

# Licensing Panel (Licensing Act 2003 Functions)

Date: **25 August 2022**

Time: **10.00am**

Venue **Virtual**

Members: **O'Quinn, Knight, Simson**

Contact: **Thomas Bald**  
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# AGENDA

## 1 TO APPOINT A CHAIR FOR THE MEETING

### WELCOME & INTRODUCTIONS

## 2 PROCEDURAL BUSINESS

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

(b) **Declarations of Interest:**

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

In each case, you need to declare

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

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

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# Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council

<b>Subject:</b>	<b>Application for a Variation of a Premises Licence under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>Chalk Unit 1 The Savoy Centre 10 Pool Valley Brighton BN1 1NJ</b>		
<b>Applicant:</b>	<b>Matthew Felton-Dimmack</b>		
<b>Date of Meeting:</b>	<b>25 August 2022</b>		
<b>Report of:</b>	<b>Executive Director of Housing, Neighbourhoods &amp; Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Donna Lynsdale</b>	<b>Tel: (01273) 292494</b>
	<b>Email:</b>	<b>Donna.Lynsdale@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>Regency</b>		

## 1. PURPOSE OF REPORT AND POLICY CONTEXT

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

## 2. RECOMMENDATIONS:

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

## 3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a Variation of a Premises Licence under the Licensing Act 2003. The application proposes to add the provision for off sales of alcohol and to add the following conditions to the Premises Licence:

Off Sales - Alcohol sold for consumption off the premises will only be for consumption in the designated pavement licensed area. Customers must be seated within this area including to order and all alcohol will be supplied by waiter/waitress service.

In relation to licensable activities to the outside seating area, this will be subject to the premises Chalk / East Street Bar holding a valid Table and Chairs licence in their name. This area will only be used up until 21:00 hours and when the road is closed however, should the table licence stipulate times that require the premises to cease use of them earlier than stated on this premises licence, the lesser times will be adhered to.

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

All alcohol sold for consumption within the outside area will be served in cans or shatter-proof receptacles.

When the East Street Bar is being used as a breakout/chill out area for customers at Chalk, it will be supervised by at least 1 SIA supervisor.

When the East Street Bar is being used as a breakout/chill out area for customers at Chalk all alcohol will be securely stored away, and no one will be able to bring alcohol in with them.

When the East Street Bar is being used as a breakout/chill out area for customers at Chalk, music within this area of the premises will be set at a level to be considered by any reasonable person as background music.

To amend Condition 3 of Annex 3 which currently reads "There shall be no sale of spirits" to read "Spirits will only be sold with a mixer, and there will be no shots sold at the premises".

To amend Condition 4 of Annex 3 which currently reads "The bar shall be closed and cleared of customers by 23:00 hours" to read "The bar shall be closed by 23: 00 hours. After this time, the area hatched blue on the plan can only be used as a breakout/chill out area for customers at Chalk".

**3.2** Section 16 of the application is detailed at Appendix A.

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

	<b>Existing</b>	<b>Proposed</b>
<b>Plays</b>	Monday – Sunday 11:00-00:00  Indoors	No Change
<b>Films</b>	Monday – Sunday 11:00-04:00  Indoors	No change

<b>Live music</b>	Monday – Sunday 11:00-23:00  Indoors	No Change
<b>Recorded Music</b>	Monday – Sunday 11:00-04:00  Indoors	No Change
<b>Performance of Dance</b>	Monday – Sunday 11:00-04:00  Indoors	No Change
<b>Late Night Refreshment</b>	Monday – Sunday 23:00-04:00  Indoors	No Change
<b>Supply of Alcohol</b>	Monday – Sunday 11:00-03:30  On premises	Monday – Sunday 11:00-03:30  On and Off Premises
<b>Hours premises are open to public</b>	Monday – Sunday 11:00-04:30  Indoors	No Change

**3.4** Existing licence attached at Appendix B

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

**Representations received**

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

**3.7** 2 representations were received. They were received from a local resident and a Resident Association.

**3.8** Representations received had concerns relating to Prevention of Crime and Disorder, Prevention of Public Nuisance, Protection of Children from Harm.

