

APPENDIX D

Representations

Police Station
John Street
Brighton
BN2 0LA

Tel: 101 ext 550828

Email: **REDACTED TEXT**

30th October 2020

The Licensing Technical Support Officers
Environmental Health, Brighton & Hove City Council
Bartholomew House, Bartholomew Square
Brighton, East Sussex
BNI IJP

MSB CON ENDS 04.11.20 VALID PCD & PPN (A)

Dear Mark Savage- Brookes,

**RE: APPLICATION FOR A NEW PREMISES LICENCE FOR ELECTRIC
ARCADE, DALTON'S BASTION DOWNSTAIRS, MADEIRA DRIVE,
BRIGHTON, EAST SUSSEX, BN2 1EN UNDER THE LICENSING ACT 2003.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds that it will undermine the Licensing Objectives of the prevention of crime and disorder. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy and Public Health Framework report for Assessing Alcohol Licensing 2019 edition.

This is a proposed new premises 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 Zone (CIZ) (as defined in the BHCC Statement of Licensing Policy) and seeks the following hours and licensable activities:

Provision of Plays

Every Day: 09:00 – 00:30

Application states under seasonal variations "Until 00:50am every day during the Brighton Fringe period.

Provision of Films

Every Day: 09:00 – 00:30

Application states under seasonal variations “Until 00:50am every day during the Brighton Fringe period.

Live Music (Indoors and Outdoors)

Every Day: 09:00 – 23:59

Application states under seasonal variations “Until 00:50am every day during the Brighton Fringe period.

Recorded Music (Indoors)

Every Day: 09:00 – 00:00

Application states under seasonal variations “Until 00:50am every day during the Brighton Fringe period.

Provision of Performances of Dance

Every Day: 09:00 – 23:59

Application states under seasonal variations “Until 00:50am every day during the Brighton Fringe period.

Provision of anything of a similar description to live music, recorded music or performances of dance.

Every Day: 09:00 – 23:59

Application states under seasonal variations “Until 00:50am every day during the Brighton Fringe period.

Supply of Alcohol (On the Premises)

Every Day: 09:00 – 23:59

Application states under seasonal variations “Until 00:50am every day during the Brighton Fringe period.

Opening hours

Every Day: 09:00 – 00:30

Application states under seasonal variations “Until 00:50am every day during the Brighton Fringe period.

Paragraph 3.1.4 of the Brighton and Hove City Council 2016 Statement of Licensing Policy states:

“The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licenses 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 licensing decision matrix on page 16/17 of the Council Statement of Licensing Policy (SoLP) states that no new premises or premises licence variations asking for these licensable activities and hours will be granted in the CIZ, except in exceptional circumstances.

While the applicant has benefitted from a temporary time limited licence during 2020, Sussex Police understand that the premises has not be operating to its full potential due to Government restrictions, guidelines and law, this is also true of other premises within close proximity of this venue.

Sussex Police are concerned that once all premises return to 'normal business' the negative impact of another fully operational licensed premises in this location, which is already highly saturated with licensed premises, would increase.

Due to the crime and disorder in the location of this proposed premises 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 economy area to free up our normal 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, especially during the weekend evenings, goes some way to assist in reducing criminal incidents occurring, but unfortunately does not stop them in their entirety. The majority of incidents dealt with have an element of alcohol 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 due to their own vulnerability after consuming alcohol. Staff at venues and from emergency services are far too often also at the end of a drunk person's aggression.

Linked with Operation Marble, Sussex Police receive reports from external companies for example Beach patrol who inform us of weekly incidents that occur on the beach.

Therefore allowing further persons to drink and leave a premises on the sea front could see an increase in incidents.

Reviewing the Public Health Framework report for Assessing Alcohol Licensing 2019 edition, the East Brighton ward, of which this location is within, is ranked 5th highest out of 21 wards for police recorded alcohol related incidents. Granting an additional licence we believe could add further to the issues currently experienced within the city and so have a negative impact on the surrounding area.

Although, the applicant has offered a good number of conditions following pre consulting, Sussex Police still has concerns of a new premises licence in this location permanently. There is no proposed conditions for No vertical drinking and no conditions offering substantial food, therefore allowing this premises to operate as a Pub or even as a Nightclub, the current licence has conditions such as:-

1. *The bar shall only be open for the sale of alcohol when there is a public performance or event due to take place within 2 hours of the sale of alcohol being available.*
2. *There will be no admittance to the public to the premises after 21:30 every day unless they hold a ticket for a performance or event for the same evening.*

In order to make the licence, theatre led and not a pub.

Sussex Police contend that the carrying on of additional licensable activity and the hours applied for at these premises will add to the existing negative cumulative effect in an area already saturated with licensed premises.

Therefore, Sussex Police do not believe that the applicant has offered significant reasoning as to why this would be an exception or why the SoLP should be departed from. Sussex Police invite the Licensing Authority to seriously consider refusing this application.

