

# Licensing Panel (Licensing Act 2003 Functions)

Date:           **27 April 2021**

Time:           **10.00am**

Venue           **Virtual Meeting - Teams**

Members:      **Councillors:**, Appich, Henry and Rainey

Contact:       **Shaun Hughes**  
Democratic Services Officer  
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# AGENDA

## 1 TO APPOINT A CHAIR FOR THE MEETING

### WELCOME & INTRODUCTIONS

## 2 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.

**3 ONE GARDEN BRIGHTON LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS) 7 - 38**

Report of the Executive Director of Housing, Neighbourhoods & Communities

Contact Officer: *Dean Love*

Tel: *01273 295347*

Ward Affected: *Hollingdean & Stanmer*

**PART TWO**

**4 ONE GARDEN BRIGHTON LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)- EXEMPT CATEGORY 1 39 - 52**

Exempt information relating to Item 3 (copy circulated to Members only).

**5 PART TWO PROCEEDINGS**

To consider whether the items listed in Part Two of the agenda and decisions thereon should remain exempt from disclosure to the press and public.

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The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

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### **FURTHER INFORMATION**

For further details and general enquiries about this meeting contact Thomas Bald, (01273 291065, email [penny.jennings@brighton-hove.gov.uk](mailto:penny.jennings@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

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Please inform staff on Reception of this affects you so that you can be directed to the Council Chamber where you can watch the meeting or if you need to take part in the proceedings e.g. because you have submitted a public question.

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- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.





<b>Subject:</b>	<b>Application for a New Premises Licence under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>One Garden Brighton Stanmer Park Coldean Lane Brighton</b>		
<b>Applicant:</b>	<b>Richard Ayres</b>		
<b>Date of Meeting:</b>	<b>27 April 2021</b>		
<b>Report of:</b>	<b>Executive Director of Housing, Neighbourhoods &amp; Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Donna Lynsdale</b>	<b>Tel: (01273) 292494</b>
	<b>Email:</b>	<b>donna.lynsdale@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>Hollingdean And Stanmer</b>		

**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 One Garden Brighton.

**2. RECOMMENDATIONS:**

- 2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for One Garden Brighton.

**3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION**

- 3.1 The application is for a New Premises Licence under the Licensing Act 2003. The application proposes a new premises licence application. The premises is applying for alcohol to be sold on the premises from the onsite cafe. They are looking to host various events throughout the year, including daytime and evening performances including music, plays and comedy acts.
- 3.2 Section 18 (operating schedule) of the application is detailed at Appendix A and the plan of the premises is attached at Appendix B.

### 3.3 Summary table of proposed activities

	<b>Proposed</b>
<b>Plays</b>	Friday – Saturday 23:00 – 01:00
<b>Live music</b>	Friday – Saturday 23:00 – 01:00
<b>Recorded Music</b>	Friday – Saturday 23:00 – 01:00
<b>Performance of Dance</b>	Friday – Saturday 23:00 – 01:00
<b>Supply of Alcohol</b>	Sunday – Thursday 08:30 – 23:00 Friday – Saturday 08:30 – 01:00
<b>Hours premises are open to public</b>	Everyday 08:30 – 01:00

3.4 The premises does not fall in the Cumulative Impact Area or the Special Stress Area.

#### **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:

3.6 Seven representations were received. They were from local residents, a Resident Association, local Councillors and the Council's Conservation Trust.

3.7 Representations received had concerns relating to Public Safety & Prevention of Public Nuisance.

3.8 An agreement was also reached between Sussex Police and the applicant to amend the application and add conditions relating to Prevention of Crime & Disorder, Public Safety & Protection of Children from Harm.

3.9 Full details of the representations are attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

## **4. COMMENTARY ON THE LICENSING POLICY**

4.1 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. This policy takes effect from the 4th February 2021. 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) the prevention of crime and disorder.
- (b) public safety.
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

## **1.3 Scope**

- 1.3.1 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.