**3.9** Full details of the representations are attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

## **4 COMMENTARY ON THE LICENSING POLICY**

**4.2** 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

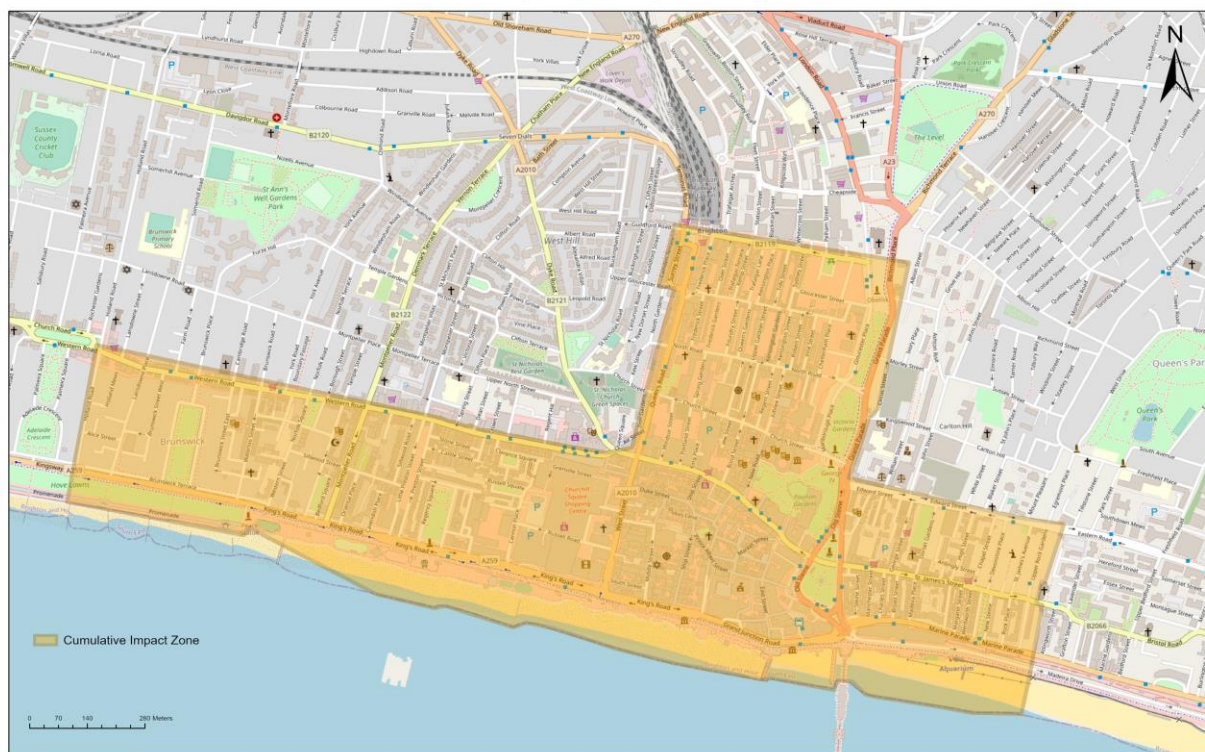
3.1.1 The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with 'need' which relates more to the commercial 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



Brighton & Hove Public Health Intelligence, 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)

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

#### Notes on matrix

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

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

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

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

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

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

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

### **3.5 Off licences**

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

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

are appropriate to ensure that the licensing objectives are promoted in what may be challenging circumstances. Retail outlets and stores where the provision of fresh produce is the principal product sold maybe considered more favourably.

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

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

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

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

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

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

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

### **3.6 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.

### **4.3 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, eg 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.

## **7 Protection of Children from Harm**

The following details and measures are intended to address the need for the protection of children from harm; this includes emotional and physical harm which may be associated with licensed premises and certificated club premises (for example the exposure too early to strong language and sexual expletives, eg in the context of film exhibitions or where adult entertainment is provided). It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions (unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely).

7.1.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the Licensing Strategy Group (eg passport, photo driving licence or pass card).