Yours sincerely,

REDACTED TEXT

REDACTED TEXT

Licensing & Response Inspector
Local Policing Support Team
Sussex Police

Mr M Savage-Brookes
Licensing Officer
Licensing Team, BHCC
Bartholomew House
Bartholomew Square
Brighton
BNI IJP

Date: 4th November 2020
Our Ref: 2020/37384/LICREP/EH
Phone: **REDACTED TEXT**
Email: **REDACTED TEXT**

MSB CON ENDS 04.11.20 VALID PCD & PPN (B)

Dear Mr Savage-Brookes,

Licensing Act 2003

RE: Representation in regard to the application for a new Premises Licence (Ref. 2020/03210/LAPREN)

For: The Electric Arcade, Daltons Bastion Downstairs, Madeira Drive, Brighton, BN2 1EN

I write to make a representation on behalf of the Council's Licensing Team, in their capacity as a Responsible Authority, in relation to the above application for a new Premises Licence for The Electric Arcade, submitted by Otherplace Productions Ltd.

The applicant is applying for the following activities and times:

Performance of Plays

Saturday – Thursday 09:00 – 00:30
Friday 12:00 – 00:30
Until 00:50 every day during the Brighton Fringe period

Exhibition of a Film

Every day 09:00 – 00:30
Until 00:50 every day during the Brighton Fringe period

Recorded Music

Every day 09:00 – 00:00
Until 00:50 every day during the Brighton Fringe period

Live Music, Performance of Dance, Anything similar to LM, RM or PoD

Every day 09:00 – 23:59
Until 00:50 every day during the Brighton Fringe period

Alcohol (On sales only)

Every day: 12:00 – 23:59
Until 00:50 every day during the Brighton Fringe period

Opening Times

Every day

09:00 – 00:30

Until 00:50 every day during the Brighton Fringe period

We have concerns about this application and make a representation on the grounds of the Prevention of Crime and Disorder and Prevention of Public Nuisance and that this application is contrary to our Statement of Licensing Policy (SoLP).

We recognise that the premises was granted a time limited premises licence before a Licensing Panel on 11th May 2020 but that licence expired on 31st October 2020. This new application has no time limit on it and therefore would be a permanent late-night licensed premises within our Cumulative Impact Area (CIZ) which is defined within the council's Statement of Licensing Policy (SoLP).

The council introduced a special policy to address cumulative impact on the 13th March 2008 and following further consultation the cumulative impact zone was expanded in December 2011. 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 special policy will only be overridden in exceptional circumstances. New applications and variations to existing licences should normally be refused following relevant representations. This presumption of refusal can be rebutted by the applicant if they can show that their application will have no negative cumulative impact on licensing objectives including the prevention of crime and disorder and public nuisance. The Licensing Authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case.

The 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. Each application is still considered on its individual merit and there is discretion to depart from the Matrix approach policy in exceptional circumstances.

We acknowledge that the applicant aims to operate an 'arts led' premises and has included positive proposals on how they will manage potential risks within Section 18 of the application and these mirror and sometimes build on the conditions attached to the previous time-limited licence. However, we are concerned that two of the conditions that were put on at the Licensing Panel in May 2020 have not been included in the operating schedule, which gave robust control measures in ensuring a non-alcohol led premises. These were included as the panel felt at that time that there were insufficient safeguards in terms of conditions given the challenging nature of the area of the CIZ.

The two conditions attached were:

**Annex 3 – Conditions attached after a hearing by the licensing authority on
11th May 2020**

General:

1. The bar shall only be open for the sale of alcohol when there is a public performance or event due to take place within 2 hours of the sale of alcohol being available.
2. There will be no admittance to the public to the premises after 21:30 every day unless they hold a ticket for a performance or event for the same evening.

When considering whether representations should be submitted, the Licensing Team have regard to the 'Public Health Framework for assessing Alcohol Licensing' – January 2019 document. The premises sits within the electoral ward of Queen's Park, which the document states under 'Crime and Disorder data' is third worst out of 21 wards for all violence against the person, all injury violence, non-injury assault, sexual offences and police recorded alcohol related incidents. Within the recorded 'Health data', the premises sits in the worst ward for A&E attendances with a record of alcohol and third worst for alcohol suspected ambulance call outs.

We make 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.

We wholly support that each application should be considered on its own merits, but also recognise that this application is for a permanent extension to a licence previous granted on a time-limited basis. We are of the opinion that this application should be considered and determined by a Licensing Sub-Committee Panel.

Yours sincerely,

REDACTED TEXT

REDACTED TEXT

Senior Licensing Officer

Safer Communities

Supporting Representations

From: **REDACTED TEXT**
Sent: 29 October 2020 14:59
To: EHL Safety **REDACTED TEXT**
Subject: 1445/3/2020/03210/LAPREN

MSB CON ENDS 04.11.20 VALID PCD (SI)

Dear Sir/Madam,

Re: 1445/3/2020/03210/LAPREN
We are writing in support of the licence application 1445/3/2020/03210/LAPREN

We operate the **REDACTED TEXT** and **REDACTED TEXT** and **REDACTED TEXT** to the Electric Arcade.

