	RESTROOM	5.0
4	TOILET	5.0
5	BAR/STAIR AND COFFEE BAR	15.0
6	CASH ROOM	5.0
7	RECEPTION AREA	10.0
8	TOILET	5.0
9	RESTROOM	5.0
10	TOILET	5.0
11	RESTROOM	5.0
12	TOILET	5.0

PLANNING & LICENSING

TIM GREATREX ARCHITECT

47 TRAFALGAR STREET

NEW 30 PLAN LICENSING

Scale: 1:100 @ A1
 0 1000 2000
 SCAD Architect (p) 11 11/18/2023

Appendix C

REP A

DL CON ENDS 11.03.2024 VALID PCD & PPN & (A)

Dear Sir/Madam

1445/3/2024/00503/LAPREN Beak Social Club Ltd (Trading name: BEAK MRKT) 47 Trafalgar Street (previously Thrifty Car Rentals)

Opening hours: 9am – 11.30 every day

Sale of alcohol: 9m – 10pm every day – On and Off the Premises

The premises, 47 Trafalgar St, lies within the Cumulative Impact Zone, the North Laine Conservation Area and is in a largely residential area with Frederick Place, Over St and Kemp St close by. The proposed venue is also next to a large public House, the Albert (Grade II), and close to a night club, the Green Door. Trafalgar St has 15 licensed premises already, in a street just one hundred and fifty metres long, a street which suffers more than any other street in the area from anti-social behaviour and crime and disorder. West Hill and North Laine is the ward with the highest rate of anti-social behaviour in the city and there was recently a serious stabbing just fifty metres down Trafalgar St from the premises. None of this is mentioned by the applicant in the application.

This application is contrary to the SolP objectives of preventing crime and disorder, and the prevention of public nuisance and I ask that it should be rejected. Rather than preventing these licensing objectives, this application, if granted, will have the potential to greatly increase crime and disorder, and public nuisance in the area.

I have lived in North Laine for over 35 years and in that time, I have seen it change from being a relatively quiet and peaceful area with a strong community association to having the worst crime statistics relating to alcohol in the city. The exchange of drugs, incidents of violent behaviour, and late night noise are now commonplace and as a consequence residents are leaving the area, often with their houses then becoming short-term lets. The link between the number of licensed premises and the level of crime in an area is well established, yet licences continue to be granted to premises in North Laine which now has 90 licensed premises, three times the number it had in 2005. The Licensing Policy is quite clear on applications that will have a negative impact on crime, but the Licensing Policy does not seem to apply in North Laine. I hope that this policy is judged against the Licensing Policy. If so, it has to be refused.

I was for many years the chair of the local community Association, the North Laine Community Association and also sat on the Licensing Strategy Group. I also spoke on behalf of residents at many Licensing Panels. What was then apparent was that the default position was to grant licence applications and ignore the policy, especially paragraph 3.1.6 which states that *applications for new premises licences or club premises which are likely to add to the existing Cumulative Impact will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.*

In all the time I spoke to Licensing Panels I never witnessed any applicant attempting to show how their premises would not produce any negative cumulative impact. This application is for 250 drinkers. How can an additional 250 drinkers moving through North Laine fail to have a negative impact, yet the application does not mention this at all. The problem of the arrival and dispersal of drinkers moving to and from the

intended venue in the numbers envisaged in this application will clearly have a negative impact on the residential streets of North Laine, particularly when The Albion are playing at home.

This application is contrary to the SoLP for the following reasons:

Section 1.9.1 refers to promoting community well-being. This application will further erode community cohesion as it will increase anti-social behaviour and particularly late-night noise.

1.11.1 The Human Rights Act 1998 in Article 1 of the First Protocol states that everyone is entitled to the peaceful enjoyment of their possessions. I assume this includes the right to enjoy their home peacefully without having to suffer the late night noise that North Laine residents have had to put up with since the advent of 24 hour drinking.

2.1.5 The data available in the Public Health Framework is a valuable tool to assess the impact of potential licences. The latest report from 2019 has St Peter's and North Laine as the worst ward in Brighton and Hove for alcohol related violence, criminal damage, increasing risk or higher risk drinking and alcohol suspected ambulance call outs. A more recent report, Community Insight Brighton and Hove (May 2023) puts the North Laine and West Hill ward as the worst ward in the city for anti-social behaviour. This application will not do anything to reduce these figures.

3.1.3 and 3.1.6 North Laine is now in the Cumulative Impact Zone (CIZ), an area where the concentrated number of premises is causing problems of crime and disorder and public nuisance. The policy states that *applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.*

The problem of the dispersal of drinkers in the City centre is recognised in the SoLP and it is clear that premises for 250 drinkers will cause additional noise and disturbance as they go to and from the premises (through North Laine). There cannot be any doubt about this. Movement to the venue and dispersal from it by this number of people going through the narrow North Laine streets will cause extra noise that will be heard from within the small, terraced houses that front the streets of North Laine. It states in paragraph 3.1.9 that *if an application is unlikely to add to the cumulative impact of the area, it may be granted.* However there is absolutely no doubt that this application would cause additional noise and disturbance at the very least and likely to cause additional crime and disorder. North Laine already suffers severely from the movement of drinkers through the area and this application must be refused given the impact it would certainly have on the area.

In section 3.1.9 it even states that a *high capacity public house might add to problems of cumulative impact*

This venue would be a perfect venue for stag and hen parties and especially one for football supporters as it is so close to the station. What arrangements have been planned for dealing with sets of football fans on Brighton and Hove FC match days?

