

Licensing Panel (Licensing Act 2003 Functions)

Date: **30 November 2020**

Time: **10.00am**

Venue **Virtual**

Members: **Councillors:**, Appich, O'Quinn and Simson

Contact: **Lisa Johnson**
Democratic Services Manager
01273 291228
lisa.johnson@brighton-hove.gov.uk

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AGENDA

31 TO APPOINT A CHAIR FOR THE MEETING

WELCOME & INTRODUCTIONS

32 PROCEDURAL BUSINESS

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

(b) **Declarations of Interest:**

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

In each case, you need to declare

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

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

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

NOTE: *Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

**33 ELECTRIC ARCADE LICENSING PANEL (LICENSING ACT 2003
FUNCTIONS)**

7 - 44

Report of the Interim Executive Director Neighbourhoods, Communities &
Housing (copy attached)

Contact Officer: Corinne Hardcastle
Ward Affected: Queen's Park

Tel: 0127329

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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Licensing Panel (Licensing Act 2003 Functions)

Agenda Item 33

Brighton & Hove City Council

Subject:	Application for a New Premises Licence under the Licensing Act 2003		
Premises:	Electric Arcade Daltons Bastion Downstairs Madeira Drive Brighton BN2 1EN		
Applicant:	Otherplace Productions Ltd		
Date of Meeting:	30 November 2020		
Report of:	Interim Executive Director Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	Mark Savage-Brookes	Tel: (01273) 292100
	Email:	mark.savage-brookes@brighton-hove.gov.uk	
Ward(s) affected:	Queen's Park		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for Electric Arcade.

2. RECOMMENDATIONS

- 2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for Electric Arcade.

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a New Premises Licence under the Licensing Act 2003. The application proposes to create: "a tariff free arts networking space with a responsible food and beverage offering that will complement the core function as a small scale entrepreneurial arts centre. Comprising of two fringe style 50 seat capacity performance and rehearsal spaces and a large cabaret bar style performance space, box office, reception and gallery space". A copy of the full description provided by the applicant for the premises and operation is attached at Appendix A.
- 3.2 Section 18 (operating schedule) of the application is detailed at Appendix B and a plan of the premises is attached at Appendix C.

3.3 Summary table of proposed activities.

Licensable Activity	Times
Plays	Saturday – Thursday: 09:00 – 00:30 Friday: 12:00 – 00:30
Films	Every Day: 09:00 – 00:30
Live music (e)	Every Day: 09:00 – 00:30
Recorded Music (f)	Every Day: 09:00 – 00:30
Performance of Dance (g)	Every Day: 09:00 – 23:59
Anything of a similar description within (e), (f) or (g)	Every Day: 09:00 – 23:59
Supply of Alcohol	Every Day: 09:00 – 23:59 On the premises
Hours premises are open to public	Every Day 09:00 – 00:30
Non-Standard timings	For all the above times: Every Day during the Brighton Fringe period: Until 00:50

3.4 Cumulative Impact. The premises falls within the Cumulative Impact Area (“The Area”) (see paragraphs 3.1 – 3.1.8).

Representations received

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

Four representations have been received in relation to the application – two of these are in support of the application and two are made with concerns about against the application.

Representations supporting the application were received from a local resident and a local business, with relevant comments made regarding the Licensing Objective for the Prevention of Crime and Disorder.

Representations made with concerns about the application were received from Sussex Police and The Licensing Team on the grounds of the Licensing Objectives for the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

Full details of the representations are attached at Appendix D.

3.6 A map showing the location of the premises is attached at Appendix E.

3 COMMENTARY ON THE LICENSING POLICY

3.7 The following extracts from Brighton & Hove City Council Statement of Licensing Policy are considered relevant to this application and **are numbered as they appear in the policy**:

1. Introduction

1.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol;
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club;
- The provision of regulated entertainment;
- The provision of late night refreshment.

1.2 The licensing objectives are: -

- (a) Prevention of crime and disorder;
- (b) Public safety;
- (c) Prevention of public nuisance;
- (d) Protection of children from harm.

1.3 Scope

Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations; i.e. the premises and its vicinity. Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any

person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the act.