7.1.2 It is the licensing authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of emotional or psychological harm to them. Each application will be considered on its own merit but particular areas that will give rise to concern in respect of children are to be found in section 7.1.4 below.

7.1.3 To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures:-

- a) Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street
- b) Police and trading standards should implement test purchasing to reduce

sales to under 18s in on and off sales licensed premises

c) Further take-up of proof of age schemes will be promoted

d) In-house, mystery shopper type schemes operated by local businesses will be supported

e) Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to be DBS checked

7.1.4 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking.
- with a known association with drug taking or dealing.
- where there is a strong element of gambling on the premises.
- where entertainment of an adult or sexual nature is commonly provided.
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

Options may include:

- limitations on the hours when children may be present.
- age limitations (below 18).
- limitations or exclusions when certain activities are taking place.
- requirements for an accompanying adult.
- full exclusion of people under 18.

7.1.5 Licensees of premises giving film exhibitions will be expected to include in their operating schedules arrangements for restricting children from viewing age restricted films. Such premises will be subject to a mandatory condition requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, or in specific cases where such certificates have not been granted, the licensing authority. The licensing authority does not intend to adopt its own system of film classification. The licensing authority's procedures for dealing with unclassified films are appended at Appendix C.

7.1.6 Where children are expected to attend a public entertainment, appropriate adult supervision will be required to control the access and egress of children and to protect them from harm. This will normally be an adult member of staff for every 100 children. Where the entertainment is music and dancing, 2 persons, licensed by the Security Industry Authority (door supervisors) should be employed for every 100 children but will be subject to advice within the Event Safety Guide. Nothing in this policy shall seek to override child supervision requirements contained in other legislation or regulations. For exclusively under 18 events reference should be made to police guidelines (available from the Police Licensing Unit, Brighton tel. 101). The licensing authority recognises the Director of Children's Services as being competent to advise on matters relating to the protection of children from harm.

Applicants shall copy their applications to the Director of Children's Services in its capacity as the responsible authority. Copies should be sent care of the Police.

The "What to do" booklet is a national one and can be accessed at:  
[www.brightonandhoveiscb.org.uk/wp-content/uploads/What-to-do-if-a-child-is-being-abused.pdf](http://www.brightonandhoveiscb.org.uk/wp-content/uploads/What-to-do-if-a-child-is-being-abused.pdf)

Probably also worth getting him to put in that if you are concerned about a child locally to contact the Multi-Agency Safeguarding Hub (MASH) on 01273 290400, or you can contact Sussex Police on 101. If they think a child is in immediate danger to dial 999.

7.1.7 Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing. Sussex Police and BCRP undertake work concerning proxy purchases and counterfeit ID as part of the partnership support work with Community Safety and Trading Standards.

7.1.8 Trading standards have a programme of business support including training for local businesses to avoid under-age sales.

## **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.

## **10 Live Music, Dancing & Theatre**

10.1.1 This policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. The impact of licensing on regulated entertainment, particularly live music and dancing, will be monitored. Where indications are that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how such situations might be reversed.

10.1.2 The Licensing Committee represents the general interests of a community in determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives. All members of the Licensing Committee will be trained on Licensing Act 2003 and S182 Guidance. The Licensing authority is aware of the need to avoid measures which deter live music, dancing and theatre - such as imposing indirect costs out of proportion to the income of the licence holder and to the risks presented. Only appropriate, proportionate and reasonable licensing conditions should impose any restrictions on such events.

10.1.3 The licensing committee will support the cultural zones, outdoor eating areas, food led operations, community pubs, live entertainment and protect living conditions in mixed use areas.

## **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: 13/05/22*

### 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: 13/05/22*

### Equalities Implications:

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

### Sustainability Implications:

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

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Appendix A – Section 16 of the Application
3. Appendix B – Part A of Premises Licence
4. Appendix C – Representations
5. Appendix D – Map of area

### **Documents in Members' Rooms**

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

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

Public Health Framework for Assessing Alcohol Licensing – January 2022.

