

## **Appendix C**

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

Date: 23 August 2022  
Our Ref: ELG/2022/02379/LICREP/EH  
Phone: Emma Grant  
e-mail: Emma.grant@brighton-hove.gov.uk

### **CH CON ENDS 09.09.2022 VALID PPN, PCD, CIZ (A)**

Dear Mrs Hardcastle

**Licensing Act 2003, 2022/02862/LAPREN  
The Hippodrome, 52-58 Middle Street, Brighton.**

I wish to make a representation against a new application for the Hippodrome, 52-58 Middle Street, Brighton. The application is for a premises licence for the sale of alcohol from 10:00 – 23:30 (on and off sales), Plays and Films 12:00 – 23:30, Live music / Recorded Music / Indoor sports events / Boxing / Wrestling 09:00 – 24:00 and Late night refreshment 23:00 – 24:00. For 18 events a year the proposal is to open until 02:00 and there will be 24 hour service to the hotel guests.

The grounds for the representation are that while this is a unique proposal which includes live music, dancing and theatre, arts and cultural events which the Statement of Licensing Policy (SoLP) supports, it is contrary to the SoLP in that the premises falls within the cumulative impact area, and there is the potential for the licensing objectives of prevention of crime & disorder and public nuisance to be undermined.

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

The Licensing Authority's Cumulative Impact area (CIA) was set up because the Licensing Authority determined that the concentration of licensed premises and the subsequent numbers of people drawn into the city centre is causing exceptional problems of crime and disorder and public nuisance. The effect of this special policy is that applications for new premises licences or club premises certificates within the

area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. The special policy is not absolute and this presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact and that there are exception circumstances to depart from the special policy.

The Council's SoLP 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.

This proposal does not fit easily into the categories in the Matrix Model as it includes entertainment facilities, food and drinking facilities, hotel accommodation, a private members club, arts club and bar.

The proposal includes off sales which is not supported in the matrix in the CIZ however the application states that :- Off Sales will only occur on any special event where for example there is a promotion of alcohol drinks in sealed containers to be sold and taken away by customers there will be a restriction of no later than 23.00hrs.

The applicants have consulted with the authorities and proposed conditions to promote the licensing objectives and this development is therefore generally welcomed by the authorities.

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

When considering whether representations should be submitted, the Licensing Team have regard to the 'Public Health Framework for assessing Alcohol Licensing' – January 2022 document. The premises sits within the Regency electoral ward. The document states that Regency ward is recorded as the worst ward out of 21 for All violence against the person and All injury violence. alcohol suspected ambulance call outs and 2nd worse for Police recorded alcohol related incidents.

The Licensing Team therefore makes this representation to uphold the council's Statement of Licensing Policy and we wish to bring the application to the attention of the panel so that they can consider the application in its entirety and decide whether it constitutes exceptional circumstances to depart from the policy.

Yours sincerely,

Emma Grant,  
Licensing Officer



# Sussex Police

## Serving Sussex

[www.sussex.police.uk](http://www.sussex.police.uk)

### Brighton & Hove Licensing Unit

Police Station  
John Street  
Brighton  
BN2 0LA

Tel: 01273 404535 ext 550828

Email: [brighton.licensing@sussex.police.uk](mailto:brighton.licensing@sussex.police.uk)

6<sup>th</sup> September 2022

The Licensing Technical Support  
Officers Environmental Health,  
Brighton & Hove City Council  
Bartholomew House,  
Bartholomew Square Brighton,  
East Sussex  
BN11JP

**CH CON ENDS 09.09.2022 VALID PPN, PS, PCH, PCD & CIZ (B)**

Dear Corinne Hardcastle,

**RE: APPLICATION FOR A NEW PREMISES LICENCE FOR THE HIPPODROME AND  
HIPPODROME HOUSE, 52-58 MIDDLE STREET, BRIGHTON, EAST SUSSEX, BN11AL  
UNDER THE LICENSING ACT 2003. 1445/3/2022/02862/LAPREN.**

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, public safety, prevention

of public nuisance and the protection of children from harm. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy (revised January 2021).

This is a proposed new licence for a historic venue on Middle Street which falls within the City's Cumulative Impact Area (CIA). The application features a multi-use complex and apart-hotel, part of which falls outside the framework of the decision making matrix on page 18 of the current Brighton & Hove City Council Statement of Licensing Policy.

