



**Brighton & Hove
City Council**

**LICENSING PANEL (LICENSING ACT
2003 FUNCTIONS)
ADDENDUM**

10.00AM, MONDAY, 3 JUNE 2019

ROOM G90, HOVE TOWN HALL

ADDENDUM

ITEM

Page

8 ADDENDUM 2

5 - 24

Case Summary
Unit 1, Savoy Centre, 10 Pool Valley, Brighton, BN1 1NJ

Attached to this case summary are the following documents:-

- Notice of Determination - 4 October 2018 for the Haunt - Unit 3
 - Plans of the building
 - Layout plans submitted with the application.
1. Matthew Felton-Dimmack has run the Haunt from Unit 4, the Savoy Centre for a number of years. As a result of developments within the building he has to move his successful operation into a different part of the building.
 2. Rank PLC have successfully applied to move their "parked" casino licence into Unit 4. They have been granted premises licences under the Licensing Act 2003 and the Gambling Act 2005. They will shortly begin fit-out to operate from these premises.
 3. On the 28 September 2018, the licensing authority granted Matthew Felton-Dimmack a new licence to move the Haunt from Unit 4 to Unit 3, the Savoy Centre. The notice of decision from that hearing dated 4 October 2018 is attached to this note.
 4. The application to be considered by the licensing authority on 3 June 2019 is for a new premises licence to allow the Haunt to move to Unit 1 rather than Unit 3 - as granted last year.
 5. If the application as applied for is granted, the licence for Unit 3 - granted on the 28 September 2018 will be surrendered.
 6. If the licence is granted on 3 June 2019, the current licence for Unit 1 would also be surrendered.
 7. If the licence is granted on 3 June 2019, this will leave the position as follows:-
 - Unit 1 - the new licence as applied for
 - Unit 3 - the existing Dirty Blonde licence
 - Unit 4 - the casino licences (Licensing Act 2003 and Gambling Act 2005)
 8. Should the licence be granted, this would mean that the overall building would consist of two casinos, the new Haunt / event space / theatre premises at Unit 1 and a restaurant

wine bar operation at Unit 3. This would lead to a significant reduction in potential "cumulative impact" at this location.

9. Benefits

- This would significantly tidy up the licensing position for the overall building.
- There would be a significant ancillary benefit in a live venue / theatre element in Unit 1. There would be a 350 seat theatre; rehearsal and recording space; a flexible live music and performance space. None of this would be capable of being accommodated in the current Haunt at Unit 4 or the premises at Unit 3 - licence granted in September 2018.
- The offering is better suited in Unit 1 in that the entrance / dispersal is away from the majority of residential area. This is a considerably better suited salutation than that granted for Unit 3 in September 2018.
- A better queuing system can be offered into the premises in that the entrance is double the size. This will allow for people to be processed into the venue twice as quickly as it would at Unit 3.
- A better managed smoking solution can be offered from this site.
- Better servicing of the Unit can be offered in relation to deliveries and collection of rubbish.
- Agreement has been reached for additional conditions to be added with Environmental Protection.
- Additional conditions have been offered to the police to deal with their concerns.

Paddy Whur

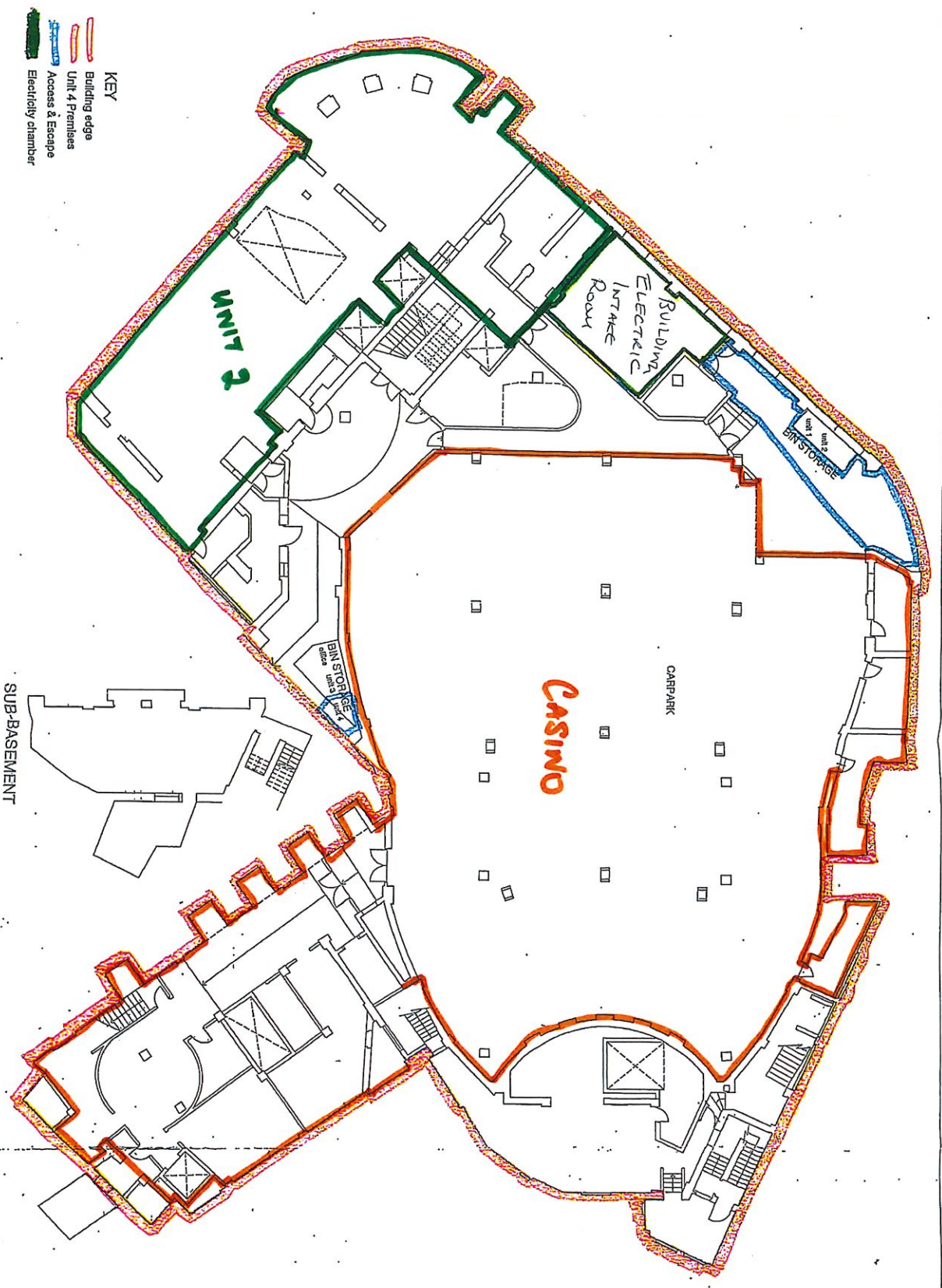
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Devonshire House