### **Background Documents**

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



## Appendix A

### Section 16 of 18

#### LICENSING OBJECTIVES

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

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

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

The amended conditions and 7 new conditions to be added to the Premises Licence follow agreement with the Brighton and Hove Licensing Unit at Sussex Police.

b) The prevention of crime and disorder

Please see a) above.

c) Public safety

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#### *Continued from previous page...*

Please see a) above.

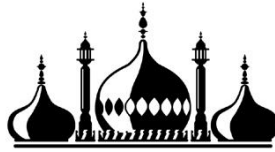
d) The prevention of public nuisance

Please see a) above.

e) The protection of children from harm

Please see a) above.





# Brighton & Hove City Council

## Appendix B

### Schedule 12 Part A

Regulation 33, 34

## Premises Licence Brighton and Hove City Council

**Premises Licence Number**

1445/3/2019/04178/LAPREV

### Part I – Premises Details

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

Chalk  
Unit 1  
The Savoy Centre  
10 Pool Valley  
Brighton BN1 1NJ

**Telephone number**

**Licensable activities authorised by the licence**

Performance of Dance  
Exhibition of a Film  
Anything of a similar description to live music, recorded music and performance of dance  
Performance of Live Music and Recorded Music  
Performance of a Play  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Performance of Dance**

Every Day 11:00 - 04:00 Indoors



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### **Exhibition of a Film**

Every Day 11:00 - 04:00 Indoors

### **Anything of a similar description to live music, recorded music and performance of dance**

Every Day 11:00 - 04:00 Indoors

### **Performance of Live Music**

Every Day 11:00 - 23:00 Indoors

### **Performance of Recorded Music**

Every Day 11:00 - 04:00 Indoors

### **Performance of a Play**

Every Day 11:00 - 00:00 Indoors

### **Late Night Refreshment**

Every Day 23:00 - 04:00 Indoors

### **Sale by Retail of Alcohol**

Every Day 11:00 - 03:30 on the premises

(The East Street Bar shall be closed and cleared of customers by 23.00 hours)

### **The opening hours of the premises**

Every Day 11:00 - 04:30

(The East Street Bar shall be closed and cleared of customers by 23.00 hours)

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

Alcohol is supplied for consumption on the Premises.



# Brighton & Hove City Council

## Part 2

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

Mr Matthew Felton-Dimmack

Redacted

Redacted

Redacted

Redacted

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

N/A

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

Redacted

Redacted

Redacted

Redacted

Redacted

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

Party Reference: Redacted

Licensing Authority: Redacted



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### Annex I - Mandatory conditions

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

1. No supply of alcohol may be made under the premises licence
  - a) at a time when there is no designated premises supervisor in respect of the premises,  
or
  - b) at a time when the designated premises supervisor does not hold a personal licence or  
his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person  
who holds a personal licence
3. (1) The responsible person must ensure that staff on relevant premises do not carry out,  
arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following  
activities, or substantially similar activities, carried on for the purpose of encouraging the sale  
or supply of alcohol for consumption on the premises-
  - (a) games or other activities which require or encourage, or are designed to  
require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol  
sold or supplied on the premises before the cessation of the period in which  
the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or  
otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or  
discounted fee to the public or to a group defined by a particular characteristic in a  
manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage  
or reward the purchase and consumption of alcohol over a period of 24 hours or less  
in a manner which carries a significant risk of undermining a licensing objective;



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(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

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

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



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(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

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

### Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 —
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979:

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

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

where—

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the





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premises in a capacity which enables the member or officer to prevent the supply in question; and

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

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

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

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

4. In this section –  
Licence issued 12.09.2019



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“children” means any person aged under 18; and

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

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

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



## Brighton & Hove City Council

**Annex 2 – Conditions consistent with the Operating Schedule – See below under Annex 3**

**Annex 3 – Conditions attached after a hearing by the licensing authority on 3<sup>rd</sup> June 2019**

### **General**

1. The licence shall not come into effect until the existing Unit 1 licence and the Unit 3 Licence granted on 28 September 2018 have been surrendered, and a variation of the remaining Unit 3 licence has been granted on terms no more generous than those attaching to the current Unit 1 licence.