## **3.3 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).

	<b>Cumulative Impact Area</b>	<b>Special Stress Area</b>	<b>Other Areas</b>
<b>Restaurant</b>	Yes (midnight)	Yes (midnight)	Yes (midnight)
<b>Café</b>	Yes (10 pm)	Yes (10 pm)	Yes (10 pm)
<b>Late Night Takeaways</b>	No	Yes (midnight)	Yes (midnight)
<b>Night Club</b>	No	No	No
<b>Pub</b>	No	Yes (11pm)	Yes (midnight)
<b>Non-alcohol lead (e.g. Theatre)</b>	Yes (favourable)	Yes (favourable)	Yes (favourable)
<b>Off-licence</b>	No	No	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
<b>Members Club (club premises certificate)</b>	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	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, members 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 cafes, 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 on our website [www.brighton-hove.gov.uk/licensingact](http://www.brighton-hove.gov.uk/licensingact).
- 8) In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence 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 or restrictions placed on the terminal hour to reflect opening hours of other shops.
- 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.
- 10) Non-alcohol led category does not include "alcohol in shared workplaces". It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on "alcohol in shared workplaces" please see paragraph 3.3.4-3.3.6.

#### **4.2 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, e.g. 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 Industry 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. This policy endorses the use of units following such guidance and standards in appropriate circumstances.
- 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.

## **5 Public Safety**

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

- 5.1.1 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.
- 5.1.3 Conditions may be imposed in accordance with operating schedules to protect public safety including where justified:
- (a) provision of closed-circuit television and panic buttons.
  - (b) use of shatterproof drinking vessels; bottles requiring use of toughened glass or plastic should normally be required unless applicants can show exceptional reasons.
  - (c) use of door supervisors, licensed by the Security Industry Authority.
  - (d) requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.
  - (e) occupant capacity conditions will be applied where appropriate.
  - (f) the provision of designated and suitably trained first aiders.
- 5.1.4 Where appropriate, licence holders or their authorised representatives will submit event safety plans and operating manuals, attend Event Planning Teams or Safety Advisory Groups and similar meetings prior to large events and shall be part of Event Liaison Teams during such events. Due regard shall be had to relevant guidance and publications including, for example: HSE approved code of practice for events

## **6 Prevention of Public Nuisance**

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).

- 6.1.2 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence. Noise emanating from within licensed premises should not normally be audible outside.
- 6.1.4 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.
- 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).

## **8 Integration of Strategies**

- 8.1.1 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
- 8.1.2 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.

- 8.1.3 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.
- 8.1.4 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.
- 8.1.5 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.
- 8.1.6 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.

## **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: 08/04/21*

### 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: 08/04/21*

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 – Section 18 (operating schedule) of the Application
2. Appendix B – Plan of Premises
3. Appendix C – Representations
4. Appendix D – Map of area

**Documents in Members' Rooms**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

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. 5<sup>th</sup> edition. Public Health Intelligence. January 2019

**Background Documents**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.



## APPENDIX A

<b>Section 18 of 21</b>
<b>LICENSING OBJECTIVES</b>
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 premises will operate to a high standard, and will do so should this licence be granted in terms of the sale of alcohol. All staff will be fully trained on induction in their responsibilities with regard to the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.
b) The prevention of crime and disorder
1. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following: a)all crimes reported to the venue b)all ejections of patrons c)any complaints received concerning crime and disorder d)any incidents of disorder e)all seizures of drugs or offensive weapons f)any faults in the CCTV system, searching equipment or scanning equipment g)any refusal of the sale of alcohol including date, time and name of staff member h)any visit by a relevant authority or emergency service. 2. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open. 3. All staff members should be checked to ensure they have the right to work in the UK. These checks should be made available upon requests to all responsible authorities. All associated 'entitlement to work' documents: a)must be logged and kept on the premises for the duration of the employment; and b)must be retained for a minimum of 12 months after employment has ceased. 4. Customers shall only consume alcohol which has been purchased from the premises. 5. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points must be covered enabling frontal identification of every person entering in a light condition. The CCTV system shall continually record whilst the

*Continued from previous page...*

premises are open. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer of the Council.

6. A staff member from the premises who is conversant with the operation of the CCTV system shall be in the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested and within a maximum of 24 hours of the initial request.

7. 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/USB Stick for the Police or as practicable. Repair records / invoices shall be kept on site for at least 12 months and be readily available to be viewed by all authorised persons upon request.