38 York Place

Leeds

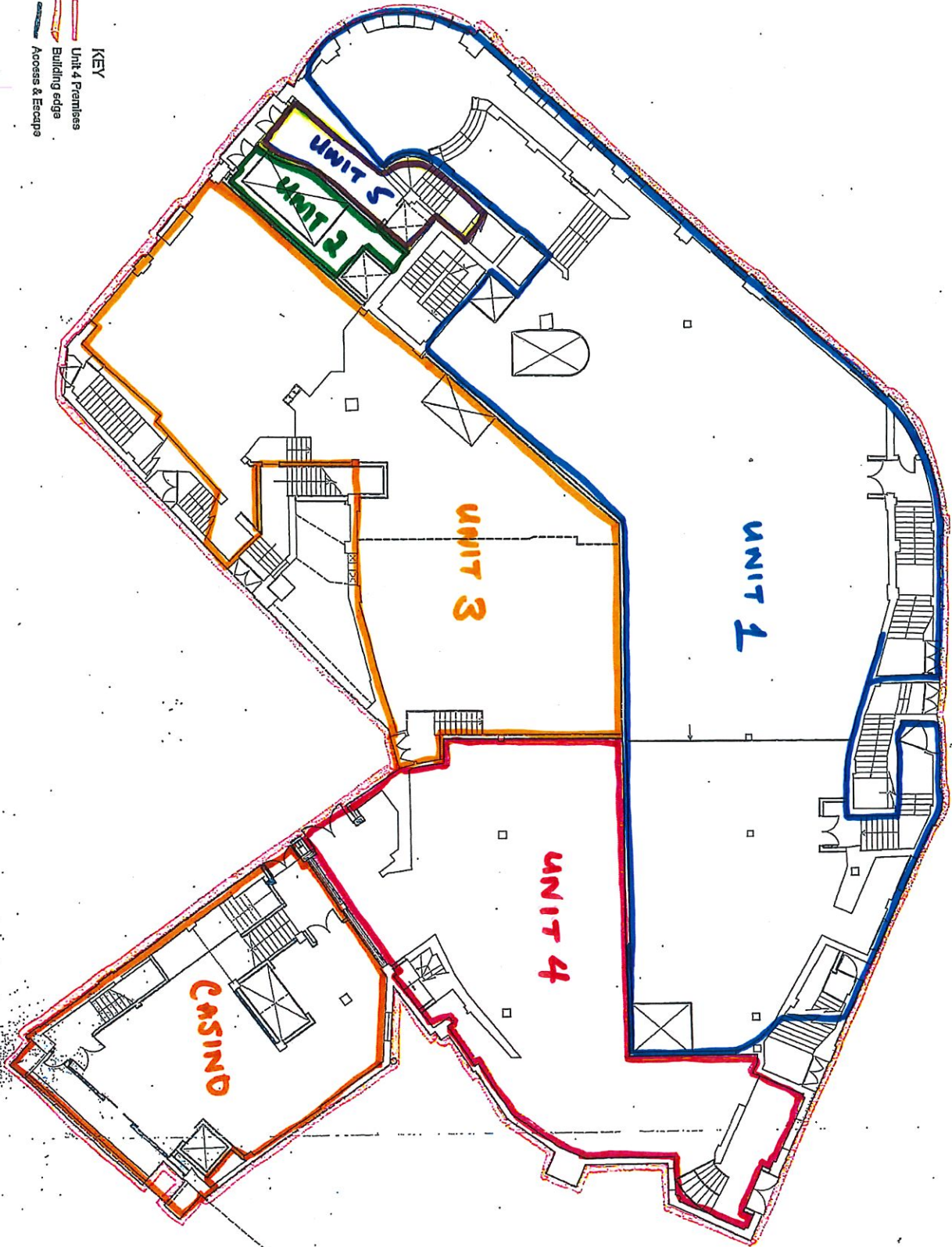
LS1 2ED



BUILDING - FLOOR PLAN SUMMARY

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dwn dn	© moren greenhalgh architects
date 03/02	
dwg WP3-100	
rev A	
scale 1:200 @A3	
24 beaumont mews, london, W1G 6EW. t: 020 7935 2422 f: 020 7935 2568 e: mg@moren-greenhalgh.com	

