

Licensing Panel (Licensing Act 2003 Functions)

Date: 21 July 2021
Time: 10.00am
Venue Virtual Meeting - Microsoft Teams
Members: **Councillors:** , Deane, Moonan and Simson
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.

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

3 RUM KITCHEN LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

7 - 46

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

Contact Officer: Sarah Cornell

Tel: 01273 295347

Ward Affected: Regency

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For further details and general enquiries about this meeting contact Thomas Bald, (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

Brighton & Hove City Council

Subject:	Application for a New Premises Licence under the Licensing Act 2003		
Premises:	Rum Kitchen Unit A Moore House 8 - 13 Black Lion Street Brighton BN1 1ND		
Applicant:	Icarus Leisure Soho Limited		
Date of Meeting:	21 July 2021		
Report of:	Executive Director of Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Sarah Cornell	Tel: (01273) 295801
	Email:	sarah.cornell@brighton-hove.gov.uk	
Ward(s) affected:	Regency		

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 Rum Kitchen.

2. RECOMMENDATIONS:

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

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 application for restaurant, with bar for the service of customers either waiting for their table or following dining. The bar will not be open to customers who are not dining or have not dined already. Customers using the bar will only be allowed to do so contiguous to their dinner booking. There is an external terrace on the first floor of the premises. This licence, if granted substantially in the terms applied for, will replace licence 2018/00632/LAPRET (or any subsequent iteration of that licence), which will be surrendered.
- 3.2 Section M (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

	Proposed
Recorded Music	Monday – Wednesday 11:00 – 23:30 Thursday – Saturday 11:00 – 00:30 Sunday 11:00 – 23:00 An additional 1 hour on Sunday prior to Bank Holiday Monday New Year’s Eve to 02:00 the following morning An additional 1 hour each day of Brighton Pride festival
Late Night Refreshment	Monday – Wednesday 23:00 – 23:30 Thursday – Saturday 23:00 – 00:30 An additional 1 hour on Sunday prior to Bank Holiday Monday New Year’s Eve to 02:00 the following morning An additional 1 hour each day of Brighton Pride festival
Supply of Alcohol	Monday – Wednesday 11:00 – 23:30 Thursday – Saturday 11:00 – 00:30 Sunday 11:00 – 23:00 On and Off premises An additional 1 hour on Sunday prior to Bank Holiday Monday New Year’s Eve to 02:00 the following morning An additional 1 hour each day of Brighton Pride festival
Hours premises are open to public	Monday – Wednesday 11:00 – 00:00 Thursday – Saturday 11:00 – 01:00 Sunday 11:00 – 23:30 An additional 1 hour on Sunday prior to Bank Holiday Monday New Year’s Eve to 02:30 the following morning An additional 1 hour each day of Brighton Pride festival

3.4 Cumulative Impact. The premises falls within the Cumulative Impact Area (“The Area”) (see paragraphs 3.1 – 3.1.10).

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 Three representations were received. They were received from a local business, Sussex Police & The Licensing Authority.
- 3.7 Representations received had concerns relating to Prevention of Crime and Disorder, Cumulative Impact & Prevention of Public Nuisance.
- 3.8 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 Special Policies and Initiatives