8. Any CCTV breakdown or system failure will be notified to the Police and Local Authority immediately & remedied as soon as practicable. Repair records / invoices shall be kept on site for at least 12 months and be readily available to be viewed by all authorised persons upon request.

9. Notices shall be prominently displayed within the premises stating that CCTV is in operation.

10. All alcohol products sold at the premises shall have the relevant UK duty paid label attached.

11. No person shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage

12. Any person entering the premises who appears to be under the influence of alcohol or drugs shall in the interests of other members of the public using the premises be requested to leave the premises.

13. The premises shall operate a zero tolerance policy to the supply and use of drugs

14. Anyone who appears to be drunk or intoxicated shall not be allowed entry to the premises and those who have gained entry will be escorted from the building immediately.

c) Public safety

Staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly defuse the situation without risk to customer or staff, then they are instructed to call the police. All relevant fire procedures are in place for a premise of this size.

d) The prevention of public nuisance

Patrons attending the premises will be reminded of their responsibilities to leave the premises quietly.

Cigarette bins will be provided to encourage smokers to dispose of their cigarettes in a safe manner.

Signage relating to Taxi services available, including phone numbers, will be displayed at the entrance to the premises.

• All events will cease at 01:00 hours with events beginning to wind down from 00:30, by way of softening of the music, both in volume and style, and repeated instructions from the DJ on how best to leave the premises, having full regard for neighbouring residents.

• All speakers for live or recorded music will be fitted with noise limiters, (at a level agreed by EH)

The operational panel of the noise limiter shall then be secured by key or password to the satisfaction and agreed by an Environmental Health Officer or other nominated representative of Brighton City Council. Access shall only be by persons authorised by the Premises Licence holder, in writing. The limiter shall not be altered without the written consent with Brighton City Council. No alteration or modification to any existing sound system(s) should be effected without prior notification of an Environmental Health Officer or other nominated representative of Brighton City Council.

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- The noise limit set on the noise limiter may be reviewed by an Environmental Health Officer or other nominated representative of Brighton City Council in accordance with the process set out above.
- No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
- All speakers will be positioned as to face away from doors or windows.
- External monitoring of noise levels to be carried out at 30- minute intervals at all events, at all noise sensitive areas of the property. Findings to be recorded and signed for all checks. These checks to be kept for 6 months for inspection by EH or other officers of the council.