The Matrix This application contravenes the matrix which should be strictly adhered to. This application is for a pub and the matrix says No to pubs within the CIZ, in fact it says *Departure from the matrix policy is expected only in exceptional circumstances.* I can see no exceptional circumstances which might apply in this application. If it is exceptional, it is because of the size of the premises in an area where homes and business premises are small scale to fit in with the character of the area.

The SoLP states that *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.

I ask that the interests of the local residents of North Laine be taken into account, and this application be judged against the Licensing Policy. In which case the Licensing Panel will have no alternative but to reject this application for the reasons given above.

I attach below a list of Licensed premises in North Laine already, and highlight those in Trafalgar St.

Kind regards

REDACTED

I attach below a list of licensed premises in North Laine

Licensed Premises in the North Laine as at February 2024

1. **Moccata House, Trafalgar Place, Trafalgar St**
2. **The Albert, 48 Trafalgar St**
3. **St Noha News, 41 Trafalgar St (24 hrs)**
4. **Easy News, 30 Trafalgar St (24 hrs)**
5. **Oliver's 45 Trafalgar Street (shop closed Jan 2023, but sells 'Wizards Gold' alcohol)**
6. **The Laine Deli, 31 Trafalgar Street/Corner of Kensington Place**
7. **Lord Nelson Inn, 34 – 36 Trafalgar St**
8. **Cut Your Wolf Loose, 23 Trafalgar Street (Pub by stealth. No substantial food. Variation for On Sales granted May 2020. A bar, when no bars or pubs allowed under SoLP Matrix.)**
9. **Toyito (was O'Shio) restaurant, 87 Trafalgar St/corner of Whitecross St**
10. **Mange Tout, 81 Trafalgar St**
11. **Bread and Milk, 82 Trafalgar St**
12. **Piccolo (previously Breeze, followed by Ciao Bella), Trafalgar St (Closed end '19)**
13. **Le Baobab Cuisine, Trafalgar St**
14. **Prince George, 5 Trafalgar St**
15. **Great Eastern, 103 Trafalgar St**
16. **Blueberry's, 1 Trafalgar St**
17. **Grind and Slice, 15 Trafalgar Street**
18. **Lucky Star Chinese Restaurant, 101 Trafalgar St**
19. **Trafalgar News, 95 Trafalgar St (Off Sales to 11pm)**
20. **The Green Dragon (was The Office), 8 – 9 Sydney St**
21. **Café 16, 16 Sydney Street**
22. **Yum Yums, 22-23 Sydney Street**
23. **The Roastery, By Trading Post 13-14 Sydney Street**
24. **Si Signore, 12 Sydney St includes Off Sales**
25. **Good News, 33 Sydney Street (Off Sales)**
26. **Cala Arboras, Sydney St**
27. **The Eagle, 125 Gloucester Rd**
28. **Basketmakers Arms, 12 Gloucester Rd/corner of Cheltenham Place**
29. **Brighton Tavern, 99 – 100 Gloucester Rd**
30. **Trawlerman (Fish n' Chip shop) 106 Gloucester Rd**

31. The Pond, 49 Gloucester Rd
32. Gloucester Newsagents, 107 Gloucester Rd
33. Pinot & Picasso, 127 Gloucester Rd
34. La Choza, 36 Gloucester Rd/corner of Queens Gardens (includes Off Sales)
35. The Blue Man (previously Neighbourhood) 95 Gloucester Rd/corner of Kensington Place
36. Fatto a Mano, 25 Gloucester Rd/corner of Kensington Gardens
37. Meat Bread Wine (was Isaac @) 2 Gloucester St
38. Foundry/Pedestrian Arms, 13 – 14 Foundry St
39. Three Jolly Butchers, 59 North Rd
40. Oseta Cafe, 34 North Rd
41. Barbers (was Spirit Hunter), 32 North Rd (Off Sales)
42. The Heart and Hand, 75 North Rd/corner of Gardner St
43. Dorset Arms, North Rd
44. Infinity Foods, 25 – 27 North Rd (Off Sales)
45. Wagamamas, North Rd
46. Helm Gallery Ltd (was Burgers and Cocktails) 15 North Rd
47. Bills, 100 North Rd (On and Off Sales)
48. Bus Stop, North Rd (Closed end of 2019)
49. Fountain Head, 101 – 103 North Rd
50. Bison Beer, 103 North Rd (closed Jan '24, building still has alcohol licence)
51. Wai kika moakau, Kensington Gdns
52. White Rabbit, 13 – 14 Kensington Gdns
53. Trading Post Coffee Roasters (was Grow 40) Kensington Gdns/North Rd (includes Off sales)
54. Barneys Delicatessen, 39 Kensington Gdns (Off Sales granted 20 Oct 2020) (Closed Jan 2023 – building still has alcohol licence)
55. The Basement, 24 Kensington St
56. Lighthouse Arts, 28 Kensington St
57. Dead Wax Social (was Riki Tiki), 18A Bond St (often causes late night asb)
58. Taylors Tobacconists, 19 Bond Street (Off Sales)
59. Komedia, 44 – 47 Gardner St
60. Gourmet Burger Kitchen, 44 – 47 Gardner St (includes Off Sales)
61. Lavash (The Manor), 52 Gardner St
62. Café Laziz, 48 Gardner St
63. Goemon Ramen Bar, 50 Gardner St
64. North Laine Newsagent, 55 Gardner St
65. North Laine Deli (ex Poutine City (ex Hell's Kitchen), 4 Gardner Street (includes Off Sales)
66. Wolfox Health Café, 47 Gardner Street
67. 640 East (was Silo), 39 Upper Gardner St
68. Ten Green Bottles, 9 Jubilee Street (includes Off Sales)
69. Iguanas, 7 – 8 Jubilee St
70. More than Sushi, Jubilee St
71. Pizza Express, Jubilee Sq, New Road
72. Chilli Pickle, Jubilee St/Jubilee Sq
73. My Hotel, Jubilee St
74. Tesco, 5 Jubilee St
75. The Captain Pig, 10 Church St (Off Licence granted 22 Aug '19) contravening CIZ, SoLP, and ignoring EHL's objection)