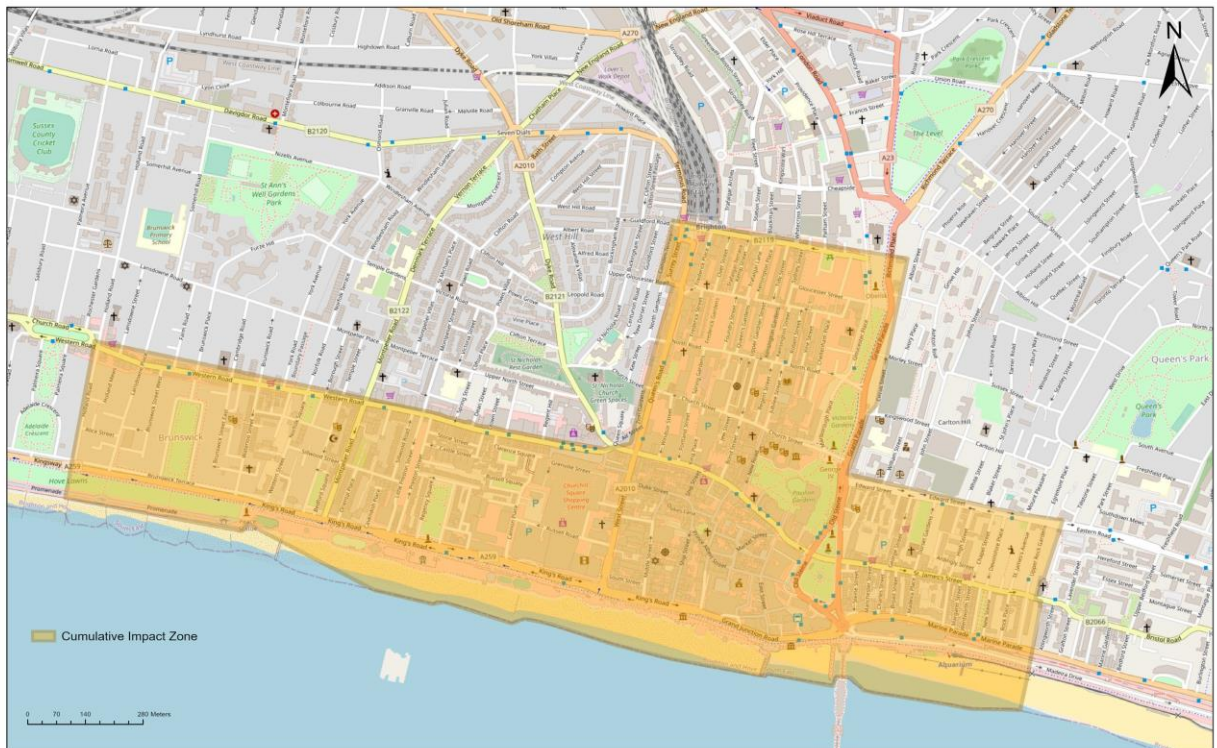
3.1 Cumulative impact

- 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.
- 3.1.3 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) was 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 the

29th November 2018 Licensing Committee resolved to expand the SSA into Central Hove. It is now proposed to expand the SSA into Preston Road and Beaconsfield Road. The licensing authority has published a Cumulative Impact Assessment which can be found at Appendix E.

3.1.4 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.

Cumulative Impact Zone, January 2021



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3.1.5 The Cumulative Impact Zone 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 Air 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 Lower 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.

3.1.6 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.

- 3.1.7 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.
- 3.1.8 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.
- 3.1.9 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.

- 3.1.10 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	Other Areas
Restaurant	Yes (midnight)	Yes (midnight)	Yes (midnight)
Café	Yes (10 pm)	Yes (10 pm)	Yes (10 pm)
Late Night Takeaways	No	Yes (midnight)	Yes (midnight)
Night Club	No	No	No
Pub	No	Yes (11pm)	Yes (midnight)
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes (favourable)
Off-licence	No	No	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

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.
- 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.

3.3.3 **Cafes** - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following conditions that will prevent the premises becoming a public house.

- The sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables.
- Substantial food shall be available at all times. The licensing authority shall judge each case on its own merits but as a general rule, a bowl of crisps, nuts, or olives does not constitute substantial food.

3.3.4 **Restaurants** - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following restaurant condition.

- Intoxicating liquor shall not be supplied or sold on the premises otherwise than to persons taking table meals there and for the consumption by such a person as an ancillary to their meal. There will be no vertical drinking.
- Restaurants with outside service - the licensing authority will also consider applications from restaurants that request to serve alcohol to areas adjacent to or immediately outside their premises. In addition to the above conditions for cafes, the licensing authority will require evidence that the applicants have an agreement with the local authority to use the area as defined on a plan provided. The following condition may also apply:
 - The sale and supply of alcohol for consumption off the premises shall be restricted to an area licensed by the Local Authority for use of the public highway as shown on the plan deposited and such area shall be defined by a physical barrier acceptable to the licensing authority.

4 Prevention of Crime and Disorder

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.

