

Licensing Panel (Licensing Act 2003 Functions)

Date: **2 December 2021**

Time: **10.00am**

Venue **Virtual - Via Microsoft Teams**

Members: **Councillors: O'Quinn, Knight and C Theobald**

Contact: **Penny Jennings**
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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 THE BRIGHTON ZIP LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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

Contact Officer: Sarah Cornell
Ward Affected: Queen's Park

Tel: 01273 295801

Date of Publication - Wednesday, 24 November 2021

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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)

Brighton & Hove City Council

Subject:	Application for a New Premises Licence under the Licensing Act 2003		
Premises:	The Brighton Zip Daltons Bastion Madeira Drive Brighton BN2 1EN		
Applicant:	Madeira Leisure Limited		
Date of Meeting:	2 December 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:	Queen's Park		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for The Brighton Zip.

2. RECOMMENDATIONS:

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

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 for a café at Brighton Zip. The site has, until recently, had the benefit of a premises licence but this unfortunately lapsed irrevocably due to a group restructure and the liquidation of the licence holder. This happened at the worst time possible: just when the site was being redeveloped (see document attached) and when businesses were fully reopening. This application is for a cafe licence rather than on the same terms as the previous licence which had a restaurant condition. The hours sought are also slightly later. The applicant would like a more flexible operational approach which does not require every customer to consume a table meal with alcohol, albeit it is still envisaged that the majority of turnover will still come from food sales. Any premises licence granted will be linked to the operation of the Brighton Zip and, with the bespoke conditions proffered, the applicant does not consider that a grant of a new premises licence on the terms sought will add to cumulative impact. Instead, it is hoped that a successful Brighton Zip will regenerate Madiera Drive and help steer the local licensed economy away from alcohol focused vertical drinking establishments. Brighton police have been consulted but have not agreed the terms and conditions of the application. The applicant is, of course, happy to discuss the proposed application further with the police and any statutory authority or interested party. To enable some trade whilst the application is being determined and to hopefully show that the applicant can adhere to the terms of the sought premises licence and uphold the licensing objectives Temporary Event Notices will be sought.
- 3.2** Part M of the application is detailed at Appendix A together with Annex A (steps to promote the licensing objectives) and a Brand & Business strategy at Appendix E and the plan is attached at Appendix B.
- 3.3** Summary table of proposed activities

	Proposed
Supply of Alcohol	<p>1 April to 30 September hours will be: 12:00 to 23:00 Monday to Sunday.</p> <p>1 October to 30 March hours will be 12:00 to 22:00 Sunday to Wednesday and 12:00 to 23:00 Thursday to Saturday</p> <p>On premises only.</p>

Hours premises are open to public	<p>1 April to 30 September hours will be: 12:00 to 23:00 Monday to Sunday.</p> <p>1 October to 30 March hours will be 12:00 to 22:00 Sunday to Wednesday and 12:00 to 23:00 Thursday to Saturday</p>
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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 2 representations were received against the application. They were received from Sussex Police and The Licensing Authority on the grounds of Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, Protection of Children from Harm.

3.7 6 representations were received in support of the application. They were received from local residents and local businesses on the grounds of Prevention of Crime and Disorder and Prevention of Public Nuisance.

3.8 Full details of the representations against are attached at Appendix C.1 and the representations in support are attached at C.2. 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.

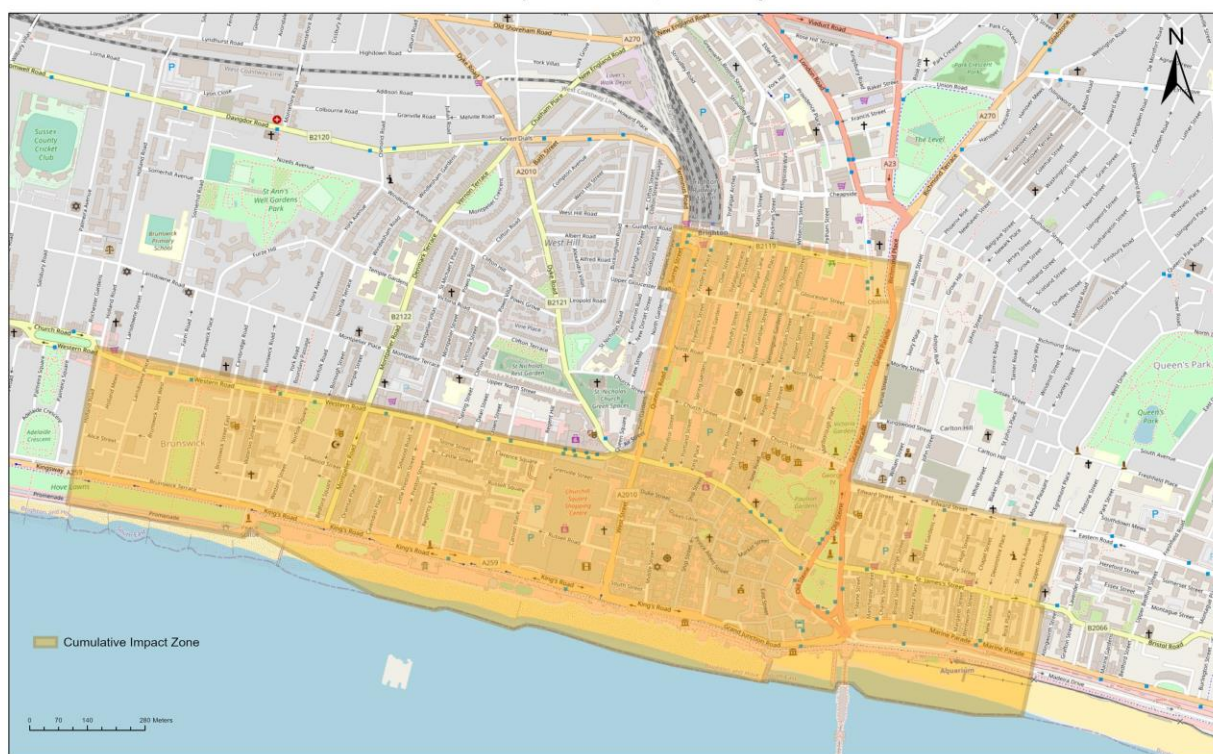
3.1.2 **Special Policy** - Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

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.