3 Special Policies and Initiatives

3.1 Cumulative impact

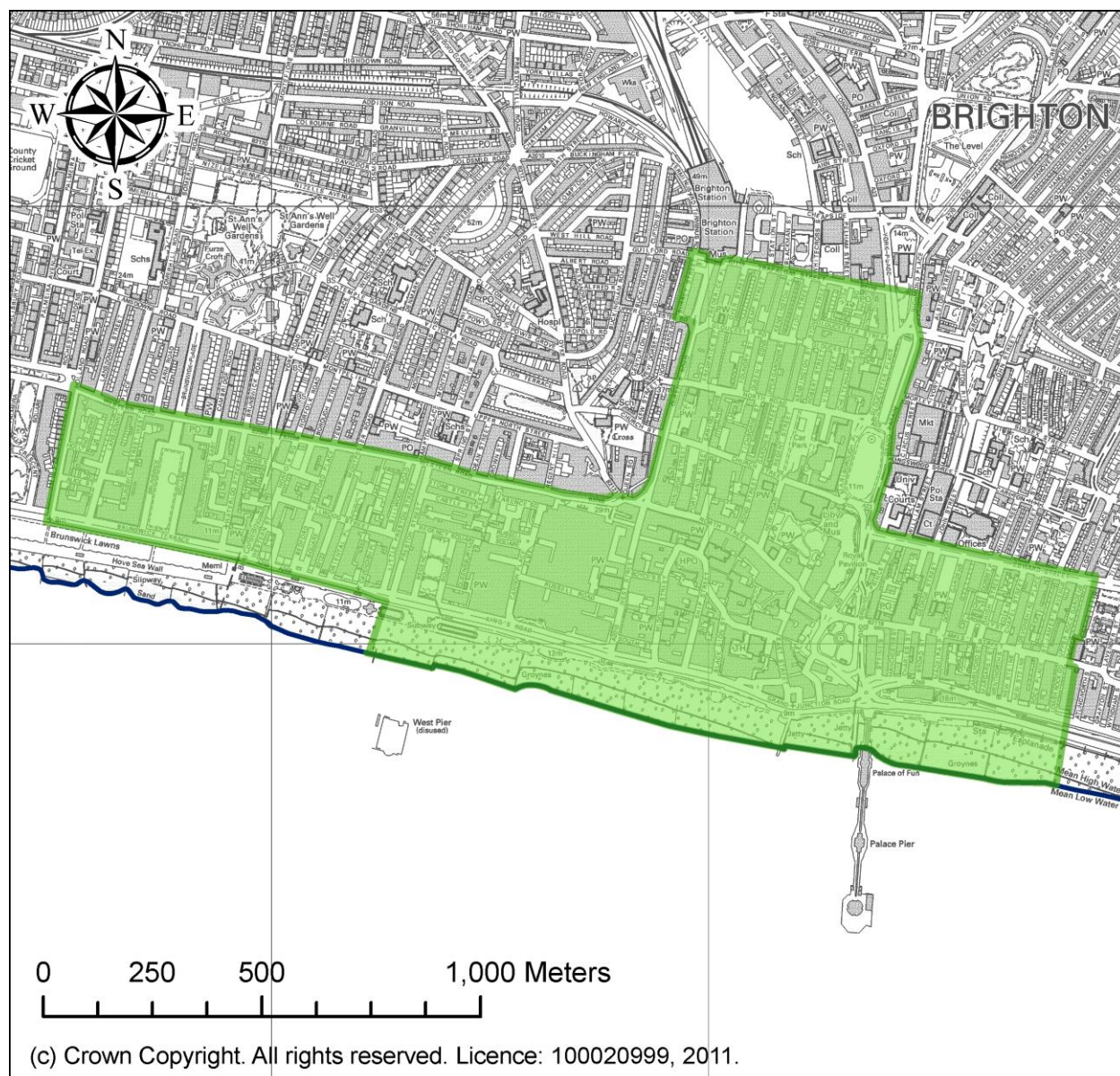
3.1.1 The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore does not form part of this licensing policy statement.

3.1.2 **Special Policy** - Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

The licensing authority, after careful consideration, has determined that the concentration of licensed premises in an area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to 'Cumulative Impact' is necessary as part of its statement of licensing policy. The first Special Policy incorporating a Cumulative Impact Zone (CIZ) and Special Stress Areas (SSA's) were adopted in March 2008. Since that date, the licensing authority has kept the CIZ and SSA's under review. On 15 December 2011 Full Council resolved to expand the CIZ and the special stress area, covering 1.5% of the administrative area of Brighton & Hove City Council. On 20th November 2014 Licensing Committee resolved to confirm the current CIZ and SSA as defined in the current Statement of Licensing Policy. On 29th November 2018 Licensing Committee resolved to extend the current SSA to include areas in Central Hove.