- 4.1.1 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.
- 4.1.2 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.
- 4.1.3 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

4.1.4 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 Sussex Police have a specific Operation relating to the night-time economy called Operation Marble (detailed in 3.4.1) and work closely with partners to ensure a safe and vibrant city centre. There continues to be an increasing demand for resources further into the early hours of the morning with the highest concentration of crimes occurring between 21:00 and 06:00 on a Friday into a Saturday and between 20:00 and 06:00 on a Saturday night into a Sunday. The data set used shows that up to 80% of arrests made in the timeframe 20:00 – 06:00 on these days were affected by alcohol. For full details of these statistics see the Cumulative Impact Assessment at Appendix E.

4.2.2 The dealing and use of drugs remains an issue across the city and Sussex Police welcome proactive policies from licensed premises. A drug safe and seizure recording initiative is in place of which further details can be obtained by contacting Brighton & Hove Police Licensing (brighton.licensing@sussex.pnn.police.uk). This initiative encourages licensed premises with Door Supervisors to search and seize drugs from persons attempting to enter their premises and ensures that once drugs are removed from persons, they can be safely collected and destroyed by Sussex Police.

4.2.3 Dispersal from the city centre during the late evening and early morning remains a policing challenge. 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.

4.2.4 Sussex Police have continuing concerns that, despite staff training in age-restricted sales, under-age individuals are still being served alcohol both on and off the premises in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted to highlight premises where sales are taking place and ensure appropriate enforcement action is taken to prevent further sales. The introduction of identification scanning machines at premises throughout the city has proved successful in mitigating some risk, but operators must maintain vigilance regarding the fraudulent use of genuine IDs. Sussex Police

continue to work alongside the Business Crime Reduction Partnership to tackle the problem of those who use false or another's identification to enter licensed premises and purchase alcohol.

- 4.2.5 Sussex Police work closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. As well as work to prevent under age sales, vulnerability training is offered to identify persons who may have been made vulnerable through alcohol or drugs. Sussex Police also support initiatives such as (but not limited to) safe spaces, mobile teams of volunteers actively checking people's well-being and the Beach Patrol.
- 4.2.6 Public Space Protection Orders have proved an effective tool for Sussex Police in targeting enforcement action in problem areas of the city. It 'allows Police Officers and Police Community Support Officers to remove alcohol from any person in a public place if that person is involved in anti-social behaviour (ASB) or the officer believes that by having alcohol in their possession there is an increased risk of ASB. It is an offence to refuse to hand over alcohol when required to do so.' They have been particularly effective in the day time economy where members of the street community are causing ASB issues for members of the public and local businesses, especially during the summer months where there is a large influx of visitors to Brighton & Hove.
- 4.2.7 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 and will continue to take enforcement action where appropriate if the actions of a Premises Licence Holder, Designated Premises Supervisor, Door Supervisors or Staff have fallen below the high standard expected across the city. 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, 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.

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).
- 6.1.5 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

8.1.1 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: 30/06/21

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: 30/06/21

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 – Part M (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. 5th edition. Public Health Intelligence. January 2019

Background Documents

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

APPENDIX A

OPERATING SCHEDULE

General

1. Authorised civilian staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.
2. Substantial food shall be available at all times, with the exception of the final hour of trading on any given day.
3. With the exception of the bar area (indicated in the yellow area on the plan), alcohol will be served by waiter/waitress service to persons seated at tables and ancillary to a main table meal only.
4. The bar area (indicated in the yellow area on the plan) shall only be used by customers attending the premises to dine, whether pre-booked and waiting for their table to become available or 'walk in' where they have booked a table and are waiting for it to become available. A maximum of 45 persons will be allowed in the bar area at any one time and no more than 15 will be permitted to stand to consume drinks at any one time. Customers waiting for a table as set out above will be permitted to purchase drinks at the bar. The maximum time customers may wait for their table in the bar area is 45 minutes. Should a table be unlikely to be available within that time (as booked) customers will be asked to come back no sooner than 45 minutes prior to the booking time.
5. Customers who have dined at the premises will be permitted to use the bar area (indicated in the yellow area on the plan), subject to the maximum capacity in the bar area of 45 persons, with no more than 15 being permitted to stand and consume drinks.
6. Alcohol sold for take away purposes shall only be alcohol sold as part of a meal that is then re-sealed, or as part of a substantial take away food order or as part of a delivery of a substantial food order.
7. Food provided for consumption off the premises will only be by way of delivery or take away in sealed boxes designed otherwise than for immediate consumption.