e) The protection of children from harm

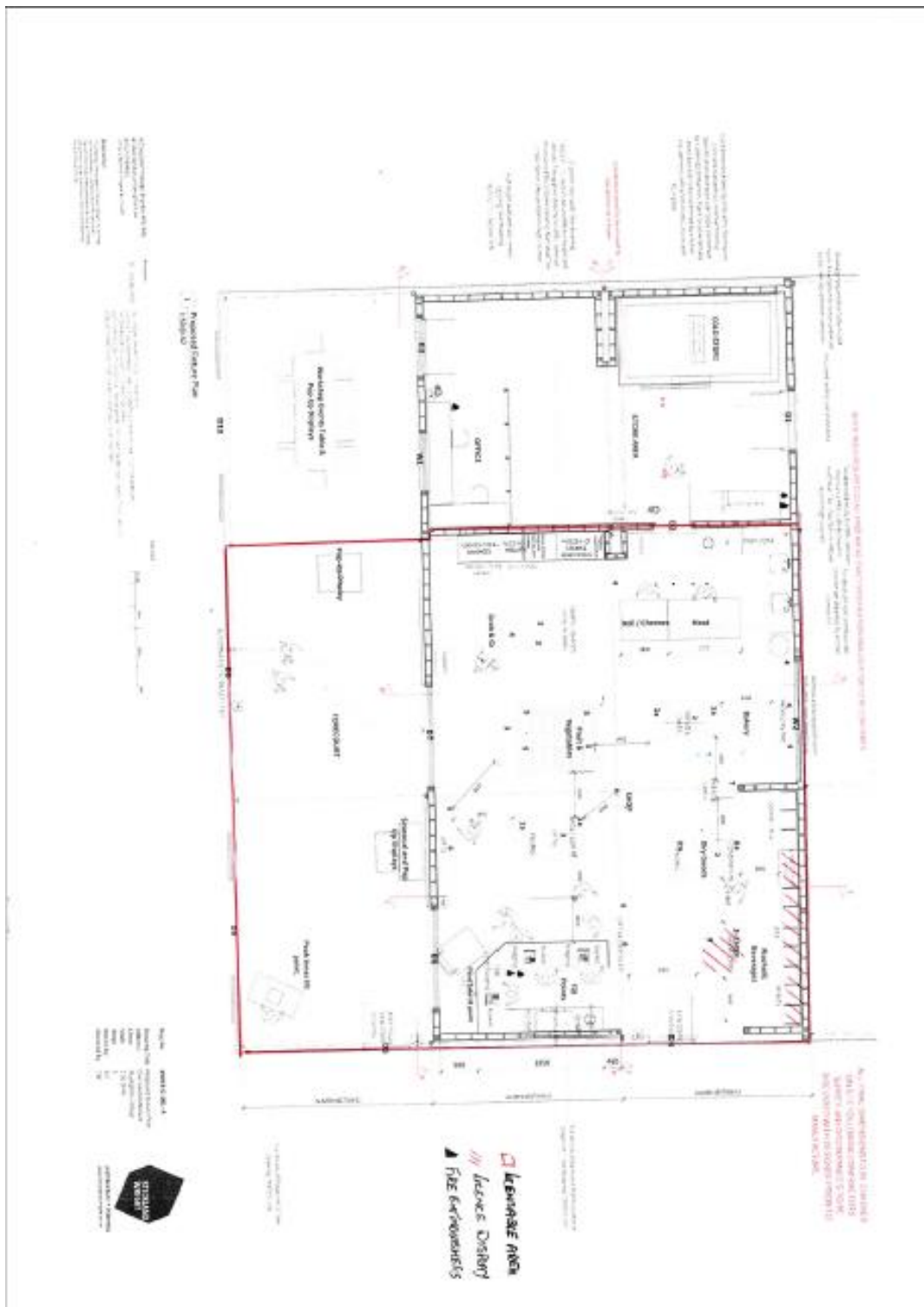
The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of the Council.

Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

A written register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Council on demand.



# APPENDIX B





## **APPENDIX C**

### **DML CON ENDS 26/03/21 VALID PPN & PS (A)**

Dear Licensing,

I just want to raise an objection both from my own point of view but also reflecting concerns of local residents to the application for a new license at the One Garden Brighton in Stanmer Park, submitted on 26th Feb 2021. The case number for this is 2021/00472/LAPREN.

I have a number of concerns with this:

**Sale of alcohol from 8:30am to 1:30am-** I can't support this. I see no reason for sale of alcohol in the early morning from 8:30am through to midday and then late night sales would keep customers at the premises, could increase the likelihood of anti-social behaviour and my main concern, cause additional noise and traffic for residents. Without any public transport, late night drinking means taxis will likely be driving through the park to get there and will likely cause noise as they do so. In addition, taxi drivers will want to get to the customers and deliver them back at their house as soon as possible, and this adds to the safety risk for anyone still around, perhaps residents or people walking their dogs later on, or perhaps other customers who have decided to walk back to the train station or Lewes Road to catch a bus.

**Playing recorded music, live music or performances until 1:00am-** I did not envisage that this would be a venue where people would stay watching live music and performances until 1am but this is what this license would permit. If the applicants want to have certain days when they play music or do performances etc., then they can always apply for a Temporary Event Notice (TEN) which would allow them to extend the hours on a select number of days of the year.

**Opening hours-** I can understand the operators might have events on, for example farmers markets, which could start in the morning and go on all day but I wouldn't support the late opening until 1:30am for similar reasons explaining why I would object to the sale of alcohol until 1:30am. I would also be apprehensive about a license being given every day for this location- perhaps a more restricted set of days would be more amenable such as Thursday-Sunday. In my opinion, channelling events onto certain days would better manage footfall and leave a few days for the park to rest.

**On and off license sales of alcohol-** My final concern is that the vendors will be able to sell alcohol on the premises for patrons as well as provide an off-license to sell alcohol which could then be taken to other parts of the park and I'm worried that this would spread out nuisance into other parts of the park and encourage drinking until late hours on the green in front of Stanmer House. This will inevitably prolong noise disturbance, increase waste/litter and potentially damage wildlife and something that I think needs to be very closely monitored and I would prefer that the off license stops selling alcohol earlier on in the evening.