### **East Street Bar**

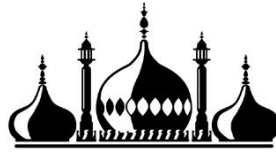
2. The East Street Bar, shown hatched on the plan, is licensed for the sale of alcohol for consumption on the premises between the hours of 12.00 to 23.00 hours.
3. There shall be no sale of spirits.
4. The bar shall be closed and cleared of customers by 23.00 hours.
5. Light food and snacks shall be available at all times.
6. The capacity of the bar shall not exceed the number of seats.

### **The prevention of Crime & Disorder – see below**

### **The prevention of public nuisance:**

### **Conditions agreed with Environmental Protection for the prevention of public nuisance:**

7. Prominent and clear notices will be displayed at the exit points requesting customers to respect the needs of local residents and to leave the premises and the area quietly.
8. Patrons will not be permitted to take drinks outside of the premises to consume whilst smoking.
9. The windows to remain closed after 21.00 hours, while any entertainment is provided. Otherwise all windows shall be closed after 23.00 hours. The management to undertake routine monitoring to ensure levels of music are not excessive and take appropriate action where necessary.



## Brighton & Hove City Council

10. The East Street entrance doors will remain closed, save for entry and exit, after 23.00 hours.
11. Bottles and glass are to be emptied between the hours of 9am and 10pm only.
12. Other than for emergency purposes and/or disabled access/egress, no public access or egress to the live music area of the premises shall be permitted through the entrance located on East Street.
13. Prior to the use of the premises, a full assessment of music noise breakout of both live and recorded music shall be undertaken. This shall be conducted in conjunction with the Environmental Health Team from Brighton & Hove City Council. The results of the assessment shall inform a noise management plan, including the installation of any appropriate physical measures, e.g. noise insulation. The noise management plan shall be approved by the Environmental Health Officer in writing and will be adhered to by the premises licence holder.
14. The queue to the premises will be monitored at all times by at least two SIA registered door supervisors.
15. Temporary acoustic sound barriers and canopies shall be used at the entrance to the premises to reduce noise breakout from the premises whilst the queue is in operation.
16. No more than 30 customers shall be permitted to smoke outside the premises at any one time.

### **Conditions agreed with Sussex Police:-**

#### **General**

17. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.



## Brighton & Hove City Council

### For the Prevention of Crime and Disorder

18. SIA door supervisors shall operate as follows:

#### **Pool Valley Entrance / Venue:**

At all times this part of the venue is open to the public and using this entrance/exit, SIA trained and licensed door supervisors shall be employed on a ratio of 1:100 with a minimum of two (2) on duty from opening and until the last customer has left the premises and the outside area have been dispersed of customers.

#### **East Street Entrance / Venue:**

Thursday, Friday, Saturday and Sunday when the following day is a Bank Holiday, New Year's Eve and Halloween, this part of the venue is open to the public and using this entrance/exit, SIA trained and licensed door supervisors shall be employed on a ratio of 1:100 with a minimum of one (1) on duty from opening and until the last customer has left the premises.

#### **East Street Entrance / Venue:**

At all other times SIA licensed door supervisors shall be employed when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Centre Events e.g. Pride. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority. Records shall be maintained at the premises containing the full name, date of birth and home address of every door supervisor. The record shall include all times and dates when a door supervisor is employed. Also, if employed through an agency, name and address of agency will also be recorded against the entry.

19. If not employed through an agency, authentic proof of identity of door staff shall be obtained in the form of a passport, drivers licence or a birth certificate. Copies of these documents will be held at the premises and made available to the police and/or council licensing authority immediately upon request (subject to the Data Protection Act 2018).
20. The DPS (or in the absence of the DPS the person with delegated authority) will ensure door supervisors display their SIA badges at all times they are on duty.
21. (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.