3.1.3 This special policy will refer to a Cumulative Impact Zone ("the CIZ") in the Brighton city centre, a detailed plan of which is shown below.

Brighton & Hove City Council - Cumulative Impact Area



The Cumulative Impact Area comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Holland Road to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Ayr Street with the west side of Queens Road and then northward to the north-west corner of Surrey Street junction with Queens Road; thence along the north side of Trafalgar Street eastwards to its junction with York Place and continuing south-east across to Grand Parade, then south to the junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Holland Road; northward to that point and along the west side of Holland Road to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Holland Road.

- 3.1.4 The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.
- 3.1.5 This special policy also applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments. Off licences also come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder.
- 3.1.6 The presumption of refusal does not relieve responsible authorities or other persons of the need to make a relevant representation. If there are no representations, the licensing authority must grant the application in terms consistent with the operating schedule submitted.
- 3.1.7 Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the cumulative impact of the area, it may be granted. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant, theatre or live music venue (where alcohol is not the primary activity) may be considered exceptional circumstances. The fact that a premises will be/is exceptionally well managed with a well-qualified applicant, or that there are no residential premises nearby, will not be considered exceptional.
- 3.1.8 If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved.

3.3 The Matrix Approach

The Licensing Authority will support:

- 3.3.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore supports mixed use venues encouraging a wider age balance.

3.3.2 A “matrix” approach to licensing decisions has been adopted and is set out below. It provides a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investor and businesses making applications.

Matrix approach for licensing decisions in a Statement of Licensing Policy (times relates to licensable activities)

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

Notes on matrix

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

- 1) Each application will be considered on individual merit
- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances

- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).
- 6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, member's clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
- 7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or cafés, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing and the Street Community and Drug Activity Profile. These documents are available on the following page of our website www.brighton-hove.gov.uk/licensingact.
- 8) In an area where there are already several existing off-licences and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds.
- 9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.

4 Prevention of Crime and Disorder

- 4.1.1 The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.
- 4.1.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.
- 4.1.3 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is

contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.

4.1.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

4.1.5 Measures put in place should support the intentions of Operation Marble (police operational order), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the city centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

4.2 Sussex Police

4.2.1 The Police have experienced a shift in peak times during the policing of the night time economy with an increasing demand for resources further into the early hours of the morning. This may be indicative of individuals coming out later into the night time economy due to changes in disposable income. This is coupled with the increases in 'pre-loading,' when individuals coming into the night time economy have already consumed alcohol purchased at home. There has also been a noticeable increase in licensing activity mid-week. This has been partly due to the large student population taking advantage of a more affordable week night economy. Likewise, licensed venues have encouraged a wider customer base by hosting regular themed nights and offering discounted alcohol and entry. These trends provide obvious challenges to both the licensed on-trade and the police when assessing and responding to levels of drunkenness.

4.2.2 Dispersal from the city centre during the late evening and early morning continues to provide policing challenges. Over recent years, there has been a proliferation of off-licences and late night refreshment venues along the city's arterial routes. This has led to incident 'hot spots' where patrons from the night time economy continue to interact, albeit away from any safety measures afforded by on-licences. As such, Sussex Police support the Council's Special Policy in offering guidance to both applicants and the Licensing Committee in relation to off-licences and late night refreshment licences.

4.2.3 Sussex Police have a growing concern that, despite staff training in age-restricted sales, under age individuals are still being served alcohol in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted. Between December 2013 and July 2014, 21 off-licences and 13 on- 23 licences were tested. 38% of the off-licences failed in contrast with a 85% failure rate with the on-licences; indicating a considerable risk in this area of the trade. It is anticipated that initiatives, including the introduction of identification scanning machines at premises throughout the city, will go some way to mitigate this risk. Sussex Police also continue to work alongside the Business Crime Reduction Partnership to tackle the problem of those who use false identification to enter licensed premises and purchase alcohol.