Since the opening of the premises as the Electric Arcade, the area has been policed by the staff and security on site and we have noticed a reduction in anti-social behaviour and reduction in drug related activity, the whole area feels like a much safer environment now that it is open.

We have noticed a good mix of clientele which compliments the various offers East of the Pier and feel that this is a great fit.

Please do not hesitate to contact me if you require any more information.

Kind regards

REDACTED TEXT

Tel: **REDACTED TEXT**

From: REDACTED TEXT
Sent: 01 November 2020 17:32
To: REDACTED TEXT
Subject: Licence for the Electric Arcade

MSB CON ENDS 04.11.20 VALID PCD (S2)

REDACTED TEXT

Writing in support of:

Electric Arcade
Daltons Bastion Downstairs
Madeira Drive
Brighton
BN2 1EN

To whom it may concern,

I'm writing this email to extend my praise and support to the Electric Arcade with regards to their licence application and the positive effect it has had on the general area east of the palace pier.

Firstly, I would like to state that I work on **REDACTED TEXT**. I see it in peak summer and darkest winter and have vast experience with dealing with ASB along the seafront

I would like to highlight the reduction in Unauthorised Encampments and ASB as well as Drug Dealing and Street Drinking that used to be so prevalent in the area. I have known from previous observations that the shelter provided by the overhang and lack of lighting has proved the perfect place for all four.

With regards to ASB street drinking and drug dealing this used to thrive at this location. Can I please state that although the problem may have increased in the winter months this was still a major hot spot during peak summer. The reason it was so popular before was because it was dark and secluded without anyone to witness or report crimes. Now thanks to the Electric Arcade we have a well lit and safe venue with members of the public to witness and report crimes alongside trained staff and security who are invested in making the area safer for the local community.

Then we have numerous unauthorised encampments and rough sleepers that used to shelter at this spot before it was taken over.

Before the arcade there were people using the area to camp due to its shelter from the elements and secluded location. Not only was it quite distressing for young families and tourists coming to Brighton on vacation to witness it was also visible directly from the palace pier which holds one of the highest public footfalls anywhere in the city. With the unauthorised encampments came many issues with drug paraphernalia and alcohol being left littering the area that is a tourist hot spot as well as encouraging individuals not to engage with outreach teams due to the protection from the elements.

Alongside this, with vulnerable people came criminals gangs such as county lines who would prey on the people usually using this location.

However, with the Electric Arcade now located there and their friendly clientele the area has gone a complete transformation as it now has a public footfall with local residents and tourists who are now using this space. It has even had a positive effect of reducing unauthorised encampments located under the palace pier as vulnerable people seem to find the area a little too vibrant.

Lighting is an issue along Madeira drive as the council is struggling for funding to replace the listed street lamps. That part of Madeira drive is darker than it should be and going to the public toilets located alongside the arcade before involved going into a dark and almost abandoned area after sunset with often large groups of suspicious people gathering. Now with the electric arcade located next to the public toilets the suspicious loiterers have disappeared and you can see the positive impact of them being safer and cleaner as well as knowing that friendly and trained staff are just around the corner should I encounter anything suspect. Without the arcade operating in that area the public toilets become isolated and secluded and one starts to feel extremely uncomfortable and vulnerable.

The arcade is community focused. I have been to their beach cleans that they have been working on every weekend throughout the summer. They have been partnering with local charities like Surfers Against Sewage, The Brighton Table Tennis Club and Voices in Exile for beach cleans and partnering up with Brighton Council and the Volks railway to provide community driven events. These have had a massive positive effect on bringing locals back to what is quite often a tourist filled beach. With the local residents coming back to this area I witnessed passionate locals informing tourists why they should be clearing up their rubbish from the beach and also informing young families of the dangers of our steep shingle beaches and our infamous shoredump that can sweep a child into the sea. All of this contributes to less work for our already overstretched local services and comes directly from the vision set out from the management and long term plan of the arcade as a community driven enterprise.

Lastly, I would like to highlight the live shows and events put on by the Electric Arcade, not only does it add to the vibrance and culture of our city it also changes the clientele who are using the venue. I would argue that many of the clientele are looking to support artists in unprecedented hard times. The Electric Arcade is one venue that can do just that. Without it we risk another mainstream franchise that targets making money when we have the opportunity to support a project that offers so much more to the City and especially to its local community.

With Yellowwave and the Bison Bar further to the east of Madeira Drive we are seeing what was a derelict part of the City come back to life. By supporting the Electric Arcade we can keep this rejuvenation going and make what used to be an extremely dangerous and dissued area a hub for communities, family and culture. To not support them risks going back on ourselves and is verging on openly encouraging a site for ASB and criminal gangs to come back and prey on our vulnerable residents who will once again start using the area.

Yours sincerely,

REDACTED TEXT