76. Five Guys Ltd (was Carluccio's), 6 Jubilee St/Church St
77. William IV, 4 Church St/corner of Bond St
78. Wagon and Horses, 109 Church St/corner of Jubilee St
79. Brunswick Fine Wines and Spirits, 15 New Road (On and Off Sales)
80. Bodega & Tapa, New Rd
81. Tonkotsu (Polpo) (The Courtyard), 20 New Road
82. Red Roaster, New Rd (On and Off Sales)
83. Longrain Theatre – café/bar, (Sumatra Ltd) 31-32 New Rd (open till 2am; includes Off sales)
84. Black Horse Inn, 112 Church St
85. 2 Church Street, café/wine bar
86. Earth and Stars, 46 Windsor St/corner of Church St
87. Tesco, 104-106 Queens Road/rear of Frederick St
88. The Green Door Store, Undercroft Brighton Station, top of Trafalgar St (**24 hrs**)
89. Cotes, The Old Music Library, Church St
90. Wetherspoons, corner Bond St/North Rd
91. CIN CIN, 15 Vine Street
92. Vine Street Tap, 15-16 Vine Street Tap, Unit 3
93. The Ironworks, Cheapside
94. The Wine Cellar, 17 Marlborough Place
95. Tutto, 20-22 Marlborough Place (Grade II listed building)

REP B

DL CON ENDS 11.03.2024 VALID PCD CIZ (B)



Sussex Police
Serving Sussex

www.sussex.police.uk

Brighton & Hove Licensing Unit

Police Station
John Street
Brighton
BN2 0LA

Tel: 01273 404535 ext 550809

Email: brighton.licensing@sussex.police.uk

8th March 2024

The Licensing Technical Support Officers
Environmental Health, Brighton & Hove City Council
Bartholomew House, Bartholomew Square
Brighton, East Sussex
BN1 1JP

Dear Donna Lynsdale,

RE: APPLICATION FOR A NEW PREMISES LICENCE FOR BEAK MRKT, 47 TRAFALGAR STREET, BRIGHTON, BN1 4ED UNDER THE LICENSING ACT 2003.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the application for a premises licence for the above address on the grounds that it will undermine the Licensing Objective of the prevention of crime and disorder. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy (revised January 2021) and the Public Health Framework for Assessing Alcohol Licensing.

This is a proposed variation licence application in an area of the City which is subject to a Special Policy adopted by Brighton & Hove City Council. The premises lies in the Cumulative Impact Area (CIA) (as defined in the BHCC Statement of Licensing Policy) and seeks the following hours and licensable activities:

Supply of Alcohol (on and off the premises)

Every Day: 09:00 – 23:00

Opening hours

Every Day: 09:00 – 23:30

Within the 2021 Brighton & Hove City Council (BHCC) Statement of Licensing Policy, this premises is within the Cumulative Impact Area. The policy which is generated using data from various agencies including Police and is one we fully support, and it recognises that the location has a significant number of licensed premises concentrated in one area.

When considering any application, we refer to the matrix within the Statement of Licensing Policy which sets out the expectations for new and varied applications for the City. Within the Cumulative Impact Area – a Pub is a “No”

The application itself has not mentioned the Cumulative Impact area and no specific reference to potential cumulative impact issues has been made. Local concerns that the area faces have not been addressed. A number of conditions have been offered in the application, but they do not go far enough to mitigate the concerns of Sussex Police or offer exceptional circumstances for a new pub, hosting over 200 customers to be granted in the Cumulative Impact Area.

The night-time economy within Brighton & Hove can at times be challenging for all the emergency services. Within Brighton & Hove we are unique in that we have a high number of licensed venues all of which are in very close proximity to each other and is inclusive of licensed premises around the Train Station.

Due to the risks associated with intoxication, the city has several initiatives that support Police and other emergency services in safeguarding the public. These include Beach Patrol and Safe Space. More recently alongside the Council, Police have jointly assisted in funding Night Safety Marshalls who are SIA registered security staff with numerous training sessions completed to be able to deal with the challenges they might come across patrolling on foot within the night-time economy at the weekends between 8pm and 4am with the focus on vulnerability. Additionally taxi marshals have also been employed to assist with reducing issues occurring at taxi ranks in the early hours. Many of these organisations and persons involved are volunteers and operate in their spare time. The fact these safeguarding services are needed and exist goes a long way to prove the negative impact alcohol has within the night-time economy.

With high numbers of persons descending on the city especially at the weekends Sussex Police operate a standalone night-time operation each weekend and at other various peak times throughout the year. This involves dedicated Police resources patrolling the main night-time economy area to free up our night duty officers so they can manage the rest of the city and the demands it has on our service. Having a visible police presence in the area goes some way to assist in reducing criminal incidents occurring, but unfortunately does not stop them in their entirety. Most incidents dealt with have an element of alcohol and drugs linked to them. This is a mix of persons becoming drunk and disorderly, violent and a high number of incidents involve persons who have become a victim of crime such as sexual assaults and robberies due to their own vulnerability after consuming alcohol. Staff at venues and emergency services are also far too often at the end of a drunk person’s aggression.