- 4.2.4 Brighton & Hove Police are working closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. This includes such measures as offering vulnerability training and supporting initiatives such as mobile teams of volunteers actively checking people's well-being.
- 4.2.5 Policing the night time economy continues to provide a challenge and in the climate of limited resources and newly emerging problems, Sussex Police support maintaining the council's Special Policy which defines cumulative impact and special stress. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton & Hove a safe and enjoyable city

4.3 Care, control and supervision of premises

- 4.3.1 The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.
- 4.3.2 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, eg type of licence, capacity, operating hours' restrictions.
- 4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.
- 4.3.4 This policy recognises the use of registered Door Supervisors All Door Supervisors will be licensed by the Security Industries Authority. Mobile security units and

similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. The Licensing Strategy Group has sought to define the standards and operating guidance for such mobile units, which will be in need of regular review. This policy endorses the use of units following such guidance and standards in appropriate circumstances. A copy can be found on the licensing pages of the council's website.

- 4.3.5 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.

6 Prevention of Public Nuisance

- 6.1 The following details and measures are intended to address the need for the prevention of public nuisance which may be associated with licensed premises and certificated club premises.

6.1.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke).

6.1.3 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

6.1.5 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

6.1.6 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 6.2 below).

6.2 Smoking Advice

6.2.1 Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be

intrusive. An effective smoking management plan will help prevent neighbours being disturbed.

- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc. have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence you may find it necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for rapid police response and alert other venues where customers and staff are endangered.
- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats

above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.

- Use CCTV to manage outside areas.

6.2.2 Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

8 Integration of Strategies

8.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by: -

- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
- Liaising and consulting with Public and Alcohol Programme Board
- Liaising and consulting with the East Sussex Fire & Rescue Service
- Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
- Liaising and consulting with the Planning authority
- Liaising and consulting with the Highways authority
- Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
- Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice

8.2 In line with statutory requirements and the Council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.

8.3 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.

8.4 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.

8.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search

policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.

- 8.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

10 Live Music, Dancing & Theatre

- 10.1 This policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues, the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. The impact of licensing on regulated entertainment, particularly live music and dancing, will be monitored. Where indications are that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how such situations might be reversed.
- 10.2 The Licensing Committee represents the general interests of a community in determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives. All members of the Licensing Committee will be trained on Licensing Act 2003 and S182 Guidance. The Licensing authority is aware of the need to avoid measures which deter live music, dancing and theatre - such as imposing indirect costs out of proportion to the income of the licence holder and to the risks presented. Only appropriate, proportionate and reasonable licensing conditions should impose any restrictions on such events.
- 10.3 The licensing committee will support the cultural zones, outdoor eating areas, food led operations, community pubs, live entertainment and protect living conditions in mixed use areas.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

Finance Officer Consulted Michael Bentley

Date: 12/11/20

Legal Implications:

- 5.2 The licensing authority must act to promote the four licensing objectives which are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance

- The protection of children from harm
The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Rebecca Sidell

Date: 16/11/20

Equalities Implications:

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

Sustainability Implications:

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

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Full description of premises and operation
2. Appendix B – Section 18 (operating schedule) of the Application
3. Appendix C – Plan of Premises Representations
4. Appendix D – Representations
5. Appendix E – Map of area

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016, revised January 2019.

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

Public Health Framework for assessing Alcohol Licensing. Annual Report – Ward. 5th edition. Public Health Intelligence. January 2019

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016, revised January 2019.

APPENDIX A

Electric Arcade – application reference 2020/03210/LAPREN

Full description of the premises and operation, as provided in application:

The premises is situated in a previously unused space at beach level to the East of the Palace Pier.

This location has, in the past, been associated with severe problems with anti-social behaviour, street drinking and drug use. This is particularly true outside of the peak season when the surrounding businesses become fallow for the winter.

Given this sensitive location, both in terms of its historical social impact, and proximity to the sea, the applicant will be making special provision to ensure the diversity of its audience and the safety of their customers when departing the venue. Details of these will be outlined later in this application and in the wider operational documents for the premises.

Sitting within the CIZ the applicants are aware that there are strict exceptional circumstances that should be addressed in order to satisfy the current licencing policy for the City.

Electric Arcade will endeavour to create a tariff-free arts networking space with a responsible food and beverage offering that will complement the core function as a small-scale entrepreneurial arts centre. Comprising of two fringe style 50 seat capacity performance and rehearsal spaces and a large cabaret bar style performance space, box office, reception and gallery space, the premises is uniquely designed to target section 3.3.1 of the Brighton and Hove City Council Statement of Licensing Policy 2016. “3.3.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption.”