KEY
 Unit 4 Premises
 Building edge
 Access & Escape



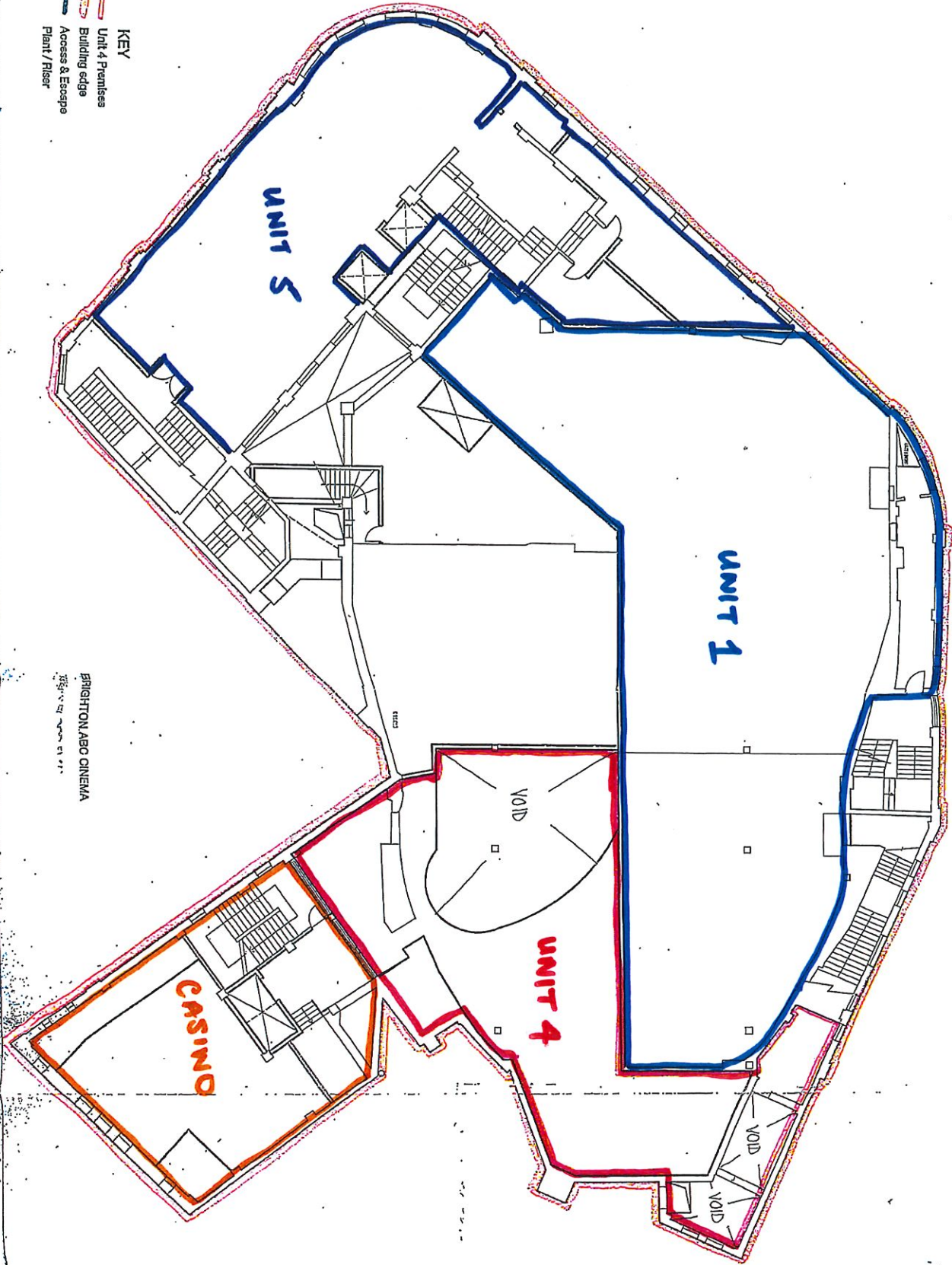
client
 Falcon Land Brighton Ltd

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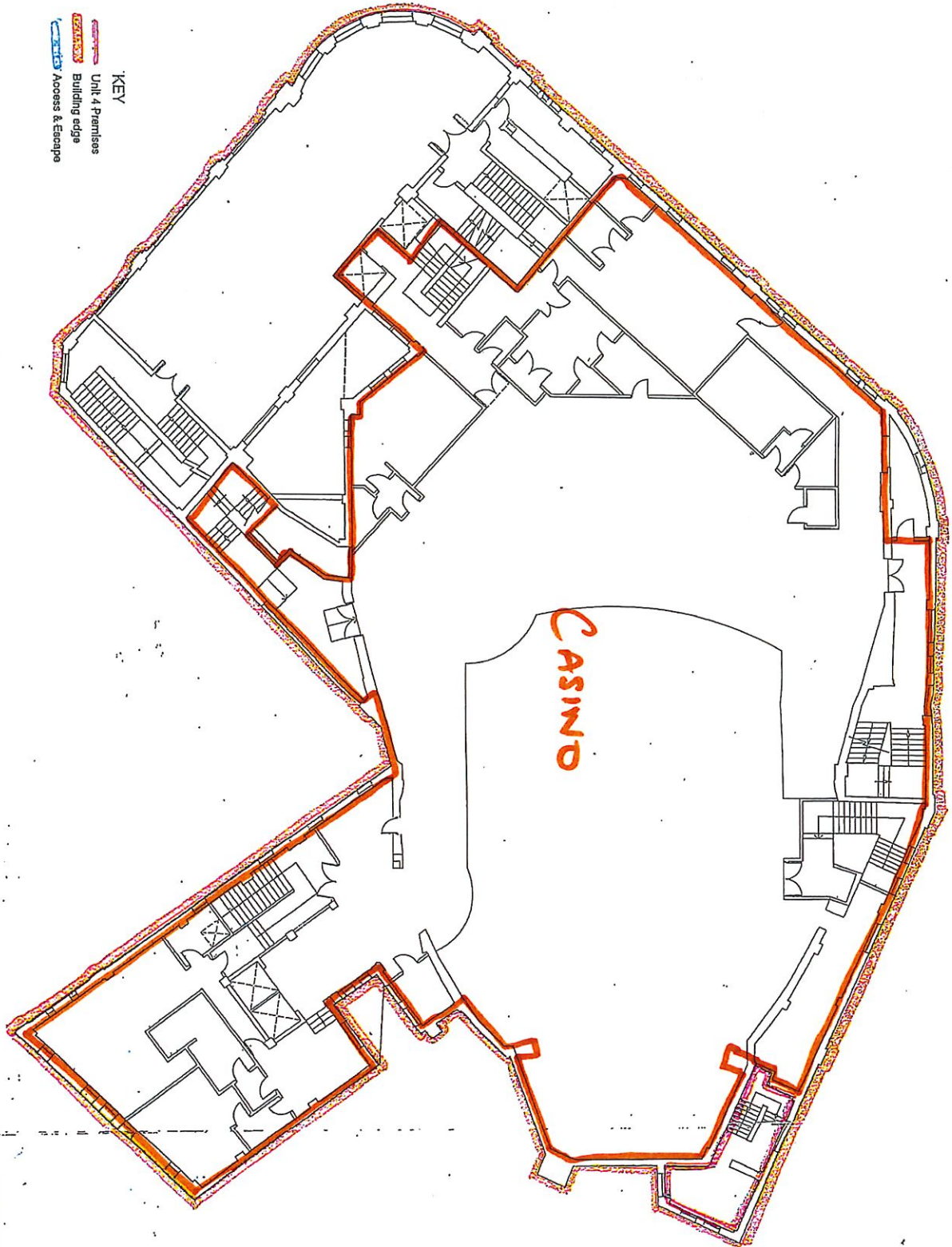
project
 ABC Cinema redevelopment Brighton
 drawing title
 Unit 4 demise drawing. Ground Floor Level
 moren greenhalgh architects

KEY
 Unit 4 Premises
 Building edge