## Brighton & Hove City Council

- (b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
  - (c) CCTV footage will be stored for a minimum of 31 days
  - (d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
  - (e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
  - (f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.
  - (g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
  - (h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
22. The management and premises will have an absolute zero tolerance policy in respect of drugs, with notices advising customers of this clearly displayed at the entrance. Any illegal drugs seized will be documented as required by the Police and stored in a secure “drugs box”, and periodically the management will request the Police to come and remove all such drugs for destruction.
23. In the event a person is found on the premises actively or believed to be dealing in drugs, Police will be called and if practicable and safe to do so, the individual detained until Police arrival.
24. The management will permit the Police to use an “ION Track” drugs detector or other similar device inside the premises to detect the illegal use of drugs and will sign the Police consent form.
25. A written drugs policy will be agreed with the police and operated by the premises licence holder.



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26. Crime prevention and security measures shall be instigated throughout the premises following consultation with Sussex Police, as reasonable required.
27. The management of the premises will meet with the Police to discuss the safe and proper management of the premises on a minimum three (3) monthly basis, unless the Police confirm in any one quarter that such a meeting is not necessary.
28. The premises will become a member of the BCRP or similar scheme approved by the Licensing Authority that operates with radios and uses the Nightsafe & Yellow Card Scheme or similar reporting scheme.
29. Shatterproof drinking receptacles will be used within the whole premises at all times.
30. A written dispersal plan will be agreed with the responsible authorities and operated by the premises licence holder.

### **Public Safety**

31. When the Designated Premises Supervisor (DPS) is not on site, there will be a control document held and maintained on site which will state who is in effective control and management of the premises in the absence of the DPS. Other persons in control and management of the premises will be a Personal Licence Holder, and will be fully competent in licensing matter, health and safety and emergency evacuation measures.

### **The Prevention of Public Nuisance**

32. On no more than twelve (12) occasions and with no less than 7 days written notice to Sussex Police, live music will be permitted until 00:00hrs (12 Midnight).

### **The Protection of Children from Harm**

33. 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. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.



## Brighton & Hove City Council

34. Signage advertising the “Challenge 25” policy will be displayed in prominent locations in the premises.
35. Under 18’s will not be permitted on the premises after 22:00 hours. A clear notice shall be displayed at the premises so that it can easily be read by persons entering the premises stating “No persons under 18 will be admitted after 22:00 hours”.
36. The use of a recognised identification scanning system shall operate as follows:

### **Pool Valley Entrance / Venue:**

Excluding exclusive under 18’s events, the system shall be operated all times from 23:00hrs (or Midnight when Condition No.21 is being used).

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

All persons entering the premises will be scanned. The system should have the ability to share alerts with other venues using similar ID scanning equipment, identify the hologram of an ID and read both Passports and ID cards, including PASS cards. The system should be able to conduct tests to determine if a document is genuine or counterfeit. The system must be compliant with the Information Commissioners good practice guidance for ID scanning in clubs and bars.

As an exception to the use of the recognised ID scanning system to scan ALL customers, the name and date of birth of customers who appear to be over the age of 30, without ID, shall be recorded and a photographic image obtained. This information will be made available to the Police Licensing Officer or Local Authority Officer upon request.

### **East Street Entrance / Venue:**

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

37. No adult entertainment will be provided on the premises.





## Brighton & Hove City Council

38. (a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

- The lawful selling of age restricted products.
- Refusing the sale of alcohol to a person who is drunk
- Refusing the sale of alcohol for consumption off the premises to people who may have alcohol dependency issues.

(b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.

(c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.



## Appendix C

**From:** Redacted <Redacted>

**Sent:** 24 April 2022 16:19

**To:** EHL Environmental Protection <[EHL.EnvironmentalProtection@brighton-hove.gov.uk](mailto:EHL.EnvironmentalProtection@brighton-hove.gov.uk)>

**Cc:** Redacted <Redacted>

**Subject:** Objection to licence variation 1445/3/2022/01020

### **DML CON ENDS 25.04.22 VALID PCD, PPN & PCH (A)**

Good afternoon,

I wish to object to this application to vary the current licence for Chalk nightclub. I wish to object on the following grounds:

#### Prevention of Crime and Disorder

The applicant has asked for the provision for off sales of alcohol from their East Street bar in a designated pavement licence area. This area is already saturated with licensed premises, most of which have outside seating areas where people can consume alcohol. Residents are concerned that adding yet another bar that serves takeaway alcohol will increase the levels of drunken disorder and anti social behaviour that occurs in East Street which is within the Cumulative Impact Zone.