The premises is also designed to complement and integrate with the existing cultural offering of the city, being managed and delivered by the team behind the highly successful Warren Festival, which forms an integral part of the City’s annual Fringe festival. During this period the spaces will be dedicated to small scale fringe theatre delivering a cost-effective space for the development and display of new and emerging cultural content from the city. By establishing a year-round location for the development of this work the Electric Arcade will be ideally placed to support the wider freelance arts community that forms an important part of the Brighton cultural landscape.

In addition to the above, the project aims to extend the participation in the arts by appealing to young families through a series of workshops and performances specifically targeted at the summer holidays, drawing young families into the cultural ecosystem of the city. As an example of the programme of events and its diversity of audience the weekend programme will consist of a Saturday or Sunday matinee performance, tea-time variety entertainment (ie. a family show) and then two evening shows.

Example Weekend programme

10am - Childrens Workshop

1pm – Occasional lunchtime theatre (series of one-offs)

3pm - Matinee of the theatre show which is already on a run

5pm - Family show

7pm - Comedy preview

8pm – Theatre show

8.30pm - Comedy preview

10/10.30pm - Cabaret

During 2020 the premises has operated under a temporary licence and in what can only be described as a severely difficult operating environment. During this period local businesses have noted a marked improvement in the area. Due to the increased and diversified nature of the pedestrian traffic in the area the local operators have reported an anecdotal reduction in antisocial behaviour and specifically drug use in the area. In addition to this the increase security presence in the area has generated a number of welfare calls to the seafront services to alert lifeguards to members of the public in potential risk of danger in relation to the sea. Overall the use of the premises has demonstrated itself to be of benefit to the local area and a clear positive impact as part of the CIZ.

An integral part of the revenue stream to support the clear cultural and social benefits of a premises of this type is the sale of alcohol. While it will always be positioned as a supplementary activity to the theatrical and cultural pursuits it does allow the premises to offer affordable space for the small scale freelance cultural ecosystem of the city. As the venue sits within the CIZ the applicant will deploy soft and hard measures to ensure the activity in the premises remains the nett benefit to the CIZ outlined above. Strict entry conditions will be maintained at all times and a stringent policy to prevent entry and sales to persons showing intoxication. The style of the bar will encourage seated drinking and volume levels in the cabaret bar area, outside of performance times, will be maintained to a conversational level at all times. This will develop and encourage a “Café Culture” environment and will always stand in contrast to the nightclub style premises in the local area.

Regarding Plays:

We will be putting on Fringe-style shows (which are generally, but not exclusively, one hour in length), consisting of Theatre, Musicals, Comedy, Cabaret, Spoken Word, Family Shows plus Workshops and activities. These will take place between the hours stated on each day (but not continuously), with at least 25 to 45 minutes break between different performances, though this will vary. Sound and lighting will be provided through a PA system controlled by a mixing desk, under the supervision of a competent engineer.

Regarding Films:

We may be playing background clips between performances to promote shows that are taking place in the venues, and there will be use of projection during live performance. There will be the showing of feature films or film shorts in one or more of the performance spaces ,either after the live performance has finished, or as part of the programme.

These activities will take place between the hours stated on each day (but not continuously). Sound and projection will be provided through a PA system controlled by a mixing desk, under the supervision of a competent engineer.

Regarding Live Music:

We will be putting on some music shows as part of our Fringe programme, and there is the remote possibility of some 'Great Escape' events taking place, though we currently have no plans for any.

Music will be amplified, but controlled by the main mixing desk, operated by a competent engineer, ensuring full control over sound levels. There may also be some acoustic music sets happening.

Shows will take place between the hours stated on each day (but not continuously), with approximately 25 to 45 minutes break between different performances, though this will vary across the period. As with previous years, it is anticipated that music will play a very small part of our overall programme, and any such shows will be encouraged towards early evening slots to minimise their impact.

Regarding Recorded Music:

Background music will be used during performances as well as entrance and exit music for audiences attending performances. We will play background music for the bar areas, subject to rigorous noise-level assessment. Music will also most likely be used intermittently as part of live performances. All sound will be through a PA, controlled by the main mixing desk, ensuring full control over sound levels, monitored by a competent engineer.