 Access & Escape
 Plant / Riser

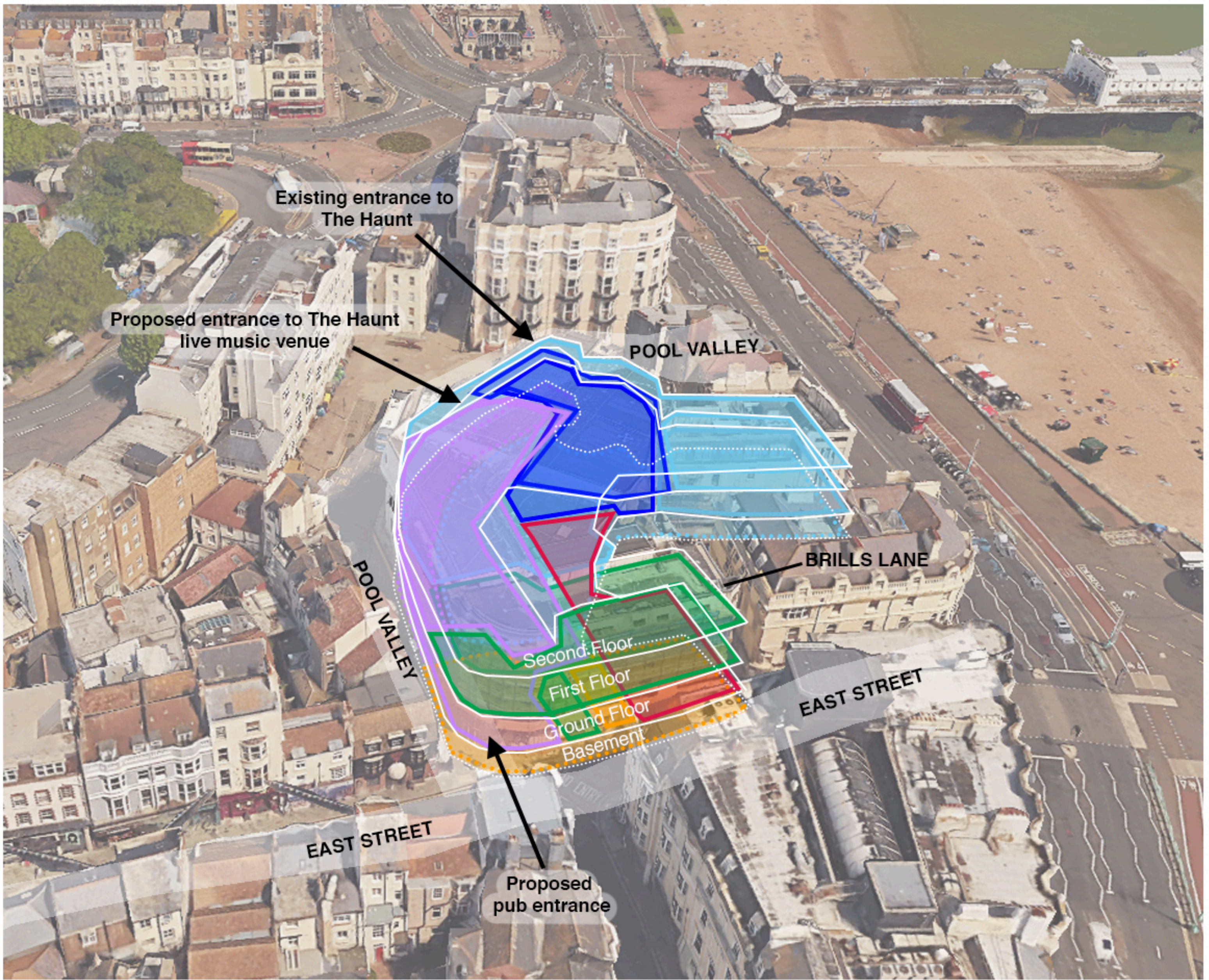


client Falcon Land Brighton Ltd	project ABC Cinema redevelopment Brighton
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date 10/00	© moren greenhalgh architects
dwg WP3-102	
rev /	
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KEY
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 Building edge
 Access & Escape