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 to cover all public areas, including the entrance to the premises (amend this part as appropriate). The system shall be on and recording at all times the premises licence is in operation.
(b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times. (c) CCTV footage will be stored for a minimum of 31 days
(d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
(e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
(f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.
(g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
(h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
9. Unless otherwise required to pay into a local (meaning Brighton) Business Improvement District scheme or local (meaning Brighton) Business Crime Reduction Partnership, or a Late Night Levy in the area, the premises licence holder will contract the back-up services of an approved mobile support unit (MSU) 24 hours a day, with a minimum of 2 SIA registered Door Supervisors operating from it. A copy of the MSU contract will be retained at the premises and made available for immediate inspection upon request by Sussex Police or Council Officials. The MSU will be accredited by the Brighton Business Crime Reduction Partnership (BCRP) or other similar organisation approved by Sussex Police should the BCRP not be in existence.
10. The premises licence holder will become a member of the Business Crime Reduction Partnership or similar scheme approved by the Licensing Authority, should such a scheme be available. Subject to there being relevant local coverage, then should the scheme operate a radio service the premises licence holder will sign up to use of said radios. The premises licence holder will, in addition, enforce (as far as is practicable)

any exclusion/banning list of named individuals. This is on the basis that (1) said list is periodically updated and disseminated by the scheme; (2) complies with all data protection provisions; and (3) has in place a policy recognising and implementing a right to appeal for the parties on the list.

11. The DPS will employ a minimum of 2 SIA registered door supervisors from 2100 hours until at least 30 minutes after the terminal hour on Friday and Saturday nights, and on Sundays preceding Bank Holiday Mondays. At all other times the need for door supervisors will be risk assessed and employed in such numbers and at such times as identified by the said risk assessment.
12. Door supervisors employed at the premises will enter their full name, address, valid phone contact details, SIA badge number, employing company, along with the times they are working, in a register prior to commencement of their work at the premises. The Designated Premises supervisor/manager at the time will be responsible for ensuring that this is done and for confirming the security staff's details and permissions to work, via the public SIA website facility.
13. The management must instruct security staff and other staff members to assist police or local authority officers with any enquiries they make in the execution of their duties.
14. Door supervisors are to use walkie-talkie or other forms of electronic communication devices to communicate, including the use of ear-pieces, to ensure communications can be properly heard and understood at all times they are on duty.
15. SIA licensed door supervisors shall be employed on any other occasions when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 5 working days in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Centre Events e.g. Pride. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.
16. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made at any of the bars/point of alcohol service e.g. for intoxication, will also be recorded in writing.

Public Safety:

17. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
18. The Premises Licence holder shall comply with all fire and other risk assessments and to operate in accordance with all legislation that is relevant to public safety.
19. Any alcohol sold or supplied for consumption off the premises must be in a sealed container.
20. Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times

The Prevention of Public Nuisance:

21. The outside terrace on the first floor of the premises will close to the public at 23:00 hours daily.
22. The outside terrace on the first floor will only be available to pre-booked customers between the hours of 17:00 until the area closes. Prior to 17:00 customers who have not pre-booked will be entitled to use the external area.
23. The premises licence holder shall ensure that prominent, clear and legible signage is displayed at the exits of the premises requesting customers leaving the premises late at night to do so quietly and with consideration for local residents.
24. Deliveries and collection of bottles and refuse are to take place between 0700hrs and 23.00hrs.
25. Bottles and refuse are to be disposed of outside between 07.00hrs and 23.00hrs.
26. No speakers shall be placed out in the outside terrace on the first floor.
27. Management/staff shall proactively monitor the conduct and behaviour of patrons inside the premises and external area to ensure no noisy, rowdy or anti-social behaviour. Those patrons deemed to be engaging in such behaviour shall be asked to disperse from the premises and area quietly.
28. All patrons shall be discouraged from socialising/loitering on the public highway at all times.

29. The DPS shall devise and implement a robust dispersal policy to ensure that patrons leave the premises and vicinity as quietly and speedily as possible.