The applicant seeks the following hours and licensable activities:

***Plays; Films;***

Everyday: 12:00 – 23:30

***Indoor Sporting Events; Boxing or Wrestling entertainments;***

Everyday: 09:00 – 24:00

***Live Music; Recorded Music; Performances of Dance; Anything of a Similar Description***

Everyday: 09:00 – 24:00

Seasonal Variations - New Years Eve into New Years Day at 02:00

Non standard timings - 'During any of the approved additional 18 events a year until 02.00'

***Late night refreshment (Indoors)***

Everyday: 23:00 – 24:00

'Hot food and drink will be available throughout all opening times'

Seasonal Variations - New Years Eve into New Years Day at 02:00

Non standard timings - 'During any of the approved additional 18 events a year until 02.00'

***Supply of alcohol (On and Off sales)***

Everyday: 10:00 – 23:30

Seasonal Variations - New Years Eve into New Years Day at 02:00

Non standard timings - 'During any of the approved additional 18 events a year until 02.00'

To Hotel Residents in their part of the premises at any time'

***Opening hours***

Everyday: 09:00 – 24:00

Seasonal Variations - New Years Eve into New Years Day at 02:30

Non standard timings - 'During any of the approved additional 18 events a year until 02.00'

The applicant has consulted closely with Sussex Police following submission of a draft application. A number of amendments have now been incorporated into the final licence application submitted to the Licensing Authority. Additionally, numerous conditions have been offered by the applicant that limit how the building can be used.

Paragraph 3.3 of the Brighton and Hove City Council 2021 Statement of Licensing Policy sets out the 'matrix' approach to licensing decisions in the City. While it is acknowledged that alcohol will be, in the main, secondary to the majority of the licensable activity, this application does not sit neatly within the matrix approach and therefore requires additional scrutiny by a Licensing Panel.

Notes on the matrix at 3.3.2 of the BHCC SoLP state that, '*3) Departure from the matrix policy is expected only in exceptional circumstances*'. The applicant has proffered measures within the application to promote the four Licensing Objections including:

- Limiting the proposed hours to midnight for licensable activity throughout the week, with the sale of alcohol ceasing at 23:30.
  
- Hot food and drink will be available throughout all opening times.
  
- Providing seated waiter/waitress service conditions in appropriate areas, including to the front on Middle Street.
  
- Limiting off sales to only during a special event, in sealed containers and finishing at 23:00.
  
- Crime prevention and detection measures such as CCTV throughout and written search and dispersal policies
  
- SIA risk assessment in place and MSU provision at all times the premises is open to the public.
  
- Membership of the Business Crime Reduction Partnership (BCRP)
  
- Reduction of proposed special event days from 20 to 18 (1-2 a month).
  - For each of the 18 special events a year (where licensable activity hours are extended until 02:00), a Management Plan will be submitted to Licensing Authority and the police for their approval, at least 2 months in advance.
  - All 18 special events will all be ticket controlled events.
  - No under 18's will be permitted for late night (or possibly other special entertainment) events.

- For any event finishing after 23:00, egress will be via the Ship Street entrance with no exit of customers via Middle Street after 23:00.
- A noise management plan.
- No outside entertainment of any kind.
- Last admission time of 23:00.

Under the circumstances Sussex Police consider this Application could meet the 'exceptional circumstances' criteria and that the sale of alcohol will be largely ancillary to the purpose of the business, that of a restored entertainment offering in the City.

It is the view of Sussex Police that, should the Committee be minded to grant this application, there are measures in place to minimise the potential negative cumulative effect on the area. By applying the numerous conditions contained within the Operating Schedule as well as consideration being given to any discussion at the hearing, it is highly likely that the risk of any negative cumulative impact will be mitigated and controlled.

Therefore Sussex Police invites the Licensing Committee to consider this application on its merits and make a determination accordingly.

Yours sincerely,

**Insp Michelle Palmer-Harris**  
**Ops Planning and Events (inc. Licensing) Inspector**  
**Brighton & Hove Division**  
**Sussex Police**

CH CON ENDS 09.09.2022 VALID PPN, PCD (C)



**Name & address of premises subject to application.**

THE HIPPODROME  
52-58 MIDDLE STREET BRIGHTON LTD.  
THE HIPPODROME AND HIPPODROME HOUSE  
52-58 MIDDLE ST.  
BRIGHTON  
BN1 1AL

1445/3 | 2022 | 02862 CAPREN

**Your name & address (residence or business).**

Redacted Text

**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**

THE OLD TOWN ALLEYWAY EXPERIENCES CRIME AND PARTICULARLY DISORDER DUE TO ALCOHOL AND ITS EFFECTS. WE ASK RESPECTFULLY, AS WE ARE IN A CUMULATIVE IMPACT ZONE, THAT THE IMPLICATIONS OF GRANTING THIS NEW LICENCE ARE GIVEN THOROUGH CONSIDERATION. THANKS