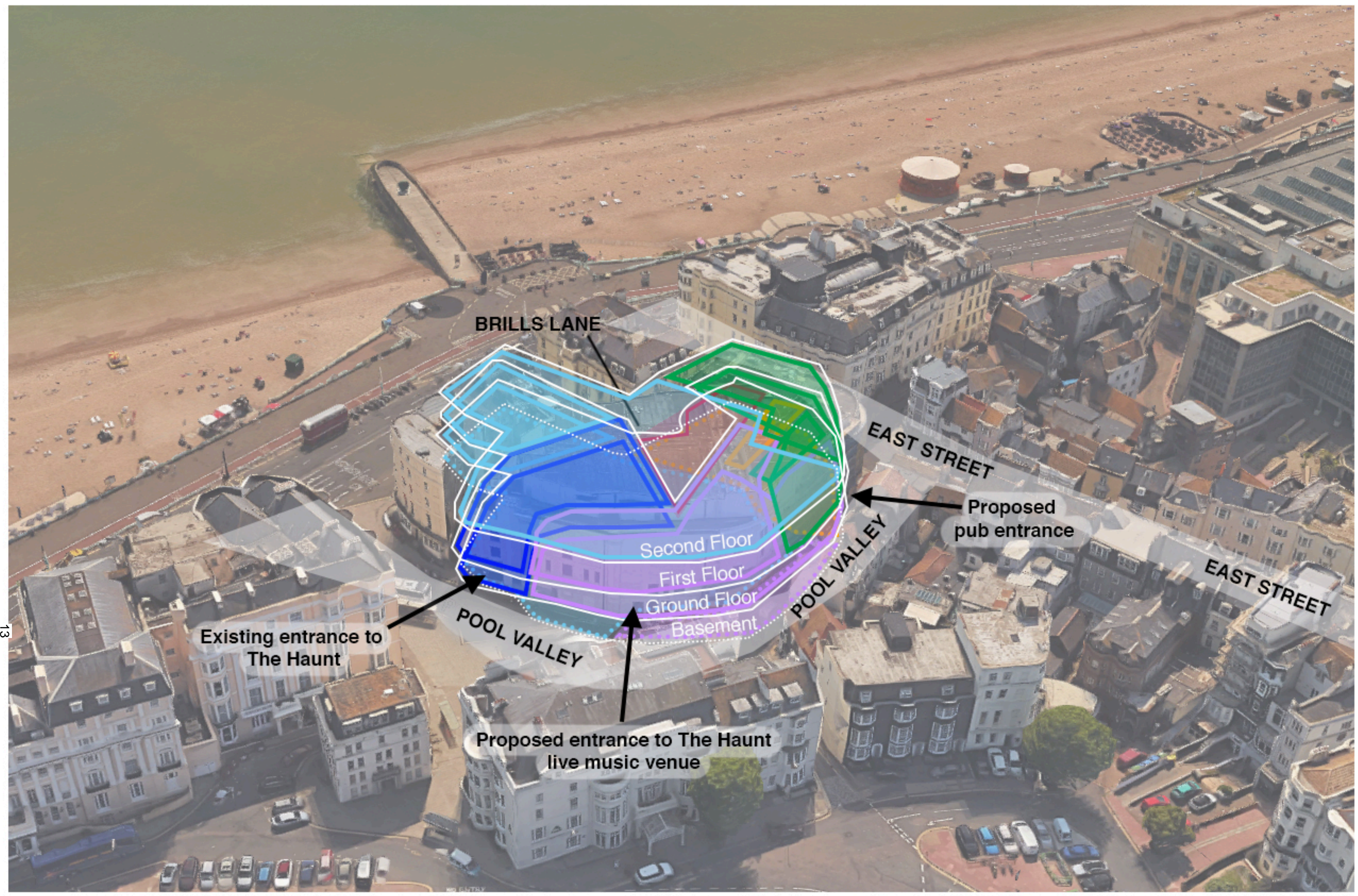


client Falcon Land Brighton Ltd	project ABC Cinema redevelopment Brighton
ref RET-BRI dwn dn date 03/02 dwg WP3-103 rev A scale 1@200 @A3	drawing title Unit 4 demise drawing. Second Floor
24 beaumont mews, london, W1G 6EW. t: 020 7935 2422 f: 020 7935 2568 e: mg@moren-greenhalgh.com	© moren greenhalgh architects



Key

- Unit 0 (Rank Casino)
- Unit 1 (Days Restaurant/ new premises for The Haunt)
- Unit 2 (Bau Wow)
- Unit 3 (Dirty Blonde/ new restaurant)
- Unit 4 (The Haunt/ extension to Rank Casino)
- Unit 5 (Platinum Lace)



13

Key

- Unit 0 (Rank Casino)
- Unit 1 (Days Restaurant/ new premises for The Haunt)
- Unit 2 (Bau Wow)
- Unit 3 (Dirty Blonde/ new restaurant)
- Unit 4 (The Haunt/ extension to Rank Casino)
- Unit 5 (Platinum Lace)



Safer Communities – Licensing Team
Brighton & Hove City Council
2nd Floor Bartholomew House
Bartholomew Square
Brighton
BN1 1JP



Woods Whur Devonshire House 38 York Place Leeds LS1 2ED	Date	4 th October 2018
	Ref	2018/04136/LAPREN
	Tel	01273 294429
	Email	ehl.safety@brighton-hove.gov.uk

Dear Sir or Madam:

RE: Licensing Act 2003 – Licensing Panel Hearing Notification of the Determination of Panel.

