

APPENDIX C

14th June 2021

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

SC CON ENDS 24.06.21 VALID PCD & CIZ (A)

Dear REDACTED

RE: PREMISES LICENCE APPLICATION FOR RUM KITCHEN, UNIT A, MOORE HOUSE, 11 BLACK LION STREET, BRIGHTON, EAST SUSSEX, BNI IND UNDER THE LICENSING ACT 2003. 1445/3/2021/01608/LAPREN.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the above licence application on the grounds of the prevention of crime and disorder. We also make reference to the 2021 Brighton & Hove City Council (BHCC) Statement of Licensing Policy and the 2019 Brighton & Hove Public Health Framework for Assessing Alcohol Licensing 5th edition report.

This is an application for a new premises licence located at 11 Black Lion Street, Brighton. The applicant has started trading from the location under the existing licence which was held when operated as Jamie's Italian. This licence has restaurant conditions and trading hours that fit within the Brighton & Hove Statement of Licensing Policy Matrix. The surrounding area is a mix of late night clubs and bars as well as more traditional pubs, restaurants, cafes and a wide range of retail outlets.

The application seeks the following licensable activities and timings:

Provision of recorded music - indoors

Monday through to and including Wednesday: 11:00 – 23:30

Thursday through to and including Saturday: 11:00 – 00:30

Sunday: 11:00 – 23:00

1 Hour extension on a Sunday prior to Bank Holiday Mondays and each day of Brighton Pride. Until 02:00 New Year's Day 1st Jan.

Late night refreshments – indoors & outdoors

Monday through to and including Wednesday: 23:00 – 23:30

Thursday through to and including Saturday: 23:00 – 00:30
Sunday: No hours being applied
for.

1 Hour extension on a Sunday prior to Bank Holiday Mondays and each day of Brighton Pride. Until 02:00 New Year's Day 1st Jan.

Supply of alcohol – on and off sales

Monday through to and including Wednesday: 11:00 – 23:30
Thursday through to and including Saturday: 11:00 – 00:30
Sunday: 11:00 – 23:00

1 Hour extension on a Sunday prior to Bank Holiday Mondays and each day of Brighton Pride. Until 02:00 New Year's Day 1st Jan.

Hours premises are open to the public

Monday through to and including Wednesday: 11:00 – 00:00
Thursday through to and including Saturday: 11:00 – 01:00
Sunday: 11:00 – 23:30

1 Hour extension on a Sunday prior to Bank Holiday Mondays and each day of Brighton Pride. Until 02:30 New Year's Day 1st Jan.

It's worth noting what the current licence permits compared to what is being requested above:

Late night refreshments – indoors

Monday through to and including Saturday: 23:00 – 23:30
Until 02:00 New Year's Day 1st Jan:

Supply of alcohol – on sales only

Monday through to and including Saturday: 07:30 – 23:30
Sunday: 08:30 – 23:00
Until 02:00 New Year's Day 1st Jan: 07:30 – 02:00
Bank Holidays: 08:30 – 23:00

Hours premises are open to the public

Monday through to and including Saturday: 07:30 – 00:00
Sunday: 08:30 – 23:30

Alcohol is ancillary to a table meal served to customers seated at tables or bar stools only.

Although the applicant did pre consult with Sussex Police, the conditions submitted and times being requested we unfortunately cannot support. We have attached a list of conditions that we asked the applicant prior to submission to included. We feel our conditions are clear, enforceable and ensure the premises operates only as a restaurant where all sales of alcohol are to persons seated at tables and ancillary to a main meal. The conditions and hours being requested by the applicant, although offering the restaurant conditions, there is scope for additional consumption of alcohol after eating and so moves away from “ancillary” to a meal. Also the numbers for pre and post drinks are rather high compared to the number we original suggested. We also feel the style of venue is very upbeat and so moves away from the traditional restaurant setting with the venue having DJ’s and a carnival vibe.

Should the application be heard before a licensing panel, Sussex Police will be seeking to have our attached conditions adopted rather than the ones submitted by the applicant. We will also be asking the panel to consider pulling in the times to that of the Brighton & Hove Statement of Licensing policy so that we ensure the premises continues to trade as a food led venue. For sessional extensions we feel the submission of Temporary Event Notices would be more appropriate. Finally off sales has been requested which was not mentioned to us prior during the pre-consultation. As we appreciate peoples habits have changed and more are making use of home deliveries, we are willing to compromise on this and have included an additional condition which can be seen as condition number 4 on the attached proposed condition list. This condition will reduces the risk of alcohol being purchased in person for consumption within public areas such as the beach or green spaces.