Regarding Performances of Dance:

There there will be specific dance performances programmed, and in addition there will be dance used as part of other performances that come under other genres, such as theatre, cabaret and musicals.

These activities will take place between the hours stated on each day (but not continuously) - these are the outlying hours, activity is not scheduled to take place all day between these hours. Sound, lighting and projection will be provided through a PA system controlled by a mixing desk, under the supervision of a competent engineer.

Regarding Anything similar to Live Music, Recorded Music and Performances of Dance:

There will be Cabaret shows, that may feature any of dancing, music, film and performance within the shows, taking place, and also cabaret style acts as part of comedy and theatre shows. We may also hold a Silent Disco type event, where DJ's will play music broadcast to radio headphones worn by audience members. These activities will take place between the hours stated on each day (but not continuously) - these are the outlying hours, activity is not scheduled to take place all day between these hours. Sound and projection will be provided through a PA system controlled by a mixing desk, under the supervision of a competent engineer.

APPENDIX B



Brighton and Hove
Application for a premises licence
Licensing Act 2003

For help contact
sh@safetv@brighton-hove.gov.uk
Telephone: 01273 294429

* required information

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

The nature of the premises, and the intended use, is such that it will be a benefit to the area. Increased footfall year-round in a traditionally seasonal space offers clear benefits to public safety in an often-quiet part of the seafront. In addition to this, the anecdotal evidence of a reduction of drug use, public urination and anti-social behaviour reported during the temporary licence period demonstrate that increased footfall of a diverse audience delivers a marked reduction in general crime and disorder for the immediate locale.

Activities in the space are specifically designed to increase and encourage a diverse crowd in terms of age, race and gender. The premises will become a hub for the expanding and crucial freelance arts sector. Bars, as part of small-scale arts centres, typically generate far fewer public order issues than alcohol led licensed premises as the consumption of non-alcoholic drinks and a mixed crowd, along with the artistic content being the core activity, traditionally suppress large group drinking culture. In addition to this the scale and size of the premises will necessitate small table sizes that will further discourage large groups of drinkers. Non-alcoholic drinks will be given equal billing on drinks menus and the venue will also encourage snack purchases with drinks to encourage a less alcohol focussed experience.

The division of the space into three specific performance or exhibition spaces allows the applicant to stagger end times for different activities. This process is a key mitigator for the main risk of public nuisance at closure at the end of the day. Signage within the venue will remind customers to be responsible on departure and security staff will always be deployed from 18:00 hours on weekends to direct customers away from the immediate area. All door staff will be trained in identifying persons at risk and regular checks of the immediate waterfront will be included in work schedules for all staff. SIA door staff will also be deployed where ticket sales in advance suggest a larger attendance of specific crowd profiles in line with dynamic risk assessment procedures.

In addition to the above measures the applicant commits to meet all areas of best practice identified in paragraph 3.5.4 of the Statement of Licensing Policy 2016 as follows:

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

A detailed operating schedule outlining the measures and methods used to achieve the above best practice is available on demand for statutory authorities.

As a multi-generational venue, protection of children from harm will be of fundamental importance to the organisation and core to all operating procedures. The applicant will ensure that there are staff with specific responsibility for protection of children and vulnerable persons on shift during all opening hours and additional training will be given to all staff in relation to underage sales and proxy sales. A strict challenge 25 policy will be in place at all times and age restrictions will be included during certain late opening hours. Age suitability for all performances will be clearly displayed on all advertising

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materials and online sales points.

b) The prevention of crime and disorder

On Fridays and Saturdays plus the days immediately before a Bank Holiday, there will be a minimum of one SIA door supervisor operating at the premises from 18:00 until close.

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.

SIA licensed door supervisors or additional SIA licensed door supervisors shall be employed on any other occasions when a requirement is identified by the license holder's written risk assessment (for example when live music events are taking place) or requested by Sussex Police in writing at least 48 hours in advance. A copy of the written risk assessment will be made available to Sussex Police Licensing on request, and Sussex Police consulted on any amendments to the risk assessment.

On weekends SIA door supervisors will search bags and use their judgment and discretion to search customers suspected of concealing alcohol, drugs or weapons. Searching will be in accordance with the Security Search Policy.

An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The logbook shall 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 the bar e.g. for intoxication, age checks or any other reason will also be recorded in writing and logs will be available for inspection at all times.