Overall, I support the idea of the cafe and would welcome events to the park, but I can't support the timings proposed by this application and am objecting primarily on the grounds that this would cause a public nuisance. I hope that the applicants would engage in

discussions with ward councillors and the community about this application could be amended to bring about a more acceptable range of times and days which we could all support.

Best wishes,  
REDACTED



**From:** REDACTED  
**Sent:** 25 March 2021 23:36  
**To:** REDACTED  
**Subject:** One Garden Café

**DML CON ENDS 26/03/21 VALID PPN (B)**

Dear REDACTED

I am writing to object to the One Garden Brighton application for a licence 7 days a week until 1am. I object on the grounds of a public nuisance as I believe that noise from vehicles coming and going.

The noise from the venue will effect the residents in particular the Old Stable Block, with people drinking in the park late at night etc.

Best wishes

REDACTED

**From:** REDACTED  
**Sent:** 25 March 2021 22:14  
**To:** REDACTED  
**Cc:** REDACTED  
**Subject:** One Garden Brighton - Licence Application Objection

**DML CON ENDS 26/03/21 VALID PPN (C)**

Dear REDACTED

I'm writing on behalf of Stanmer residents, in my capacity as Chair of the Stanmer Resident's Committee, to lodge our concerns regarding Plumpton's One Garden premises applying for a 7 day a week late license for both alcohol consumption and music (live and recorded).

We wish the business every success, and indeed look forward to visiting and/or attending events - however having had experience of events at Stanmer House for many years, we know how much disruption is caused with by the volume of live music and the noise caused as parties disperse.

The times on the application are somewhat confusing, but it appears to be until 1am every day of the week - and we feel this is entirely inappropriate. The occasional late event, with due care and consideration for residents nearby is more acceptable, however we would need to have a clear idea of what to expect, and indeed how the sound would be monitored past 11pm. There would also need to be an undertaking to ensure those attending left respectfully.

These measures would be in line with the licence granted to Stanmer House under the ownership of Alex Proud.

We are also disappointed that there has been no attempt to let any residents know of this licence application, and feel a relationship with residents in the Old Stable Block in particular, is essential.

Please can you confirm our concerns have been lodged.

Kind regards,

REDACTED

From: REDACTED Sent: 26 March 2021 08:37  
To: REDACTED Subject: One Garden Cafe

**DML CON ENDS 26/03/21 VALID PPN (D)**

Good morning REDACTED

I wanted to add our comments to the e-mail already sent by REDACTED of the Stanmer Residents Committee.

We live at REDACTED and are concerned, as REDACTED said, about the licence that has been applied for to open the cafe until 1am every night as well as have live and recorded music amongst other things. We only were made aware of this earlier this week by a resident in the main village and otherwise would not have known until too late.

REDACTED. Any foot traffic late at night/loud music will disturb us without a doubt. Obviously, as REDACTED said, occasional late events with due care for residents are something we were used to from Stanmer House, albeit without people having to go directly past REDACTED, and we realise that this may happen.

However, we are disappointed that nobody has approached us to tell us that this licence had been applied for or indeed that it has not been displayed anywhere prominent for us to see.

I would be grateful if you could add our concerns to REDACTED and register that we feel more information and discussion is needed before a licence is issued.

Thank you for your consideration.

Kind regards,

REDACTED

**From:** REDACTED  
**Sent:** 26 March 2021 10:46  
**To:** REDACTED  
**Subject:** FW: Stanmer Park One Garden late licence application concerns

**DML CON ENDS 26/03/21 VALID PPN (E)**

To REDACTED

I have been told by REDACTED of the residents that you are the person to register any objections to on the One Garden licence application for alcohol and music.

Where can this application be viewed as it is not prominently displayed in the park anywhere?

May I note that a late licence granting would be very disruptive to the residents here and it is felt that serious management restrictions would need to be attached to any such agreement.

Also it is noted that the application is said to be for full time, i.e. every day till 1.00am. This seems exceptionally excessive and poses the question "what is the planned usage of this venue?"