Licensing panel hearing held on Friday 28th September 2018 in respect of the application for a premises licence in respect of premises known as The Haunt, 75 – 79 East Street, Brighton BN1 1NF.

The Panel has read all the papers including the report and relevant representations and additional papers, and listened to all the arguments and submissions made today.

This is an application for a new premises licence within the Cumulative Impact Zone (CIZ) and therefore is subject to the special policy on cumulative impact as set out in the Statement of Licensing Policy. The application is for a live music venue and bar to operate from 11:00 to 04:30 every day with licensable activities until 04:00. Representations received were from Resident Associations, local residents, local councillors and local businesses, Sussex Police, and the Licensing Authority.

Our policy states that applications for new premises licences 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 special policy will only be overridden in exceptional circumstances. However, the policy is not absolute and the panel must consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in light of these.

We have considered the individual circumstances and merits of this application. The circumstances surrounding this application are complex and unusual. There is a premises licence in existence already for these premises with licensable activities until 3 am. Furthermore, there is an existing licence for the Haunt at premises in Pool.

Telephone: 01273 290000
www.brighton-hove.gov.uk

Valley which are being taken over by the Grosvenor Casino but the Landlord of those premises who holds the licence wishes the licence to remain in the background rather than surrender it as the Police would prefer.

We heard from the residents, local business, and local councillor about the detrimental impact licensable activities at these premises have had on them in the past and how they are negatively impacted by the number of licensed premises within the area. The panel found their accounts compelling.

The Police and Licensing Authority were concerned that the Applicant had not addressed the Special Policy and Cumulative Impact in their application or set out what exceptional circumstances may apply to depart from the policy.

In their submission to the Panel the applicants put forward a comprehensive package of measures and conditions together with a number of changes to their application. These included reducing the live music activity from 4am to 11pm, removal of off-sales, removal of all non-standard timings, internal queuing system, internal layout changes for music performance, written dispersal plan, smoking controls, confinement of putting bottles into bins to inside the premises and restriction of waste collection times, and a 30-minute reduction in hours for the sale of alcohol. The conditions proposed by the Police were agreed to and an extra condition undertaking to reduce the hours for licensable activities for this licence should the previous Haunt licence in Pool Valley ever be resurrected was put forward which satisfied the Police.

While the Panel welcomed such amendments and concessions, it would have greatly assisted the process if they had been put forward earlier. However, the Panel considered that in its revised form the application represented an improvement to the existing licence in place for the premises and did address many of the specific concerns raised by those making representations. On the basis of these unusual and exceptional circumstances the panel considers that the application will not add to cumulative impact and has therefore decided to grant this application. We set out below the new and amended conditions along with those agreed with the police as amended which will go onto the licence.

Finally, we remind residents and local businesses that if problems do occur at these premises there is ultimately the power to call for a review of the licence.

Conditions:

General

1. If the Unit 4 premises in Pool Valley ceases to be a casino and is resurrected as a nightclub, whether by application or otherwise, then the hours for all licensable activities on this licence which are beyond 3am will be brought back to 3am with closing time of 3.30. This is to ensure there is no overall increase in hours as a result of possible re-instatement of the old 'Haunt licence' and the grant of this licence.
2. There shall be no off-sales.
3. Live music will cease at 23:00 every day save for a maximum of 12 occasions per year in which it will be permitted until 12 midnight.
4. Hours for sale of alcohol to be 11:00 to 03:30 every day.
5. (The non-standard timings to be removed save for the BST provision and New Year's Eve.)
6. 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.
7. No drinks may be removed from the premises.

Prevention of Crime and Disorder

8. SIA trained and licensed door supervisors shall be employed on a ratio of 1:100 with a minimum of two (2) on duty from 21:00 hours or at any other time there is an event being held within the building (i.e. a live show or a club night). 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.
9. 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).
10. 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.

11. (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 (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 Data Protection 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.
12. 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.
13. In the event a person is found on the premises actively dealing in drugs, that person will be detained and the Police called to the premises. Any person found with more than a very small quantity of drugs in their possession which they claim is for personal use will be treated as "dealing" and detained until the Police are called and arrive.
14. 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.
15. Crime prevention and security measures shall be instigated throughout the premises following consultation with Sussex Police, as reasonably required.
16. 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.

17. 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.
18. Shatterproof drinking receptacles will be used within the whole premises after 21:00 hours.
19. The premises licence holder will operate a queuing system which will prioritise internal queuing inside the front of the premises in line with the area marked out on the plan attached to the premises licence.
20. A written dispersal plan will be agreed with the responsible authorities and operated by the premises licence holder.
21. A written drugs policy will be agreed with the police and operated by the premises licence holder.
22. After 23:00 customers will not be permitted to smoke outside the front of the premises. They will be directed to the first floor smoking balcony which will be supervised by a member of staff whenever being used. There will be a maximum of 20 persons permitted to smoke in this area at any one time.

Public Safety

23. 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

24. A tamper proof noise limiter/compressor shall be installed by a competent person to the satisfaction of the Director of Environment. The noise limiter/compressor must be set at a level agreed by the Head of Safer Communities.
25. Prominent and clear notices will be displayed at the exit points requesting customers to respect the needs of local residence and to leave the premises and the area quietly.
26. Patrons will not be permitted to take drinks outside of the premises to consume whilst smoking. This applies to all smoking areas.
27. 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.
28. Bottles will only be emptied into bins inside the premises.