Looking at incidents which Sussex Police have dealt with within a 1 mile radius of the venue between the 8th March 2024 and 8th March 2024 we have dealt with a huge number of incidents including 146 for violent crime, 210 thefts and 54 Crime Public order. Sussex Police would like to highlight that these crimes have occurred throughout the daytime as well as the Nighttime Economy with 37 Crimes occurring at 10:00, 38 crimes occurring at 15:00, 44 crimes occurring at 18:00. Therefore, there are concerns that a new and additional licenced premises in this location could have a negative impact and cause these numbers to increase.

Sussex Police are aware of the local ward changes, however within the Public Health Framework, this premises is in the St. Peter’s and North Laine Ward, which is the worst for Police recorded alcohol related incidents and Criminal Damage. Second Worst for All Injury Violence, All violence against the person and sexual offences

Applications for new or varied premises licenses within this area which are likely to add to existing cumulative impact will be refused following relevant representations. This can be rebutted by the applicant if they can show that their application will have no negative cumulative impact. On reading the application we do not feel exceptional circumstances have been put forward by the applicant to justify departing from the policy or to offer any reassurance that consideration has been given to the licensing objectives to operate into the CIZ. Therefore, Sussex Police invite the Licensing Authority to seriously consider refusing this application.

Yours sincerely,

REDACTED

A/Inspector Mark Redbourn
Licensing – Brighton & Hove Division
Sussex Police

Please address all future correspondence to Brighton & Hove Licensing Unit, Police Station, John Street, Brighton, BN2 0LA.

REP C

DL CON ENDS 11.03.2024 VALID PCD, PPN & CIZ (C)



Regulatory Services
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Date: 11 March 2024
Our Ref: ELG/ 2024/00472/LICREP
Phone: REDACTED
e-mail: REDACTED

Dear Donna

**Licensing Act 2003
Beak MRKT, 47, Trafalgar Street, Brighton.**

I wish to make a representation against a new application for Beak MRKT, 47, Trafalgar Street, Brighton. The application is for a premises licence for the sale of alcohol from 09:00 until 23:00 Monday to Sunday on and off the premises.

The grounds for the representation are that it is contrary to the Council's Statement of Licensing Policy (SoLP) as the premises falls within the cumulative impact area and may undermine the Licensing objectives Prevention of Crime and Disorder and Prevention of Public Nuisance.

The SoLP recognises the importance and value of the night-time economy as part of the city's cultural and tourism offer, which is crucial in the ongoing economic success of the city, as well as providing a safe and diverse environment for both residents and visitors to enjoy. However, the Council also recognises the impact the night-time economy can have on people's safety, health and wellbeing. The Council's licensing authority has created special policies, including Cumulative Impact and the Matrix Approach and Night-time Economy Safeguarding Initiatives, designed to restrict the amount of licensable premises in the city centre and promote good practices to minimise the adverse impact of alcohol-use.

The Licensing Authority's Cumulative Impact area (CIZ) was adopted to give greater power to control the number of licensed premises within the city centre. The special policy was set up because the Licensing Authority determined that the concentration of licensed premises and the subsequent numbers of people drawn into the city centre is causing exceptional problems of crime and disorder and public nuisance. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.

The Council's SoLP includes a Matrix approach for licensing decisions with provisions for a terminal hour for all classes of licensed premises in a particular area. The Matrix Model recognises the diverse operation and different risks presented by different classes of licensed premises. It provides a vision of what the Licensing

Authority would like to see within its area and gives an indication of likelihood of success or otherwise to investors and local businesses making applications.

This application describes the proposal as a welcoming, vibrant and easily accessible street food market showcasing food from independent businesses, along with locally produced ales and low intervention wine. This does not fall within the categories identified in the matrix. The matrix states that applications for restaurants will be considered favourably until midnight and cafes until 10:00pm for premises in the CIZ. Off sales are not permitted in the CIZ in the matrix. However each application must be considered on its own merits.

Guidance issued under S182 of the Licensing Act 2003 states that in completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. The guidance goes on to say that applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, CIZ), applicants are also expected to demonstrate an understanding of how the policy impacts on their application, any measures they will take to mitigate the impact, and why they consider the application should be an exception to the policy.

The policy does state that each application is still considered on its individual merit and there is discretion to depart from the policy where justified. However, departure from the Matrix Model is only expected in exceptional circumstances.

When considering whether representations should be submitted, the Licensing Team have regard to the 'Public Health Framework for assessing Alcohol Licensing' – (accessed at [Public Health Framework for Assessing Alcohol Licensing | Tableau Public](#)) document. The premises sits within the newly named electoral ward of West Hill & North Laine, which in the Framework document is under the old Ward name of St Peter's & North Laine. Under 'Crime and Disorder data' it is second worst out of 21 wards for all violence against the person, all injury violence, non-injury assault and sexual offences. It is also worst for police recorded alcohol related incidents and criminal damage. Within the recorded 'Health data', the premises sits in the second worst ward for alcohol suspected ambulance call outs.

The Licensing Team therefore makes this representation to uphold our Statement of Licensing policy. The Policy is predicated on too much alcohol being available and applications for new premises licences will be refused unless the applicant can demonstrate exceptional circumstances. It is up to the applicant to demonstrate this and satisfy a Licensing Panel that they will not impact negatively on the CIZ. As the application stands at the moment, I feel that this application should be considered and determined by a Panel.