For the Protection of Children from Harm:

30. The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

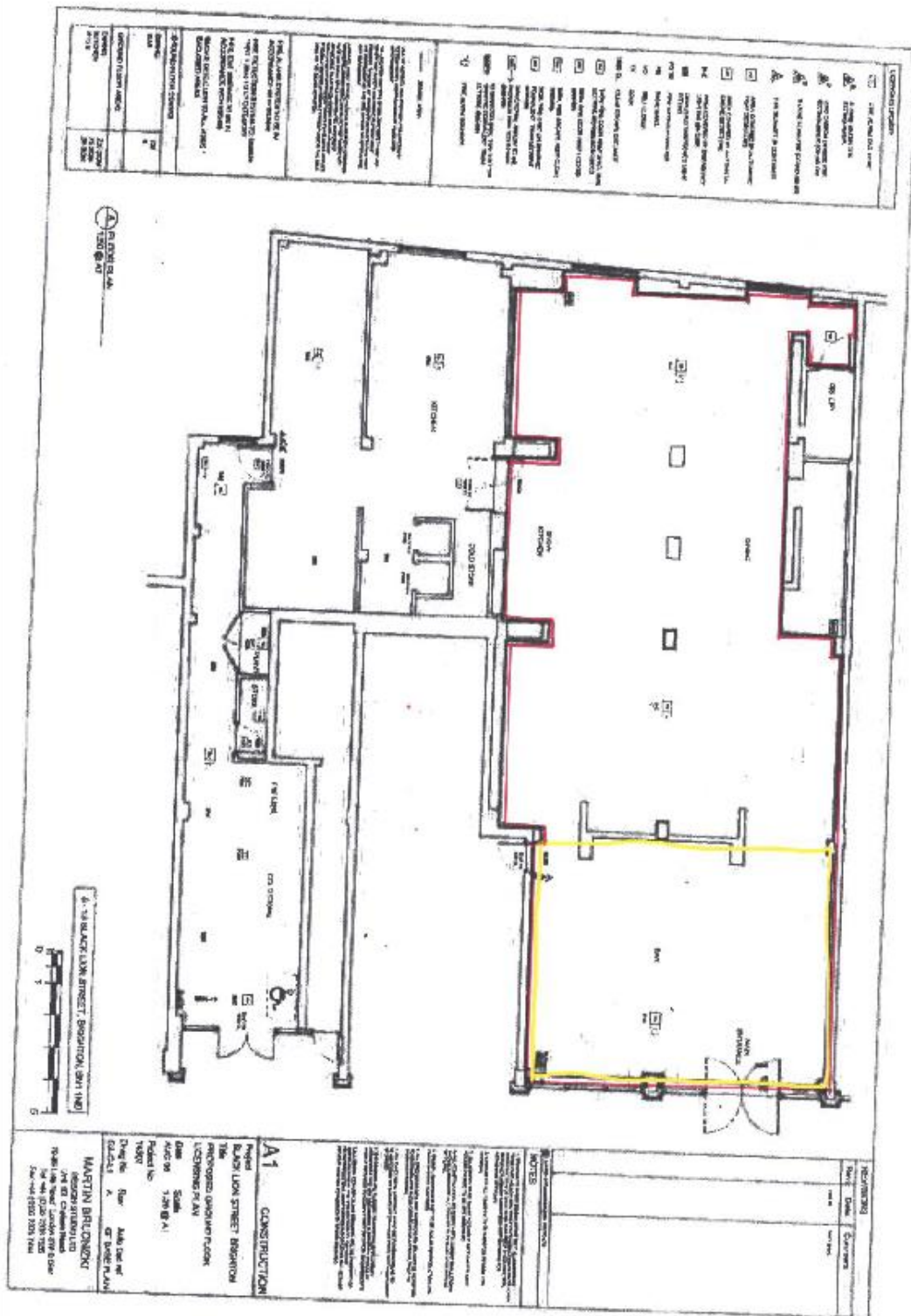
- *The lawful selling of age restricted products
- *Refusing the sale of alcohol to a person who is drunk
- *Refusing the sale of alcohol for consumption off the premises to people who may have alcohol dependency issues