**Public Safety**

**The Prevention of Public Nuisance**

WE ARE ASKING THAT THIS LICENCE NEEDS TO BE GRANTED, DESPITE BEING IN A CIZ, TO MAKE THE WHOLE PROPOSING ~~PROPOSE~~ RETROFIT PROJECT VIABLE, BUT WE WOULD LIKE TO REMIND THE COMMITTEE THAT THIS PART OF THE OLD TOWN ALLEYWAY EXPERIENCES A TREMENDOUS VOLUME OF PUBLIC NUISANCE, WHETHER THAT BE NOISE, VIBRATION, VANDALISM,

**The Protection of Children from harm.**

LITTERING, DRUG USE OR GRAFFITI.  
WE ALSO ASK THAT RESTRICTIONS BE INCLUDED TO DISALLOW ~~BY~~ ANY EXTENSIONS TO THIS LICENCE IN THE FUTURE SHOULD THE OWNERS OR BUSINESS MODEL CHANGE.  
THANK YOU.

Signed Redacted Text

Date: 08.09.22

Name: Redacted Text

**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.

**CH CON ENDS 09.09.2022 VALID PPN (S1)**

From: Redacted >

Sent: 31 August 2022 16:25

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

Subject: 1445/3/2022/02862/LAPREN THE HIPPODROME - BRIGHTON. 51 and 52-58 Middle Street . BN1 1AL

Dear Licensing Department,

I wish to comment on the above licensing application .

I fully support the granting of a license for the restoration of this lovely old theatre. This development will also include an apart hotel, cafe and rooftop bar. Looking at the operating times I really do not think that there would be any late night noise problems. This is centrally located in Brighton with practically no residential buildings. As there will be an hotel on the site it will be in the owners interests to keep noise and disturbance to a minimum so as not to disturb their guests. This development is a welcome addition to Brighton as it provides a cultural as well as an entertainment centre rather than a noisy pub or junk food outlet of which there are so many in the area. Litter will not be a problem as I presume food will be served on site in the cafe/restaurant and not as take - aways.

I do hope the committee will look on this application favourably and grant the license.

Best wishes  
Redacted

## CONDITIONS AGREED WITH SUSSEX POLICE

### General

1. Conditions are in recognition of the CIZ and proportionate control of the premises and audiences leaving.
2. All Staff training will be extensive, documented and signed off as having been completed, records will be kept and available for inspection by the Licensing Authorities and police.
3. Last entry for all events will be listed but never later than 23.00hrs.
4. The outside areas are shown as part of the premises and sales to those areas will be restricted as listed. Off Sales will only occur on any special event where for example there is a promotion of alcohol drinks in sealed containers to be sold and taken away by customers there will be a restriction of no later than 23.00hrs.
5. Residents in the hotel will have the facilities of the whole premises available to them especially for food and drink but outside of the listed permitted hours they will still have available in their own rooms the use of a Mini Bar for alcohol at all times.
6. The proprietary club facilities are only for signed up Club Members who have therefore been approved and provided ID to the Premises Licence Holder and whilst they are in that part of premises they are subject to being seated with waiter/waitress service of food and drink and no permitted vertical drinking.
7. The Middle Street front premises will have an inside area and will be open to the public during the normal licensing hours. The street licensed part of the premises will be subject to being seated with waiter/waitress service of food and drink and no permitted vertical drinking.
8. The Middle Street foyer bar/entrance area (inside) will have seating and tables maintained at all times, with a minimum of 50 covers.
9. Entrance to the Auditorium will only be permitted through the Middle Street main entrance, not via the Foyer Bar (Middle Street). This will be monitored at all times. There will be no regulated entertainment performed in the Foyer Bar at any time.
10. Vertical alcohol sales will only be available in the auditorium when entertainment/performance/live events/conferences/exhibitions are taking place. At all other times alcohol sales will be seated.

11. A monthly diary of events will be provided to Sussex Police and Brighton & Hove City Council licensing dept.
12. All outside areas/terraces (within and without the premises) will be closed to customers at 23:00pm.
13. The outside trading area to the front of the premises (Middle Street) will be fully cleared of all moveable street furniture when closed at 23:00pm.
14. All outside areas shall be monitored and regularly cleared of glasses and bottles.
15. At least one personal licence holder will be on site from 21:00 when the premises is open to the public for licensable activity.