#### The Prevention of Public Nuisance & Public Safety

When the licence for Chalk was granted in October 2018, the Notice of Determination stated at paragraph 30, that the management of the premises should meet with residents of Clarendon Mansions on a 3 monthly basis to discuss concerns. This has not happened and residents do not have a contact number for the DPS or next in line, should issues arise.

The request to vary the licence and to provide tables and chairs outside should have been discussed with residents so that our concerns could be raised. The area around the entrance to the East Street bar is directly next door to the East Street Tap which already has bench seating in Pool Valley and tables and chairs in East Street, This area is already congested and residents on occasion have struggled to access East Street and Pool Valley on busy weekends because of the proliferation of A boards, seating and street furniture. I have added some photos to show what little space there is in this area. My wife is disabled and uses a mobility scooter and on weekends, it is very difficult to access this end of East Street. Where would the applicant place the outside seating area, and would this impact on residents in Clarendon Mansions? How will the applicant ensure that vulnerable residents can safely access the area once tables and chairs are placed outside the bar? It is not clear in the description on the Licensing Register and the applicant has not approached residents to discuss this.

Residents whose bedrooms are on the East Street side of Clarendon Mansions already suffer noise from party nights at East Street Tap. If an off sales licence was to be granted, residents would want an earlier finish to the off sales licensed area than 21:00, to prevent noise nuisance. Residents would also not want any music to be played within that area, again to prevent noise from disturbing residents. If the East Street bar is to be used as a chill out area where music is to be played, then doors and windows should remain closed to stop noise from affecting residents.

## The Protection of Children from Harm

What policies will the applicant put in place to prevent under age drinkers from using the outside seating area? Or to stop young people from ordering alcohol and then not remain in the seated area? I have witnessed so many young people walking around the seafront with plastic pints of beer in the area where bars already have off sales. Off sales is a difficult provision to police and makes it easier for under age drinkers to acquire alcohol.

I hope this objection is accepted by the Environmental Protection. If possible, I would like a copy of the full Description of the variation as only part of it is accessible on your website.

Kind regards,

Redacted  
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Redacted  
Redacted





Redacted

Redacted

**From:** Redacted <Redacted >

**Sent:** 24 April 2022 18:56

**To:** EHL Environmental Protection <[EHL.EnvironmentalProtection@brighton-hove.gov.uk](mailto:EHL.EnvironmentalProtection@brighton-hove.gov.uk)>

**Subject:** Fwd: Objection to licence variation 1445/3/2022/01020

## **DML CON ENDS 25.04.22 VALID PCD, PPN & PCH (B)**

On behalf of the Clarendon Mansions Residents Association, I endorse the attached message.

There is nowhere for this seating to go on East Street that doesn't book the public highway.

The road space beyond the no entry sign on east street is still a public through route via Brills Lane. Chairs and tables cannot be placed there

In addition, we were told the bar on East St would not be connected to the nightclub. Now, through salami tactics, slice by slice, it's a chill out zone for the club. How did that happen?

This is not acceptable.

In addition, Clarendon Mansions and the Queens Hotel both have major structural work coming up. Both will put up scaffolding etc, in part to meet legal requirements. This will mean essential work in the street that will conflict with bar extensions

Redacted

Redacted

Begin forwarded message:

**From:** Redacted <Redacted>

**Sent:** 24 April 2022 16:19

**To:** EHL Environmental Protection <[EHL.EnvironmentalProtection@brighton-hove.gov.uk](mailto:EHL.EnvironmentalProtection@brighton-hove.gov.uk)>

**Cc:** Redacted <Redacted>

**Subject:** Objection to licence variation 1445/3/2022/01020

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Kind regards,

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Redacted  
Redacted





**Appendix D**