29. There shall be no collection of bottles and waste between 21:00 hours and 08:00 hours every day.
30. The management of the premises will meet with residents of Clarendon Mansions, and manager of the Queens Hotel to discuss the safe and proper management of the premises and any concerns the residents may have on a minimum three (3) monthly basis, and shall provide residents of Clarendon Mansions with the direct access telephone number of the DPS or next in line.

The Protection of Children from Harm

31. 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.
32. Signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
33. 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".
34. The premises shall install a recognised electronic identification scanning system for customers entering the premises. The system shall be operated from 21:00 and all other times when SIA door staff are on duty. 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:
(a) 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. An exception to this whole condition 27 is when the premises is holding an exclusive under 18 event.
35. No adult entertainment will be provided on the premises.

36. 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

(a) 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.

(b) 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.

The minutes of the panel will be available on the Council's web-site under the rubric 'Council and Democracy'.

Appeal Rights

(Section 181 and schedule 5 of the Licensing Act 2003)

1. The applicant may appeal against the decision to modify conditions
2. A person who has made a relevant representation may appeal against any grant made, or any condition attached.

All appeals must be made to Magistrate's Court, Edward Street, Brighton, within 21 days of deemed delivery of this letter. Delivery will be deemed to have been effected on the second working day after posting.

Yours faithfully



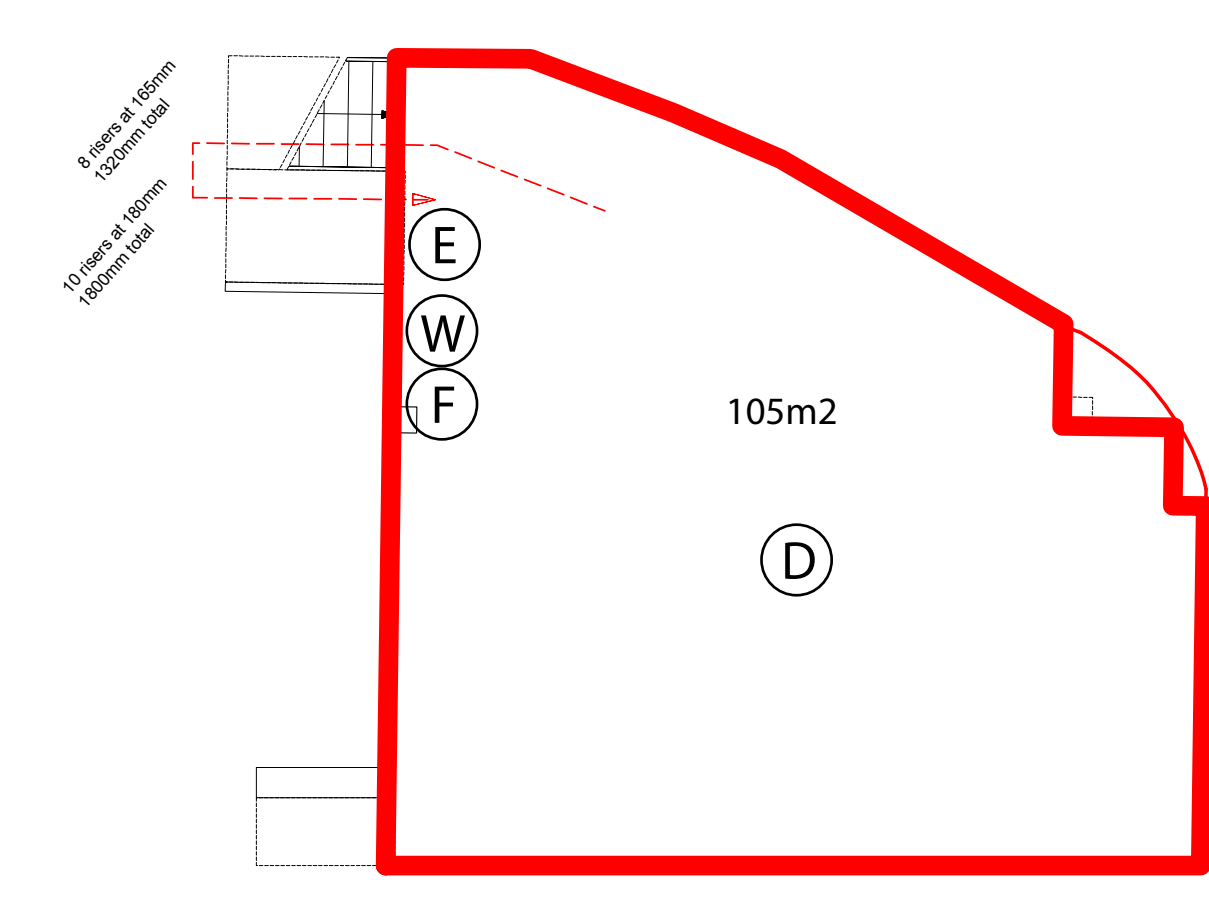
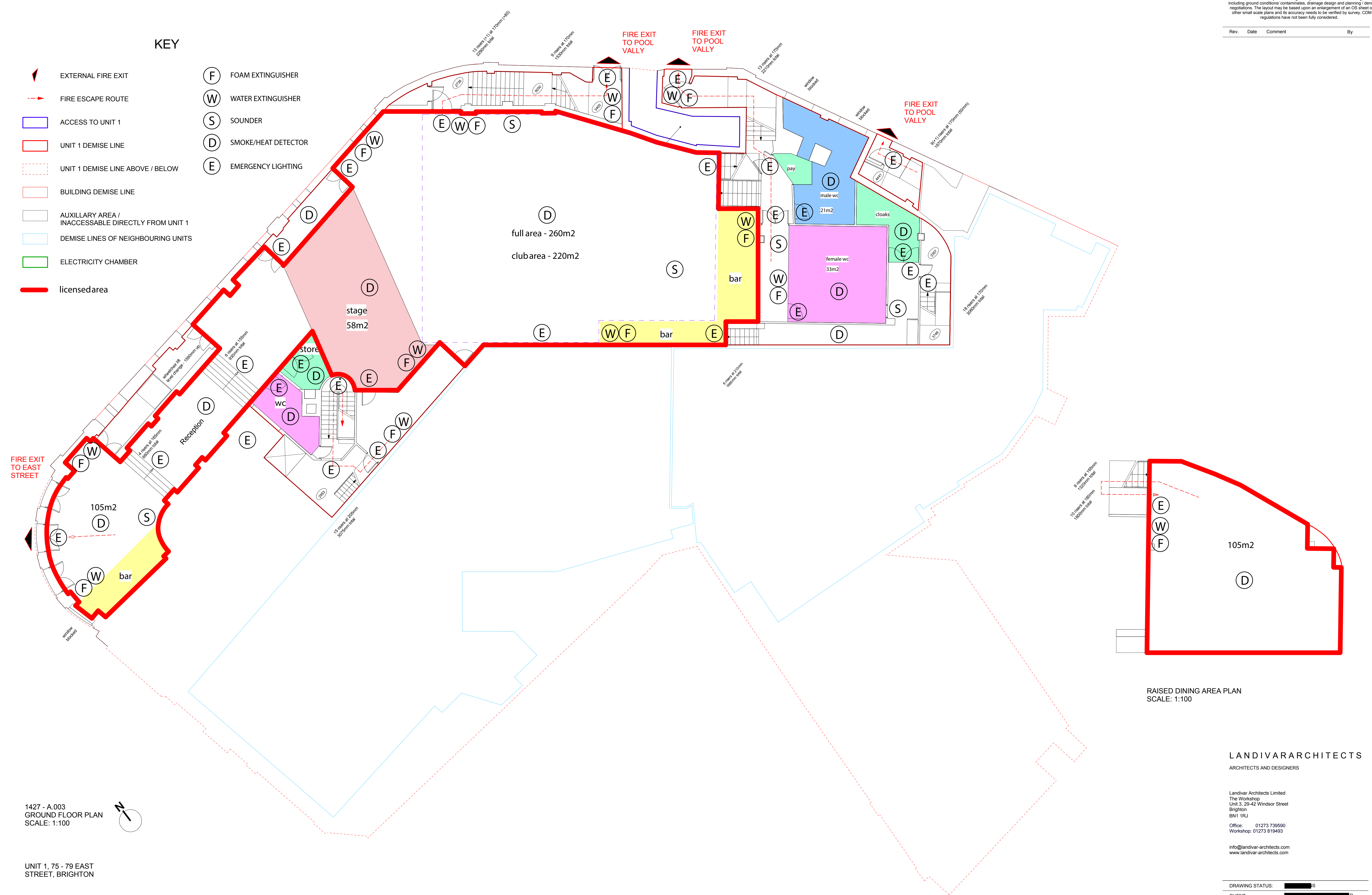
Jo Player
Head of Safer Communities