Yours sincerely,

Emma Grant,
Licensing Officer

REP D

DL CON ENDS 11.03.2024 VALID PPN (D)

From: REDACTED

Sent: Monday, March 11, 2024 3:51 PM

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

Subject: Re: Licence - 1445/3/2024/00503/LAPREN

Hi Donna

I confirm that I am making a formal representation because of public nuisance on the following -

Can there are no tv screens and no music (taped or live) allowed on the premises. This would ensure that this is not a destination for football fans and also hen and stag nights.

I would also ask that if Beak vacate the premises, the licence is surrendered. This will make sure that a craft beer bar does not become a beer warehouse.

I think that the closing time should be earlier as there will be 250 people dispersing through North Laine at 23.30. I live in REDACTED which will be a route that they will use. I would prefer that the closing time is 2130 so that everyone is dispersed by 2200.

Finally, can there be a time limit on off sales so that there are none allowed after 20.00. This will mean that people who are leaving do not have lots of beer to drink on their way through the area and then throw the litter into the area

Regards

REDACTED

REDACTED

REDACTED

REP E

DL CON ENDS 11.03.2024 VALID PCD & PPN (E)

From: REDACTED

Sent: Monday, March 11, 2024 5:51 PM

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

Subject: 1445/3/2024/00503/LAPREN

Dear Licensing Team,

I'm writing to object to the alcohol licensing application being made for 47 Trafalgar Street.

We live on REDACTED and are neighbours to this property. We have concerns about the development and its proposed licensing hours: **9:00am-10:00pm, with a venue close time of 11:30pm, 7 days a week.**

Our home REDACTED. We have bedrooms and our only (small) area of outside space just a few metres away from the site. We are really worried about the impact of having a venue that can sell alcohol for 13+ hours a day, every day of the week. The noise nuisance, as well as potential anti-social behaviours of people coming to the venue, is a significant concern.

We would also like to better understand the plans for managing security at the venue. In addition, the application has a **capacity of up to 250 people**. With a new licence granted for access to alcohol in the area all day, 7 days a week, then there is further potential for negative impact on public order and anti-social behaviours.

If the Council are minded to grant this new licensing application, then we would very strongly request for limitations to be made on operating hours and serving times e.g. not 7 days a week, consideration of an earlier closing time in the evening.

We are supportive of developments to the site that will help restore and regenerate North Laine.

We would welcome further consultation with the applicant about their proposal and to provide further information/ details that will help. The noise report and acoustics survey that has been submitted as part of the planning application appears to focus on The Prince Albert but does not address other residents including neighbours on REDACTED.

Yours,

REDACTED
REDACTED
REDACTED

Appendix D

S1

From: REDACTED

Sent: Monday, March 11, 2024 3:41 PM

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

Subject: APPLICATION FOR A NEW PREMISES LICENCE FOR BEAK MRKT, 47 TRAFALGAR STREET, BRIGHTON, BN1 4ED UNDER THE LICENSING ACT 2003.

Dear Donna Lynsdale,

I would like to make a supporting representation regarding APPLICATION FOR A NEW PREMISES LICENCE FOR BEAK MRKT, [47 TRAFALGAR STREET, BRIGHTON, BN1 4ED](#) UNDER THE LICENSING ACT 2003.

“We think what Beak are proposing is a fantastic idea and exactly what this area needs. From the beginning we’ve thought a food market is the best way forward for this vacant plot and we can’t think of anyone better to bring this into reality than Beak. We know how much care and attention they put into everything they do and we have no doubt it will be the same with this. We really hope the council approves the plans as it’ll bring some much needed footfall to the businesses already in the area.”

It’s my strong belief that this premise license application will not add to any anti social behaviour or any public nuisance given the nature of the proposed business that it will house being food oriented and will in fact bring a more positive social impact and some much needed regeneration to the area.

Best wishes

REDACTED, Owner and Landlord of The Prince Albert Pub, [48 Trafalgar St, Brighton and Hove, Brighton BN1 4ED](#)

Telephone: REDACTED

S2

From: CYWL <info@cutyourwolfloose.com>
Sent: Tuesday, March 12, 2024 7:33 PM
To: EHL Licensing <EHL.Licensing@brighton-hove.gov.uk>
Subject: 1445/3/2024/00503/LAPREN

Dear Donna Lynsdale,

I hope you are well.

I am writing on behalf of Cut Your Wolf Loose to share our opinion over the Beak Social Club Ltd licensing application.

We would like to make a supporting representation. Having thoroughly read the management plan we believe Beak Ltd have demonstrated their capacity to run a venue in line with the licensing objectives and have demonstrated their commitment to operating within the CIZ. Their commitment to the prevention of crime and disorder through responsible management is demonstrated by their understanding of crowd management on football match days and their commitment to continue to operate a business in line with their existing, well run venue in Lewes. Their commitment to not serving pints and not offering off sales shows their understanding of responsible service.

As a business who has recently had a variation to our licence granted we support the proposal put forward by Beak to implement a creative and community driven business at 47 Trafalgar Street. As a local independent business we welcome the prospect of having other independent businesses such as Beak open a venue on the same street as us. Despite the competitive nature of our trade, we have served their beers in our venue in the past and it is clear that they are willing to conduct business in a fashion that is sustainable and beneficial to the overall wellbeing and atmosphere of the North Laine and the individuals that live within it, complying with the objective to prevent public nuisance.

Thank you for taking the time to acknowledge our support to this proposal.

All the best,

REDACTED and the rest of the CYWL Team.