Where alcohol is to be supplied to the public as an integrated element of an event, delineated areas with physical boundaries will be constructed. All such alcohol is to be consumed within the overall site, including patio area.

A minimum of half hour drinking up time is allowed by the licence where alcohol is supplied, even if an event closes early, unless in an emergency situation.

We will participate in any approved schemes aimed at tackling/preventing crime and disorder, such as the BCRP Night Safe radio scheme.

Approved CCTV systems will be installed in and around the venue for the purposes of the prevention of crime and disorder and security.

The premises will store and maintain a list of any lost and found property.

Staff will regularly patrol and monitor all areas of the venue, and surrounding public areas to ensure safety and appropriate behaviour. Inappropriate or intoxicated behaviour within the licence boundary will result in ejection of the concerned parties. Any such behaviour within the vicinity of the venue will be monitored and, at the discretion of staff or in line with any specific agreed procedures, reported to the appropriate authorities.

Polycarbonate drinking vessels/containers will be in use where risk assessment deems it necessary.

c) Public safety

The applicant will organise and document frequent communications with B&HCC Environmental Health & Licensing section, the Seafront office, and the Emergency Services. This will give an effective forum in which operational issues can be discussed and changes to the operating schedule of the premises can be consulted on. This process will also allow the applicant and their DPS to be aware of specific and changing challenges within the CIZ and respond accordingly.

Continued from previous page...

All events will be risk assessed in consultation with our Security or stewarding partners and in response to show interest and ticketing reports. A projected deployment schedule will be developed in such numbers and at such times as deemed necessary, and in consultation with Sussex Police as required. Ongoing discussions with Sussex Police licensing will identify opportunities to enhance the protection of the surrounding area and seafront in the vicinity of the premises as well as the safety of customers within the licenced boundary of the premises.

No patrons are to be admitted into the venue if in possession of alcohol and any patron showing signs of excess intoxication will be denied access.

No sale of alcohol to intoxicated patrons will be permitted and rejection logs will be kept. Challenge 25 will be in operation at all times, even when age checks are carried out at entry to the venue. Bar staff will be briefed and trained accordingly. This training will be regularly reviewed, and a training log maintained onsite.

We will regularly update staff training in respect of licensing legislation, policies and procedures to ensure all staff are up to date in these areas.

When on duty at peak times, Security SIA-licensed staff at the entrance will use their judgement and discretion to search customers suspected of concealing alcohol, drugs or weapons. Items of concern include bottles of spirits, wine and strong beers; and drugs and weapons of any kind. Searching will be in accordance with the Security Search Policy.

Dynamic risk assessment may lead to random searching at an appropriate ratio which may also be usefully implemented as a preventative measure. At times, in addition to the aforementioned dynamic risk assessment, we may implement strict 'all-bag' searches on patrons entering the site.

At other times, our Front of House stewarding team, alongside bar staff will constantly assess patrons for risk, and use our membership of BCRP, Pubwatch or similar to either receive alerts, or pass them on, of troublesome individuals, and where necessary arrange SIA assistance, increased SIA staffing coverage or MSU support.

Our in-house staff will work closely with our Security partners to monitor and look out for patrons leaving in the direction of the seafront, using established practices to maintain public safety. Reporting procedures of vulnerable or at-risk persons will be established with the professional lifeguarding teams and regular contact will be made to enhance and target effective procedures to ensure the safety of patrons and other members of the public within observation of the venues staff.

d) The prevention of public nuisance

The key challenges for the premises for public nuisance are around noise and dispersal. All performances within the venue will be constantly monitored for noise and will be maintained within agreed limits with Environmental health and suitable for the location of the premises. All noise limits will take into consideration the time of year and the use of external doors and isolations within the venue. The venue will operate with a designated outdoor smoking area to minimise disruption from external noise. This area will be constantly monitored by staff and feature-maintained receptacles to collect rubbish/ cigarette butts. Noise will be monitored to minimise any noise disturbance.

Signage will be displayed at all exit points encouraging patrons to leave quietly and not disturb neighbours as they do so. Staff will echo this message to departing customers and will encourage patrons back to the upper promenade and away from the seafront.

Taxi details will be clearly displayed to aid audience journey's home, utilising established partnerships with Streamline (enabling cards to be offered generally to audience members etc.), as well as highlighting other transport links such as the nearby bus stops and common routes away. These will also be communicated via email when sending ticket confirmations to encourage customers to consider their onward journey before attending the premises.