N.B. Unless otherwise noted this drawing is not to be used for construction purposes.
 If indicated as feasibility this drawing is subject to a detailed site investigation, including ground conditions/contaminates, drainage design and planning / density regulations. The layout may be based upon an enlargement of an OS sheet or other small scale plans and its accuracy needs to be verified by survey. CDM regulations have not been fully considered.

Rev.	Date	Comment	By

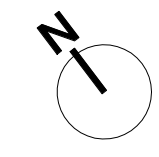
KEY

- EXTERNAL FIRE EXIT
- FIRE ESCAPE ROUTE
- ACCESS TO UNIT 1
- UNIT 1 DEMISE LINE
- UNIT 1 DEMISE LINE ABOVE / BELOW
- BUILDING DEMISE LINE
- AUXILLARY AREA / INACCESSABLE DIRECTLY FROM UNIT 1
- DEMISE LINES OF NEIGHBOURING UNITS
- ELECTRICITY CHAMBER
- licensedarea
- FOAM EXTINGUISHER
- WATER EXTINGUISHER
- SOUNDER
- SMOKE/HEAT DETECTOR
- EMERGENCY LIGHTING

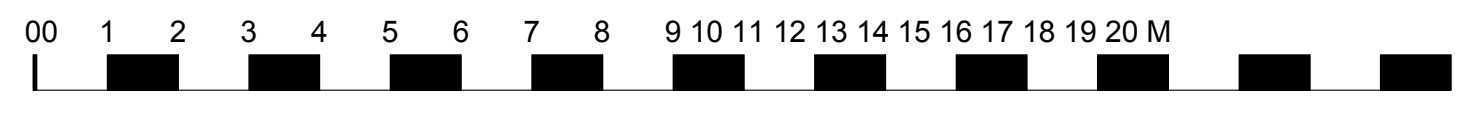


RAISED DINING AREA PLAN
SCALE: 1:100

1427 - A.003
GROUND FLOOR PLAN
SCALE: 1:100



UNIT 1, 75 - 79 EAST STREET, BRIGHTON



LEASE PLANS ONLY - NOT TO BE USED FOR CONSTRUCTION PURPOSES

LANDIVARARCHITECTS
ARCHITECTS AND DESIGNERS

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DRAWING STATUS:		S
CLIENT:		R
PROJECT:	UNIT 1, 75 - 79 EAST STREET, BRIGHTON	
DRAWING:	SITE SURVEY - FLOOR PLANS	
DRAWN:	CM	SCALE: 1:100 @ A1
DATE:	JULY 2017	REV:
JOB NO.	1427	DRG. NO. A.003