"What is the capacity of this venue and how many people do they anticipate attending the planned daily late night events?"

We strongly recommend that any licence granted be restricted to normal hours and limited capacity and that any planned late usage should be dealt with on an individual events planning application outlining each event and placing whatever management restrictions are the deemed appropriate for those special applications.

Is there any way to follow up on this further and get a better understanding of this application?

Please advise, thank you.

Regards,

REDACTED

**From:** REDACTED  
**Sent:** 26 March 2021 12:53  
**To:** REDACTED  
**Subject:** Licence - 1445/3/2021/00472/LAPREN Objection

## **DML CON ENDS 26/03/21 VALID PPN (F)**

Dear REDACTED

I am contacting you as the designated spokesperson for 'The Courtyard (Stanmer House) Estate Management Limited, which represents the interests and estate management of the 7 freehold residential properties which constitute 'The Courtyard'. The properties are located in the former North wing of Stanmer House, in very close proximity to the One Garden development.

We are writing in relation to the above licence application for a 7 day per week late night licence for the sale of alcohol and other activities until 1:00am.

Whilst we are looking forward to the space opening to the public as we believe it will be a great asset to our community and Brighton as a whole, we believe a late night licence to be a drastic departure from the initial vision of the project as explained to us.

We have also noted that the description of the venue, as per the license application published on the council website, does not include any mention of the venues intention to hold weddings at the site (this is a clearly stated objective on One Gardens own website). If the venue does indeed wish to be able to hold weddings on the premises we feel this should have been included in the application description, as it will clearly influence the frequency and likelihood of late night noise disruption to local residents.

We feel that the application for a permanent 1:00am late night licence is inappropriate for the area and unnecessary.

The Courtyard appreciate that occasional late night (post 11:00pm) events may take place, but strongly believe that these can and should be organised with Temporary Event Notices, managed with consideration for residents, rather than the granting of a blanket 1:00am licence in what is a residential area.

Residents of the Courtyard include families with younger children who may be particularly affected by any late night noise from the event and the departure of its attendees.

We are also most dismayed to have been unable to locate any signage in the vicinity informing residents and other interested parties of the licence application, had we not been notified by a local councillor, we would have been wholly unaware of such application.

Whilst we wish the business every success and look forward to attending some of the programme of events that One Garden is planning to host, please can you ensure and confirm that our concerns have been noted.

Many thanks

REDACTED

**From:** REDACTED  
**Sent:** 26 March 2021 15:08  
**To:** REDACTED  
**Cc:** REDACTED  
**Subject:** Representation against One Garden Stanmer

**DML CON ENDS 26/03/21 VALID PPN (G)**

Brighton and Hove Estate Conservation Trust (The Company) Company no. 05554194  
Brighton and Hove,  
East Sussex

26<sup>th</sup> March 2021

Dear REDACTED

I am writing to raise a representation against the application for One Garden at Stanmer Park –

**Application Number 2021/00472/LAPREN**

This application was made on the 26<sup>th</sup> February and the closing day for representations is today – 26<sup>th</sup> March.

I am writing as Chair of the Brighton and Hove Conservation Trust, and on behalf of Trust members who have all agreed to this representation. BHECT is a charitable Trust set up some years ago to manage the tenancies at Stanmer Village and with wider responsibilities regarding the heritage and conservation of Stanmer Park and the Downland Estate.

We have a strong objection to the hours that the café/bar intends to stay open and the fact that the hours are requested every day of the week. We don't object to the café/bar itself, but we would argue that 11pm is a more suitable time for the premises to close and that perhaps on a Sunday it should close at an even earlier time. The times proposed would give rise to Public nuisance issues: that is the grounds on which we object to this application. The times proposed are from 8am to 1pm every day for an alcohol licence and also a licence for performance of dance, plays, live music and recorded music from 11pm to 1am (these activities don't need a license before that time). These hours would cause significant disturbance to BHECT tenants in Stanmer Village, both current and future ones, with taxis, cars and people walking, entering the park in the evening and leaving the park late at night, and all the noise and general disturbance that would cause. The park is most definitely not suitable for people to walk anywhere in the early hours of the morning as there is no lighting to assist them. This is a park, it is not an urban area, and thus this type of late-night activity is entirely unsuitable. There are also issues over noise that would emanate from the

premises with live music etc. at such a late hour which would also disturb residents in the park, especially residents in the stable block. We would suggest that if the café/bar wants to put on late-night events, they should do so through the TENS route, as this allows them 15 late night events a year, which would fit in far better with the essential nature of the park (part of our responsibility as members of the Trust) and cause residents less disturbance.