As mentioned, when you drill down the conditions being put forward by the applicant and hours being asked for, we are moving away from alcohol being ancillary to a meal. Permitting people to stay and drink within the bar area after eating and trading hours until 01:00 at the weekend are not in keeping to a normal restaurant. Due to the average person’s eating habits, its unlikely people will arrive at 23:00hrs wanting a table meal. The extend hours we believe would be used to try and keep earlier customers who have had a meal, within the venue drinking so then operating more as a bar.

On reviewing the application and operation style of the venue we do believe that alcohol plays a larger part of the focus as compared to other restaurants. Looking at the company website it states:

“At Rum Kitchen we try to honour the essence of the carnival, the most famous all day party. We don’t simply take an order, do a check back and wave our guests goodbye – we take them on a journey. We believe rum cocktails can make anyone dance, jerk BBQ is the tastiest way to cook food and our amazing DJ’s help bring the carnival soundtrack to our guests. And we do all of this with inclusivity at our heart – whether you’re a team member, a guest or an industry partner – Rum Kitchen is for everyone.”

The night time economy within Brighton & Hove can at times be challenging for all the emergency services. Within the City we have a high number of licensed venues all of which are in very close proximity to each other.

Due to the risks associated with intoxication, the City has a number of initiatives that support Police and other emergency services in safeguarding the public. These include Beach Patrol, Safe Space, Good Night Owls and Street Pastors. The majority of these organisations and persons involved with them are volunteers and operate in their spare time. The fact these services exist goes some way to prove the negative impact alcohol has within the night time economy.

With high numbers of person descending on the City during the weekends and the impact this has, 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.

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

Under the matrix approach within the Brighton & Hove City Council Statement of Licensing Policy – a new restaurant is supported however, as mentioned above, as the application stands we don't believe it fits within the spirit of a restaurant and that it would not comply with alcohol being ancillary to a main meal. Alcohol we believe plays a large part in the experience of visiting this venue.

Taking in to account our comments above, the Statement of Licensing policy, Public Health framework report and the location of the premises being in the heart of the night time economy and the cumulative impact area, Sussex Police are unable to support such an application without the times being pulled in to match policy and our conditions being adopted. If at a panel hearing we are unable to find an agreement on this, Sussex Police will be asking the panel to impose them if they are in mind to grant, or refuse the application.

Yours sincerely,

REDACTED

Proposed Restaurant Conditions – Rum Kitchen, Black Lion Street, Brighton

General

1. Authorised civilian staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation

for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.

2. Alcohol will be served by waiter/waitress service to persons seated at tables and ancillary to a main table meal only.
3. There shall be no vertical drinking at the premises, save for a maximum of 12 persons for a period of no more than 45 minutes, while waiting inside for a table to become available within the designated area as coloured yellow on the plans. These persons can be served at the bar.
4. Off-Sales of alcohol will only be permitted when it forms part of a substantial food order made over the telephone or app/website and delivered to a private or work address. i.e. walk-ins are not permitted. The management will ensure that delivery vehicles waiting or arriving to collect orders will be parked/waiting legally and not causing a public nuisance by way of obstructing the highway or footpaths.

For the Prevention of Crime and Disorder:

5. (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises to cover all public areas, including the entrance to the premises (amend this part as appropriate). The system shall be on and recording at all times the premises licence is in operation.
(b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
(c) CCTV footage will be stored for a minimum of 31 days
(d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
(e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
(f) Subject to 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.
6. At all times the premises is open to the public, the management will contract the back-up services of an approved mobile support unit (MSU) 24 hours a day, with a minimum of 2 SIA registered Door Supervisors operating from it. A copy of the MSU contract will be retained at the premises and made available for immediate inspection upon request by Sussex Police or Council Officials. The MSU will be accredited by the Brighton Business Crime Reduction Partnership (BCRP) or other similar organisation approved by Sussex Police should the BCRP not be in existence.