Operating schedules will be responsive to the wider context of the premises to the city and will be adaptable to the changing operating area. Major events will be considered, and operating schedules adapted to ensure the venue remains a positive influence on the CIZ and does not adversely contribute to times of high impact on city services.

Continued from previous page...

An assessment of the venues "zone x" responsibilities will be discussed and agreed with lifeguarding and Police representatives. This assessment will be under constant review to enhance and optimise the venues impact on the immediate area and minimise adverse impact within the CIZ.

The Nightsafe radio system, or similar, will be in operation to help with maintaining patrons and the general public's safety and to inform staff of any potential operational issues that may emerge from time to time.

e) The protection of children from harm

Individual shows will be age-rated and access controlled accordingly by Box Office and Front of House staff.

Advice will be sought from the Child Protection Unit where appropriate with regards events.

Children Under 16 are to be accompanied at all times.

No unaccompanied under 18s to be allowed after 22.00 hrs.

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, photographic military ID 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 license or conditions attaching to it.

Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.

The Premises License 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:

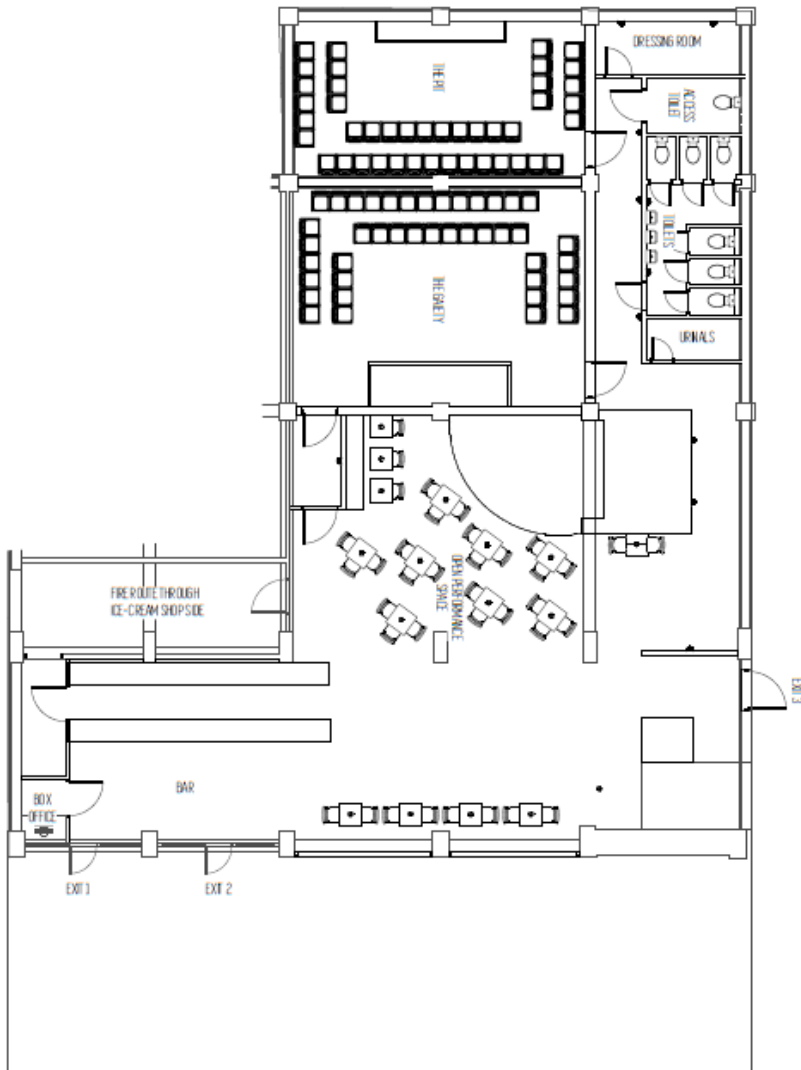
- The lawful selling of age restricted products
- Refusing the sale of alcohol to a person who is drunk

All age-restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police and Brighton & Hove Trading Standards Service upon request.

Staff will be aware of the risks of proxy sales and use best practice to help deter offenses.

APPENDIX C

THE ELECTRIC ARCADE
POP UP GROUND PLAN



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
BN1 1JP

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

APPENDIX E