Cut Your Wolf Loose
23 Trafalgar Street
BN1 4EQ
Brighton

S3

From: REDACTED

Sent: Monday, March 11, 2024 5:47 PM

To: EHL Licensing <EHL.Licensing@brighton-hove.gov.uk>; Donna Lynsdale <REDACTED>

Subject: 47 Trafalgar Street licensing application

Dear Donna Lynsdale and EHL Licensing team,

I would like to make a supporting representation regarding the application for a new premises licence for BEAK MRKT, 47 Trafalgar Street, Brighton, BN1 4ED under the Licensing Act 2003.

As a resident of Trafalgar Street, Licensee and North Laine business owner, I welcome the addition of a responsibly licensed and well run establishment on these premises as outlined in Beak's management plan. I can see from the application that the applicant has given due consideration to the CIZ and plans to run the outlet in such a way that will not cause additional disturbance to an already vibrant area. In my view, the restrictions of sizes of servings of alcohol available, commitment to soundproofing and commitment to door staff illustrate this. I have seen the way that the applicant operates their licensed premise in Lewes and am confident that their track record of running responsibly managed licensed venues will be taken into consideration here.

I especially welcome the creation of jobs for local people and believe the independent nature of the business adds to the ethos of the North Laine, enriching the economy in a responsible way, whilst taking into consideration the needs of local residents.

Best wishes,

REDACTED, Trafalgar St Resident and Local Business Owner

23 Trafalgar Street, Brighton BN1 4EQ

Appendix E



SUPPORTING EVIDENCE RE: APPLICATION FOR A NEW PREMISES LICENCE FOR BEAK MRKT, 47 TRAFALGAR STREET, BRIGHTON, BN1 4ED UNDER THE LICENSING ACT 2003.

To whom it may concern,

As the applicant for a premises license at 47 Trafalgar St, which falls within the Cumulative Impact Zone, I wanted to take this opportunity to a) explain how we plan to address the unique needs of the CIZ, and b) highlight the “exceptional circumstances” of the project.

If you have any questions ahead of the scheduled hearing on the 4 April, please do not hesitate to contact me.

Thank you for your time,

REDACTED (REDACTED | REDACTED)

BEAK BREWERY

The license has been submitted on behalf of Beak Social Club Ltd, which is a subsidiary company of Beak Brewery Ltd, an independent micro-brewery in Lewes. The brewery was founded by me in 2020 after almost a decade working as a restaurant critic for *The Guardian* and *Good Food Guide* and the founding ethos was to create beers for food pairing. This is something we remain committed to.

Since launching in 2020, we have risen to become one of the highest-rated breweries in the UK and our beer is enjoyed at hundreds of restaurants in 25 countries globally. Alongside the brewery, we operate two existing licensed premises. The first is a taproom and street-food canteen in Lewes, and the second is the venue for These Hills, a two day annual food and drink festival. I am proud we have operated both venues for the last three years with no incidents or complaints. I believe this is attributable to three things: 1) we take our obligations as license-holders very seriously; 2) food plays a central part at our venues; and 3) our customers are respectful, discerning and responsibly-minded.

BEAK MRKT

47 Trafalgar St is a derelict warehouse that has stood empty for some years, attracting vandalism and graffiti. Only one other use has been proposed: demolition and replacement with a block of luxury offices and flats. This was widely rejected by local residents and businesses due to the massive disruption the building works would cause. Major concerns were also raised about the effect it would have on the neighbourhood’s rich and diverse cultural milieu, particularly the iconic Prince Albert next door.

Despite this rejection, demolition could still go ahead if the landlord decides to appeal the committee’s decision, which is likely. With this in mind, we have proposed a far more sympathetic and less disruptive plan: keep the current building and use recycled materials to build a beautiful indoor street-food market called BEAK MRKT, evocative of those found in Bilbao, Florence and London’s Borough Market. Crucially, this plan would require very little by way of building works *and* fit in neatly with the neighbourhood’s reputation as a hub for thriving independent businesses and amazing food and drink culture.

We have worked closely with an architect to draw-up a plan comprising four affordable kitchens run by local chefs, a specialty coffee concession-come-bakery and a small bar. The majority of the space would be a central dining area where customers can enjoy coffee, pastries, brunch, lunch and dinner, along with locally-produced craft ales and wine from a bar run by us (Please see Annex 1). We would also encourage the space to be used by freelancers and local community groups (plans are afoot for weekly running and yoga groups plus space on our walls would be set aside for use by local artists). Furthermore, in order to help food businesses struggling with Brighton’s sky-high rent, the kitchen spaces would be rent-free (we would instead charge commission). We estimate that the venue will create more than 28 Living Wage accredited jobs.

MEASURES TO PROMOTE SOCIAL RESPONSIBILITY

We take social responsibility and the requirements of the Cumulative Impact Zone extremely seriously

and I am sympathetic to concerns regarding anti-social behaviour. It is for this reason we have so far invested more than £25,000 in consultancy fees (working with an acoustic surveyor, architect and alcohol license consultant) to ensure we generate plans that adhere to the requirements of the Cumulative Impact Zone. Measures we have put in place to ensure the project has no negative cumulative impact, include:

- The venue is food-led and substantial food will be available at all-times alcohol is served. To be clear; BEAK MRKT is first and foremost a street-food market with four kitchens and a coffee concession / bakery with 97% of the space committed to food preparation and seated dining. The bar accounts for just 3% of floor space and is one of just five concessions operating in the space.
- There will be no vertical drinking. Customers will not be permitted to eat or drink anywhere in the building unless seated.
- We will only serve premium priced drinks. Beak's beer retails at between £6 and £8 a pint with most of our beer served in halves and two-thirds measures.
- 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, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. We have not applied for a live music license and have no intention to do so and have also not applied for a late license.
- We have commissioned an independent acoustics company (Acoustic South East) to create a detailed noise impact assessment, which I can send upon request. The report concludes: "The premises are capable of being operated without adverse impact to the nearest residential receptors. It is apparent from the noise modelling that the commercial sounds generated from the new premises use, are consistently below the measured soundscape likely to be experienced from just road traffic noise. The impact of the new premises is therefore considered to be low and unlikely to negatively impact the existing residential receptor locations."
- We will not tolerate queues outside the venue and do not expect them to form since we won't be hosting any live performances.
- There will be signage at the exit to request that customers respect neighbours by leaving quietly. There will also be signs stipulating the zero tolerance drugs and anti-social behaviour policy.
- SIA registered door staff will operate at the premises as follows: Fridays and Saturdays: Two door staff from 20:00 until the premises has closed to the public, licensable activity has ceased, and the venue is completely clear of patrons.
- The management and premises will have an absolute zero tolerance policy towards drugs and drug misuse.
- The premises will become a member of the Business Crime Reduction Partnership or similar scheme approved by the Licensing Authority. The scheme must operate, subject to local coverage, radios and additionally an exclusion/banning scheme of named individuals within both the day and night time economy.
- Waste will be stored internally until collection and there will be no waste collections between 19:00 and 06:00 hours.
- We have applied to open no earlier than 9am and stop serving alcohol no later than 11pm even on weekends.
- We will not be screening regular sports events and will not be marketing the venue as an 'end destination' or one that specifically caters to sports fans.
- We have met in person with representatives from the local area in order to listen to their feedback. We have also been in touch regularly with Brighton & Hove Licensing Team in order to listen to their advice.
- We will surrender the premises license if the business folds thus protecting the site from being used in the future by less socially responsible tenants.
- Finally, we have been liaising directly with both local residents (via the NLCA) and Brighton & Hove Police Licensing Department to listen to what recommendations they propose. An addendum summarising what measures have been agreed will be submitted by the police ahead of the hearing.

ISSUES TO ADDRESS

We are planning a street-food market with four kitchens and a coffee concession-come-bakery. This concept is most definitely food led with a substantial food offering but it does not fit neatly into any of the categories outlined in the Matrix Model for licensing decisions. However, the closest category appears to be that of a café. Therefore, we are requesting an alcohol license that falls within this category but with some minor allowances outlined below. The following allowances would reflect the exceptional nature of BEAK MRKT (please see below) and put us in line with Shelter Hall, another much larger 600-person capacity street-food market within the CIZ, which was granted an [alcohol license](#) in 2020:

- **Allow alcohol to be served until 11pm.** Since our project falls somewhere between a café, which in the CIA can serve alcohol until 10pm, and a restaurant which can serve alcohol until midnight, we believe it is reasonable to ask to serve alcohol until 11pm. This would mean us closing more than an hour earlier than our neighbours at The Prince Albert.
- **Allow customers to carry drinks from the bar to their table.** All customers would be asked to present a table number before ordering in order to avoid vertical drinking. This is the same right afforded to Shelter Hall please see Clause 4.3 of [their premises licence](#). (Evidence of the ability to order alcohol at Shelter Hall's bar can be provided on request). There would be no space for vertical drinking with seating available for 100% of capacity.
- **Allow severely limited off-sales.** Due to our premium pricing, we think the possibility of someone buying alcohol from us to drink on the street is extremely low but we have offered several options to mitigate the risk: 1) limit the volume of off-sales per customer, 2) ban off-sales on match days 3) ban off-sales in the evening.

EXCEPTIONAL CIRCUMSTANCES

According to clause 3.3.2. of Brighton & Hove's [matrix policy](#), departure from the policy is allowed in "exceptional circumstances". Exceptional circumstances may include: "consultation with and meeting requirements of responsible authorities", "an appropriate corporate social responsibility policy", "community contribution to offset impact" and "community support". We strongly believe that BEAK MRKT meets these requirements in the following ways:

- **Consultation with and meeting requirements of responsible authorities.** Since submitting the premises application, we have led extensive and productive consultation with all relevant groups, including Brighton & Hove City Council, The Police and the North Laine Community Association (NLCA). We have listened to their recommendations and submitted an extensive list of ways in which we intend to meet the requirements of the CIZ. I have also personally responded to the three objections we have received from local residents and am committed to continuing to work with them as the project progresses.
- **Community contribution to offset impact.** In order to help food businesses struggling with Brighton's prohibitively high rent, the kitchen spaces will be offered rent-free (we would instead take a small amount of commission). We are a Living Wage accredited organisation and estimate that the venue will create more than 28 Living Wage accredited jobs. We will allow community interest groups to use BEAK MRKT as a meeting space for free. Plans are also afoot for local running and cycling groups to use it as a hub and we will be inviting freelancers who cannot afford co-working spaces to work from the venue during the day, with zero rental charge. The venue will also be used to host charity fundraisers. We have a proven track record of doing this at our Lewes-based taproom, which has used to raise money for the UNHCR and The Launchpad Collective.
- **Community support.** The project is exceptional in terms of the amount of public support it has received. Our premises license application has received just three objections from local residents and two letters of support. Our [planning application](#), meanwhile, has received 41 comments in total, 36 in support, 1 neutral comment and just 4 objections. This is a very rare ratio for any planning application. Furthermore, at a recent NLCA meeting I attended, the plans were accepted very favourably – the group even showed interest in using the venue to host its regular meetings. We have been inundated with messages of support from people living and working in Brighton via email and social media. An example of the kind of emails we have received so far can be seen in Annex 2. Meanwhile, [a recent post on Instagram](#) announcing the launch of the project received 110 comments of support and 1,865 likes. We have also been left speechless by the support we have received from the media, both locally and nationally. Examples of this press coverage can be seen in Annex 3. These articles

include messages of support from local business leaders and a Green Party ward councillor for the area.