7. 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.
8. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made at any of the bars/point of alcohol service e.g. for intoxication, will also be recorded in writing.
9. The premises will become a member of the Business Crime Reduction Partnership or similar scheme approved by the Licensing Authority. The scheme must operate, subject to local coverage, radios and additionally an exclusion/banning scheme of named individuals within both the day and night time economy.

For Public Safety:

None from Police

For the Prevention of Public Nuisance:

10. There will be no live amplified music at the venue.

For the Protection of Children from Harm:

11. 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

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

12. 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.

13. The premises will operate a “Challenge 25” policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph or proof of age cards bearing the ‘PASS’ mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence or conditions attaching to it.
14. Signage advertising the “Challenge 25” policy will be displayed in prominent locations inside the premises.

REDACTED
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BNI IJP

Date: 21 June 2021
Our Ref: 2021/00780/LICREP/EH
Phone: REDACTED
e-mail: REDACTED

**SC CON ENDS 24.06.21 VALID
PCD, PPN & CIZ (B)**

Dear REDACTED

Licensing Act 2003

**Representation to the application for a new Premises Licence -
2021/00837/LAPREN**

Rum Kitchen, Unit A, Moore House, 8-13 Black Lion Street, Brighton BNI IND

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 submitted by Icarus Leisure Soho Limited.

This representation is made as the Licensing Team have concerns that the application could have a negative impact on the licensing objectives of prevention of crime and disorder and public nuisance. I also refer to the Special Policy on Cumulative Impact (SPCI) contained within the Council's Statement of Licensing Policy (SoLP).

This premises falls within the Licensing Authority's Cumulative Impact Area (CIZ), which was adopted to give greater power to control the number of licensed premises within the city's centre. The SPCI was introduced because the Licensing Authority determined that the concentration of licensed premises and the subsequent numbers of people drawn into the city centre is causing exceptional problems of crime and disorder and public nuisance.

The effect of the SPCI is that applications for variations of premises licences, which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. The applicant can rebut this presumption of refusal if they can show that their variation application will have no negative cumulative impact on licensing objectives, including prevention of crime and disorder and public nuisance.

Guidance issued under S182 of the Licensing Act 2003 (April 2018) states in paragraph 8.41 that in completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. The guidance goes on to say in paragraph 8.43 that applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, Cumulative Impact Zone (CIZ)), applicants are also expected to demonstrate an understanding of how the policy impacts on their application, any measures they will take to mitigate the impact, and why they consider the application should be an exception to the policy.

Although the applicant did pre consult, the conditions submitted, times requested and applying for 'off-sales' and the numbers for pre and post drinks, we unfortunately cannot support. At time of the pre-consult we had advised that we would not be able to support such activities as we believe would have a negative impact as regards to crime

and disorder, within an area already impacted. Also, we advised that this would be against the Statement of Licensing Policy.

The applicant has not addressed the premises location within the CIZ and has not offered any mitigation or explanation regarding the potential impact the above might have in the area and has not demonstrated how the application is an exception to our policy.

I have attached an article in the 'Big Hospitality', promoting the venue. This can be seen at Appendix A.

The Licensing Authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its SPCI in the light of the individual circumstances of the case.

The Council's Statement of Licensing Policy also 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.

In regard to the Matrix policy, I can again not see any offered exceptional circumstances for departing from the Matrix policy, where it clearly indicates that 'Pub' in the CIZ should not be granted within the Cumulative Impact Area. The Licensing Team contend that the Matrix policy relates to both new and variation applications. Again, the Matrix policy can be departed from where exceptional circumstances are demonstrated, but the applicant has failed to address this.

As well as being located in the CIZ, the premises is situated in the electoral ward of Regency, which according to our Public Health Framework for Assessing Alcohol Licensing 2019 also includes 'crime and disorder data', within this ward. Regency is ranked (out of 21 wards) worst for 'all violence against the person', 'all injury violence', 'non-injury assault', 'sexual offences', and second worst 'police recorded alcohol related incidents'.

The Licensing Team make this representation to uphold our Statement of Licensing Policy. The SPCI is predicated on too much alcohol being available and, as previously stated, applications for new premises licences will be refused unless the applicant can demonstrate exceptional circumstances. The onus is on the applicant to demonstrate this and we would invite them to explain their exceptional circumstance to the Panel, so that the Panel can decide whether they are satisfied that this application will not impact negatively on the CIZ.