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

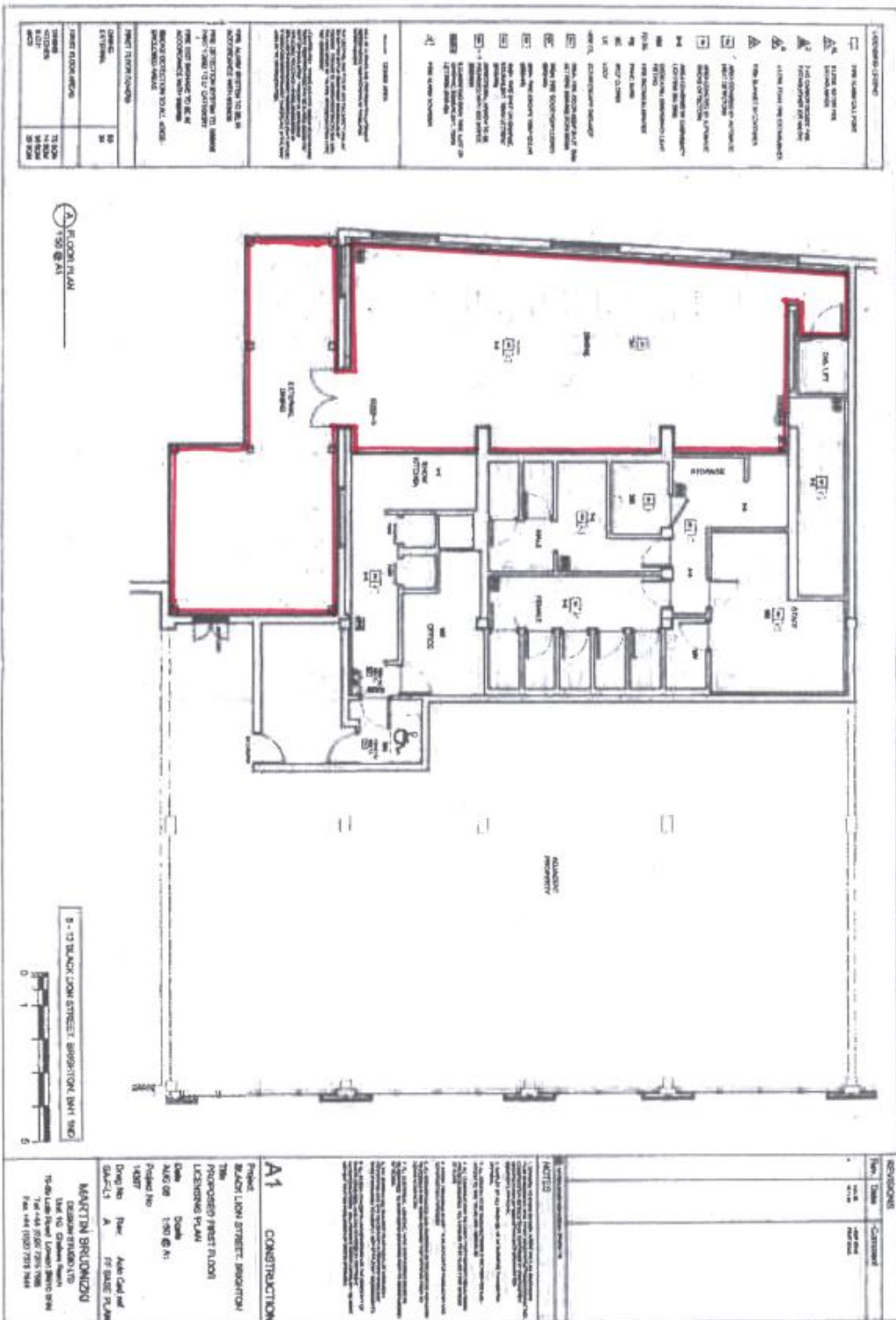
31. All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.
32. The premises will operate a “Challenge 25” policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph or proof of age cards bearing the ‘PASS’ mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence or conditions attaching to it.
33. A Refusals register will be maintained to record any instances of refused service because of age/no ID, or drunkenness, to be and produced on request of a police officer or officer from a responsible authority.
34. Signage advertising the “Challenge 25” policy will be displayed in prominent locations inside the premises.