- **A highly unusual offering.** In stark comparison to most hospitality venues, the bar at BEAK MRKT would only sell premium craft beer, the majority of which would be brewed by us (Beak Brewery) within nine miles of Brighton (minimising our carbon footprint). Our range includes beers made with hyper-local ingredients grown in the South Downs National Park. We would not sell any macro mass-produced beer. The same approach would apply to wine and cider, with a strong focus on low-intervention brands from local producers. It should be added that Beak Brewery already has an international as well as national following (it exports to more than 25 countries) and it hopes to use its name to draw international tourism to Trafalgar Street, simultaneously boosting sales for other businesses in the area.
- **Sympathy with the surrounding area.** The North Laine area of Brighton is world-famous for its thriving independent businesses. It is the beating heart of the city and a true rarity in the UK where generic-looking high streets are often dominated by giant chains. What we are offering fits in perfectly with Brighton's reputation for inclusivity, community, independence and thinking out of the box. BEAK MRKT will enhance not dilute this reputation.
- **Public good.** As mentioned earlier in this document; a planning application to demolish 47 Trafalgar St and replace it with an office block was recently denied due to the amount of negative comments it received from the press and local community. Major concerns were raised about the disruption such a building project would cause for local residents and there were fears it would diminish the area's cultural milieu. Despite this, it is likely that demolition could still go ahead if the landlord appeals the committee's decision, which is likely. It is hard to imagine a more suitable alternative than a community-focused street-food market accommodating affordable spaces for start-up businesses and supporting local food and drink producers. Crucially, this plan would require very little by way of building works and fit in neatly with the neighbourhood's reputation as a hub for thriving independent businesses and amazing food and drink.

ANNEX 1



ANNEX 2 (NB THE CONTACT DETAILS BELOW ARE NOT FOR THE PUBLIC DOMAIN)

"I've heard the exciting news about your new Brighton venue. Really hope it gets the green light and you can bring delicious beer and good times to our wonderful city."

REDACTED
REDACTED
REDACTED
REDACTED

"I welcome the proposal to turn the derelict warehouse into a vibrant food and drink space which will provide a great venue for the community and support a fantastic local business."

REDACTED
REDACTED
REDACTED
REDACTED

"I wanted to email in support of your exciting new project. I think that BeakMrkt sounds exactly what our wonderful city needs. I love the sense of community that these kinds of venues bring (with obviously the benefit of amazing food and beer!). I live locally in Hove, a few mins from the station (please open another near Hove station too! That would be the dream!)."

REDACTED
REDACTED

"I make this statement of full support on behalf of myself and my companies, Hand Brew Co and Hand Brew Pub. We want to offer our voice to the support of this venture. Myself and my wife (who is one of the directors of the Hand Companies), lived in North Laine for a decade before moving out to Kemptown when we bought the Hand in Hand. We lived around the corner on Frederick Place and a block over on Gloucester Road. The North Laine is an incredible, vibrant place to live and what makes it great is ideas like Beak Market. We're not residents of North Laine anymore, but we spend a lot of time in North Laine at various bars, cafes, restaurants - especially the Albert and Green Door Store for live music. And of course, walk past it regularly to the station or back from the station. Beak Market would be an outstanding addition to the area and I believe it will be a huge success where it is. Far better than a rental car business or flats! This is what Brighton's about!"

Clark and the Hand team.
Hand in Hand
33 Upper St James's Street
Kemptown, Brighton
BN2 1JN
REDACTED

"I love Beak brewery and have had many an excursion to Lewes to visit their site. It is well-managed, and community-minded (they've supported the charity I work for in the past, amongst numerous other examples). I'd be over the moon for BEAK MRKT to go ahead! I got so excited looking at the plans, and totally think it'd be in keeping with the area. It looks like a great initiative, and I can imagine will overall be a positive for the area. I've been hankering for similar (we have Shelter Hall, but it isn't quite the same as this) for ages, having been to the like across the country. It is definitely something Brighton is missing.

Happy to be contacted for any follow up!"

REDACTED
REDACTED
REDACTED

"I'd like to add my name to the list of people in support of Beak's planning application in the city of Brighton. What a fantastic idea, which I'm sure would benefit the local economy and community. Fully support the plans. Much more interesting than a car park!"

REDACTED
REDACTED
REDACTED
REDACTED

"What a fantastic proposal Beak Market in Brighton is. I am 100% behind it, if there's anything further you need from me please let me know. I have also offered similar support through the planning portal."

REDACTED
REDACTED
REDACTED
REDACTED

"We used to live next to Mercato Metropolitana in Elephant and Castle. The tap room and street food combo was excellent and it would be a terrific addition to our city. Best of luck with this!"

REDACTED

REDACTED

ANNEX 3

<https://www.theargus.co.uk/news/24185628.food-market-taproom-bring-slice-europe-brighton/>

<https://www.restaurantonline.co.uk/Article/2024/03/15/beak-brewery-to-open-beak-market-food-hall-in-brighton>

<https://www.thedrinksbusiness.com/2024/03/beak-brewery-plans-street-food-market-venue-in-brighton/>

<https://www.brightonandhovenews.org/2024/03/13/taproom-planned-for-controversial-music-venue-site/>

<https://uk.news.yahoo.com/street-food-market-taproom-planned-180000867.html>