There is also the issue of the off-licence which has been applied for – 8am - 1am – for the on-site shop. There is an almost total lack of information in the application regarding this but, once again, we object to this as this is far too late for an off-licence in the park, and I would once again remind you that this is a park, part of the South Downs Park, not an urban area. These hours would encourage people to buy alcohol in the shop (part of the café/bar?) and potentially consume it in the park, which could result in noise and anti-social behaviour. Thus, we would argue that 5.30pm is a far more suitable time for the off-licence to close. Whilst it is not a licensing matter, I would also argue that there would be considerable disturbance to wildlife during the later hours of the day and early morning. At present the wildlife is undisturbed at night and not at threat from motor vehicles – most wildlife is killed on the roads at night when wildlife tends to be out and about.

One of the conditions for a major HLF grant that was given for the development of the park was that there would be fewer motor vehicles in the park, and this seems to fly in the face of that condition.

I look forward to receiving receipt of my representation.

Kind regards  
REDACTED

## AGREEMENT

### Agreed Conditions for One Garden Brighton – 22<sup>nd</sup> March 2021

#### Amendment to Timings for Licensable activity

Requirement for the Licensable Activities of Plays, Live Music, Recorded Music, Performances of Dance and Sale of Alcohol after 23:00 on a Sunday to Thursday inclusive to be removed.

#### General:

1. Authorised staff employed by Sussex Police shall have free access to all parts of the licensed premises at all times licensable activity is taking place or when open to members of the public, for the purpose of inspection to ensure compliance with the terms and conditions of the premises licence and to ensure the promotion of the licensing objectives.
2. No beer, lager, perry or cider with an ABV of 6% or above shall be sold at the premises save that this shall not apply to premium beer, lager, perry or cider with an ABV of 6% or above such as craft or speciality brands or brands produced by a micro-brewery, or brands produced to commemorate a national or local event.
3. All alcohol will be displayed/stored in full sight of the serving counter.
4. Off sales from the shop area of the premises will be in sealed containers only.
5. There will be no off sales of alcohol by delivery service under this licence.
6. Live events continuing after 23:00 will be limited to 20 events per calendar year.
7. All ticketed performances and events will be limited to a maximum of 200 ticketholders in attendance.

Additional conditions as stated in original application or agreed with another Agency

#### For the Prevention of Crime and Disorder:

8.
  - (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 the entrances/exits to the premises and the fridges/shelves where alcohol is stored. The system shall be on and recording at all times the premises licence is in operation.
  - (b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
  - (c) CCTV footage will be stored for a minimum of 31 days



- (d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
- (e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- (f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police e.g. USB) 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.

Additional conditions as stated in original application or agreed with another Agency

**For Public Safety:**

9. SIA licensed door supervisors shall be employed on any occasions 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 take into account busy periods such as Bank Holidays, Season Variations and Citywide Events e.g. Fringe Festival, Pride etc as well as any special events with more than 100 attendees held at the premises. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.
10. An incident log shall be kept at the premises, and must be completed within 24 hours of the incident. It will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol including date, time and name of staff member
  - (h) any visit by a relevant authority or emergency service.

11. The incident log will:

- (a) be inspected and signed off by the DPS (or a person with delegated authority) at intervals of no more than four (4) weeks.
- (b) 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 or as listed in condition 9.
- (c) be used to give feedback to staff to ensure that the log is used on each occasion that a refusal, ejection or incident occurs at the premises and to identify any patterns or trends
- (d) be kept for a minimum of twenty four (24) months.

12. Customers shall only consume alcohol which has been purchased from the premises.

Additional conditions as stated in original application or agreed with another Agency

**For the Prevention of Public Nuisance:**

Conditions as stated in original application or agreed with Environmental Protection

**For The Protection of Children from Harm:**

13.