### **Prevention of Crime & Disorder**

16. 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.
- 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 and 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.

17. a) An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at intervals of no more than four (4) weeks.  
  
b) The logbook should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.  
  
c) Any refusals made for alcohol service e.g., underage, will be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty-four (24) months.
18. Door supervisors will be employed at the premises:
  - a) from 21:00 hours when the auditorium is open and an event is taking place, at a minimum of one door supervisor for every 100 customers or part thereof. Door supervisors will remain on duty until the premises has closed to the public, licensable activity has ceased and the venue is completely clear of patrons.
  - b) on any other occasion when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 7 days in advance. Further, as part of this written risk assessment the premises licence holder will consult with Sussex Police and take into consideration their advice regarding the following: public holidays, when seasonal variations are taking place and other city wide events e.g. Pride. This written risk assessment will be reviewed every 12 months or sooner should the need arise and a copy shall be retained at the premises.
19. There will be a written risk assessment document and management plan in place. It will document what considerations have been made by the licence holder regarding any additional special events which may arise in the city during the year as well as points a) – e) below. This document shall be immediately available for inspection by the Police and the Licensing Authority, upon request.
  - a) A search policy for when door supervisors are on duty with the number of searches to be carried out set on a risk assessment basis depending on nature of event, expected audience etc.
  - b) Regular checks of the toilets will be conducted, and recorded whenever an incident or trace of drugs is detected (either in electronic or written form), to discourage/interrupt drug taking and also identify persons who may have become vulnerable or incapacitated through alcohol or drugs.

- c) At the end of the night a crowd management procedure/dispersal policy shall be designed and implemented to ensure that there is a wind down period prior to the premises closure and customers are advised accordingly. This will aim to prevent groups gathering, engaging in altercations and persons remaining in the vicinity of the premises.
  - d) An assessment regarding the use of glass both within the premises and in the outside areas. The assessment will identify all licensable activities undertaken at the premises and the controls necessary to promote the licensing objectives. The risk assessment will include when polycarbonate or plastic/disposal drinking vessels will be employed if such a requirement is identified by the licence holder or requested by Sussex Police.
  - e) Any events (including but not limited to E-sports, tournaments, conferences, exhibitions) where all ages can attend will have a section within the document detailing how alcohol sales will be managed with consideration given to under 18s. This may include consideration around wristbands identifying under/over 18s, a vulnerability policy and a terminal hour which under 18s have to leave the premises.
20. Any drugs or weapons taken from customers will be stored securely and documented using a clear bagging and numbering system and this documentation will be provided to Police when drugs are collected for destruction.
  21. Individuals found to have drugs or weapons in their possession will be banned from the premises.
  22. 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.
  23. At all times the premises is open to the public, the management will contract the back up services of a mobile support unit (MSU) that has operational capacity 24 hours a day. 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.
  24. While details of all events will be publicly available by advertising there will be up to 18 events a year which will have extended hours up until 02.00 for licensable activities and for each of these at least 2 months in advance there will be a Management Plan submitted to Licensing Authority and the police for their approval, they will all be ticket controlled events.
  25. No under 18's for late night or possibly other special entertainment as previously advertised when the tickets become available for sale.

### **Public safety**

26. All admission to the premises will be controlled by stewards and if required SIA registered door supervisors including in some events pre-sold tickets. And where appropriate clickers will be used to control and identify numbers on the premises apart from the hotel occupation.
27. At the end of any event finishing after 23:00 or with a attendance of more than 300 persons, a written crowd management procedure/dispersal policy shall be designed and implemented. This will include that egress will be via the Ship Street entrance with no exit of customers via Middle Street after 23:00 as well as the use of SIA door supervisors. This will be agreed with Sussex Police to prevent groups gathering, engaging in altercations and persons remaining in the vicinity of the premises which may cause noise/nuisance.

### **Prevention of Public Nuisance**

28. No outside drinking on Middle Street Highways licensed area or the premises outside after 23.00
29. No outside entertainment of any kind.
30. An approved noise management plan will be in use at all times and the manager on duty will be fully responsible for ensuring that doors and windows are closed at and after 2300 hrs. An acoustic report is also available.
31. A transport plan will also be made available

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

32. 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.
33. Signage advertising the 'Challenge 25' policy will be displayed in prominent locations in the premises.
34. a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive 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

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.

35. There will be no late admissions after 23.00hrs and no admissions at any time to controlled entertainment which could be considered unsuitable