Yours sincerely

REDACTED

BigHospitality

Rum Kitchen heads to Brighton

CASUAL DINING

By REDACTED

24-May-2021 - Last updated on 27-May-2021 at 06:51 GMT

RELATED TAGS: Rum Kitchen, Brighton & Hove, Caribbean, Rum, Casual di



Caribbean-inspired restaurant and bar concept Rum Kitchen has acquired the former Jamie's Italian site near Brighton seafront for its first location outside the capital.

Close to Brighton's The Lanes area on Black Lion Street, the 7,000 sq ft site has been vacant since Jamie's Italian collapsed in 2019.

Opening on 11 June, Rum Kitchen Brighton will seat 300 covers internally over two floors. It will also have a private dining area with its own bar, and a roof terrace.

Rum Kitchen launched in 2013 in the Notting Hill building that was once home to the Mangrove Club, which was famously run by Black community activist Frank Crichlow in the 1960s.

Two further London sites have followed in Brixton and Shoreditch. It offers a Caribbean-inspired menu - including the likes of curried goat and jerk chicken, alongside over 100 different rums.

"Brighton is an incredibly energetic, fantastically eclectic and vibrant neighbourhood with a history rooted in music and the arts – characteristics that chime with Rum Kitchen and who we are."

"We can't wait to immerse ourselves in the culture and community, bringing our Caribbean-mix of rum, food and music to the city," says REDACTED

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RELATED TOPICS: Casual Dining <https://www.bighospitality.co.uk/Article/2021/05/24/Rum-Kitchen-Caribbean-restaurant-heads-to-Brighton>

SC CON ENDS 24.06.21 VALID PCD, PPN & CIZ (C)

Representation to Licensing Application.

Name & address of premises subject to application.

Rum Kitchen
Moore House
11-13 Black Lion Street
Brighton
BN1 1ND

1445/3/2021/01608/LAPREN

Your name & address (residence or business).

REACTED

Owner of;

REDACTED

Note: Whether or not your representation can be considered depends upon whether your residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on the premises or immediately outside the premises.

Please state the substance of your representation within one (or more) of the following categories (representations outside these categories cannot be considered).

The Prevention of Crime & Disorder

With Black Lion Street a main thoroughfare for many of the locals and visitors to the city that are socialising, eating, and drinking in the Lanes and City Centre, it is of no surprise that it is currently classed as an ADZ and is covered by the Cumulative Impact Policy.

The reasons these classifications relate to Black Lion Street is that it is already densely populated/surrounded by licensed premises and therefore attracts a large volume of people to, what is in effect, quite a small area.

We would like to refer you to the **original** planning application agreed in 2005 for the building which states;

CONDITION 4 – The restaurant shall only be open to the public between the hours of 7.30 am to 11.30 pm Monday to Saturday and 8.30am to 11.00 pm Sunday – Reason: To safeguard the amenities of the locality and comply with policy QD27 of the Brighton and Hove Local Plan.

CONDITION 10 – No alcohol shall be sold or supplied in the restaurant except to persons who are taking meals on the premises and who are seated at tables.

Reason: To avoid any problems of disorder and to comply with policy SR12 of the Brighton and Hove Local Plan.

Whilst the planning consents have been amended since, at no time were local businesses and residents directly informed of the **substantial** changes proposed.

We have no objections to welcoming a food led operator into the area if their trading style and premises license conditions ensured it operated with a total table service policy as it is well known that the seated concept is a lot less likely to result in crime, disorder and public nuisance than a densely populated vertical drinking establishment.

We have made representations on previous applications relating to this property, each time identifying the same issues and concerns.

Whilst this application purports to be a food-led operation/restaurant the requested hours for retail of alcohol and ambiguous aspects to the operating schedule give significant opportunity to operate a more significant alcohol consumption business model than would be usually be found in a restaurant business.

Public Safety

Comments made in The Prevention of Crime and Disorder section are relevant to this section also.

The Prevention of Public Nuisance

Comments made in The Prevention of Crime and Disorder section are relevant to this section also.

The Protection of Children from harm

Signed: ...REDACTED.....

Date: ...21/06/2021.....

Name:REDACTED

Please note:

1. Electronically transmitted representations must be confirmed in writing and signed within 5 working days.
2. Representations are in the public domain. Copies are sent to the applicants to allow discussions and with the notice of hearing. They are also included in Licensing Panel papers. Hearings are public.