APPENDIX B

Ground Floor



First Floor



APPENDIX C

14th June 2021

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

SC CON ENDS 24.06.21 VALID PCD & CIZ (A)

Dear REDACTED

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

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

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

The application seeks the following licensable activities and timings:

Provision of recorded music - indoors

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

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

Sunday: 11:00 – 23:00

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

Late night refreshments – indoors & outdoors

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

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

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

Supply of alcohol – on and off sales

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

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

Hours premises are open to the public

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

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

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

Late night refreshments – indoors

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

Supply of alcohol – on sales only

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

Hours premises are open to the public

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

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

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

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

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

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

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

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

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

With high numbers of person descending on the City during the weekends and the impact this has, Sussex Police operate a standalone night time operation each weekend and at other various peak times throughout the year. This involves dedicated Police resources patrolling the main night economy area to free up our normal night duty officers so they can manage the rest of the City and the demands it has on our service. Having a visible police presence in the area, especially during the weekend evenings, goes some way to assist in reducing criminal incidents occurring, but unfortunately does not stop them in their entirety. The majority of incidents dealt with have an element of alcohol linked to them. This is a mix of persons becoming drunk and disorderly, violent and a high number of incidents involve persons who have become a victim of crime due to their own vulnerability after consuming alcohol. Staff at venues and from emergency services are far too often also at the end of a drunk person's aggression.

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

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

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

Yours sincerely,

REDACTED

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

General

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

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

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

For the Prevention of Crime and Disorder:

5. (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises to cover all public areas, including the entrance to the premises (amend this part as appropriate). The system shall be on and recording at all times the premises licence is in operation.
(b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
(c) CCTV footage will be stored for a minimum of 31 days
(d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
(e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
(f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.
(g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
(h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
6. At all times the premises is open to the public, the management will contract the back-up services of an approved mobile support unit (MSU) 24 hours a day, with a minimum of 2 SIA registered Door Supervisors operating from it. A copy of the MSU contract will be retained at the premises and made available for immediate inspection upon request by Sussex Police or Council Officials. The MSU will be accredited by the Brighton Business Crime Reduction Partnership (BCRP) or other similar organisation approved by Sussex Police should the BCRP not be in existence.

7. SIA licensed door supervisors shall be employed on any occasion when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Centre Events e.g. Pride. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.
8. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made at any of the bars/point of alcohol service e.g. for intoxication, will also be recorded in writing.
9. The premises will become a member of the Business Crime Reduction Partnership or similar scheme approved by the Licensing Authority. The scheme must operate, subject to local coverage, radios and additionally an exclusion/banning scheme of named individuals within both the day and night time economy.

For Public Safety:

None from Police

For the Prevention of Public Nuisance:

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

For the Protection of Children from Harm:

11. The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

- *The lawful selling of age restricted products
- *Refusing the sale of alcohol to a person who is drunk
- *Refusing the sale of alcohol for consumption off the premises to people who may have alcohol dependency issues

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

12. All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

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

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

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

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

Dear REDACTED

Licensing Act 2003

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

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

I write to make a representation on behalf of the Council's Licensing Team, in their capacity as a responsible authority, in relation to the above application for a new Premises Licence submitted by Icarus Leisure Soho Limited.

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

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

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

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

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

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

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

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

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

The Council's Statement of Licensing Policy also includes a Matrix approach for licensing decisions with provisions for a terminal hour for all classes of licensed premises in a particular area. The Matrix Model recognises the diverse operation and different risks presented by different classes of licensed premises. It provides a vision of what the licensing authority would like to see within its area and gives an indication of likelihood of success or otherwise to investors and local businesses making applications.

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

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

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

Yours sincerely

REDACTED

BigHospitality

Rum Kitchen heads to Brighton

CASUAL DINING

By REDACTED

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

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



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

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

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

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

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

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

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

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

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

Representation to Licensing Application.

Name & address of premises subject to application.

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

1445/3/2021/01608/LAPREN

Your name & address (residence or business).

REACTED

Owner of;

REDACTED

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

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

The Prevention of Crime & Disorder

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

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

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

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

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

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

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

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

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

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

Public Safety

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

The Prevention of Public Nuisance

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

The Protection of Children from harm

Signed: ...REDACTED.....

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

Name:REDACTED

Please note:

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

APPENDIX D