- (a) 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

- (b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 12 weeks, with the date and time of the verbal reinforcement/refresher training documented.
- (c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

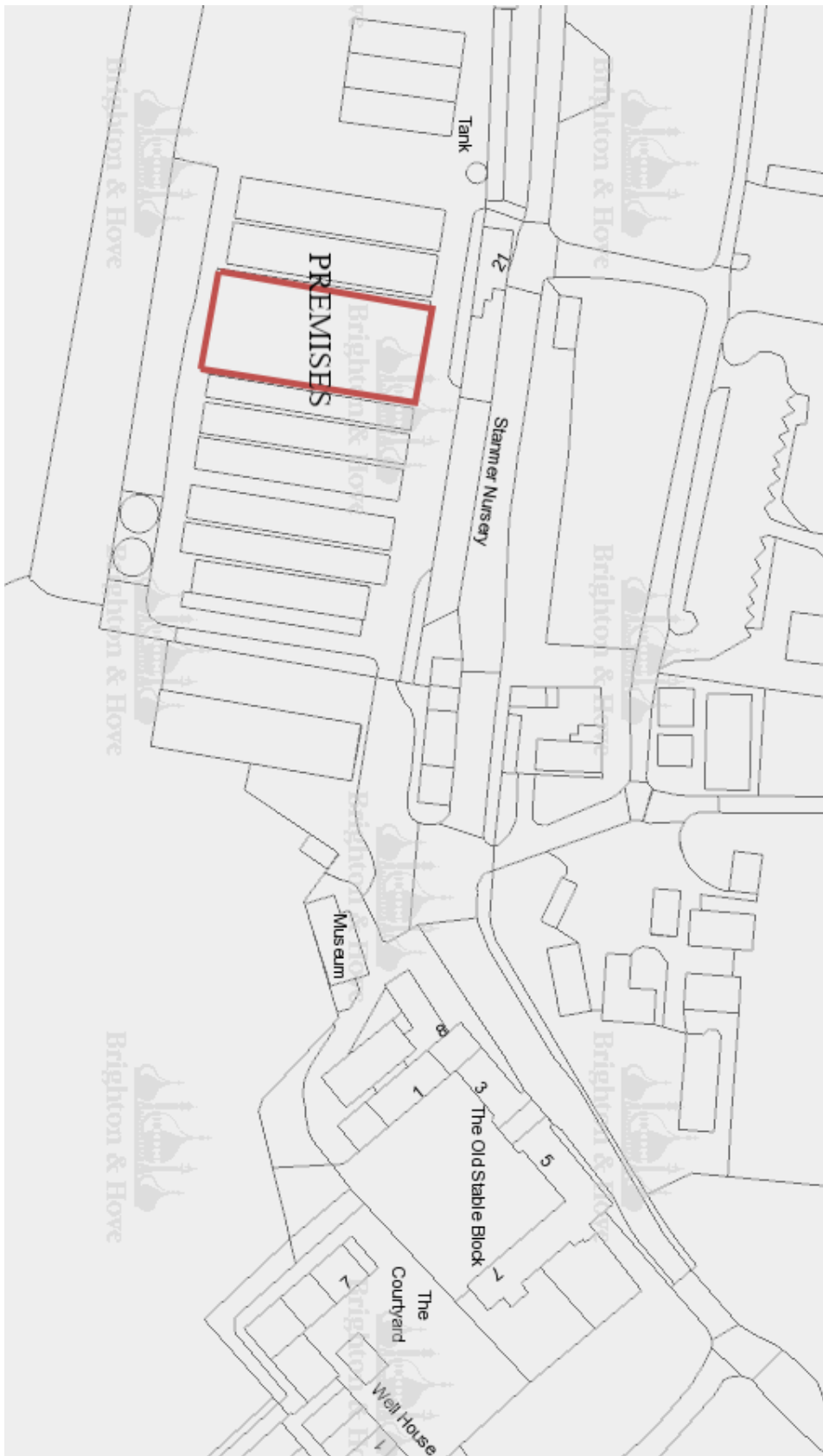
14. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states 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.

15. Signage advertising the 'Challenge 25' policy will be displayed in prominent locations in the premises.

16. A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the DPS with the date such authorisation commences.



**APPENDIX D**





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