3.3.3 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.

3.9 Promoters and irresponsible drinks promotions

3.9.1 The Licensing Act 2003 makes no mention or provision for the use of promoters within licensed premises. Many of the late night bars and clubs within the Brighton & Hove Cumulative Impact Zone regularly hire promoters to sell nights at their venues. In recent years with the introduction of promoters within the Brighton night time economy, several issues have arisen. This includes promoters vouching for underage customers to get them inside licensed premises where they can access alcohol, providing flyers to passers-by who throw them on the floor and irresponsible promotions for their nights. Many premises now have an agreement with their promoter for acceptable promotions and behaviour which includes the signing of a written contract of expectations. This shows premises evidencing their due diligence and ensures that promotion companies know what is expected of them. The contract could include, obligations to pick up self-generated litter, verification of ages of their customers and users of their social media, promoters being over the age of 18 and responsible advertising on social media.

3.9.2 The Licensing Authority expect licensed premises to develop staff policy and training on recognising signs of drunkenness and vulnerability, for example, offering drinking water and tips for refusing customers who appear drunk. And discourage company policies that promote bonuses and sales incentives for selling alcohol. Licensing Authority will expect necessary precautionary processes to restrict drunkenness, e.g. Licensing Guidance states happy hours should not be designed to encourage individuals to drink excessively or rapidly.

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, eg type of licence, capacity, operating hours restrictions.

4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.

4.3.4 This policy recognises the use of registered Door Supervisors All Door Supervisors will be licensed by the Security 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.

4.3.6 Enforcement will be achieved by the enforcement policy appended (Appendix B).

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.

5.1.2 Normally in the city centre, pubs and clubs will be expected to operate using polycarbonate or toughened/shatterproof glass.

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 (eg 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.

7 Protection of Children from Harm

The following details and measures are intended to address the need for the protection of children from harm; this includes emotional and physical harm which may be associated with licensed premises and certificated club premises (for example the exposure too early to strong language and sexual expletives, eg in the context of film exhibitions or where adult entertainment is provided). It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions (unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely).

7.1.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the Licensing Strategy Group (eg passport, photo driving licence or pass card).

7.1.2 It is the licensing authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of emotional or psychological harm to them. Each application will be considered on its own merit but particular areas that will give rise to concern in respect of children are to be found in section 7.1.4 below.

7.1.3 To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures:-

- a) Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street
- b) Police and trading standards should implement test purchasing to reduce

sales to under 18s in on and off sales licensed premises

c) Further take-up of proof of age schemes will be promoted

d) In-house, mystery shopper type schemes operated by local businesses will be supported

e) Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to be DBS checked

7.1.4 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking.
- with a known association with drug taking or dealing.
- where there is a strong element of gambling on the premises.
- where entertainment of an adult or sexual nature is commonly provided.
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

Options may include:

- limitations on the hours when children may be present.
- age limitations (below 18).
- limitations or exclusions when certain activities are taking place.
- requirements for an accompanying adult.
- full exclusion of people under 18.

7.1.6 Where children are expected to attend a public entertainment, appropriate adult supervision will be required to control the access and egress of children and to protect them from harm. This will normally be an adult member of staff for every 100 children. Where the entertainment is music and dancing, 2 persons, licensed by the Security Industry Authority (door supervisors) should be employed for every 100 children but will be subject to advice within the Event Safety Guide. Nothing in this policy shall seek to override child supervision requirements contained in other legislation or regulations. For exclusively under 18 events reference should be made to police guidelines (available from the Police Licensing Unit, Brighton tel. 101). The licensing authority recognises the Director of Children's Services as being competent to advise on matters relating to the protection of children from harm. Applicants shall copy their applications to the Director of Children's Services in its capacity as the responsible authority. Copies should be sent care of the Police.

The "What to do" booklet is a national one and can be accessed at:

www.brightonandhovepsc.org.uk/wp-content/uploads/What-to-do-if-a-child-is-being-abused.pdf

Probably also worth getting him to put in that if you are concerned about a child locally to contact the Multi-Agency Safeguarding Hub (MASH) on 01273 290400, or you can contact Sussex Police on 101. If they think a child is in immediate danger to dial 999.

7.1.7 Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing. Sussex Police and BCRP undertake work concerning proxy purchases and counterfeit ID as part of the partnership support work with Community Safety and Trading Standards.

7.1.8 Trading standards have a programme of business support including training for local businesses to avoid under-age sales.

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.

8.3 Enforcement

8.3.1 The Enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at Appendix D (Lead Agency Status) of the Statement of Licensing Policy. In addition, the Licensing Authority will have regard to its published Licensing Enforcement Policy in making enforcement decisions in accordance with Brighton & Hove City Council's Statement of Licensing Policy (Appendix B). In order to better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements.

8.3.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the protocol. A number of other council and government policies, strategies and guidance documents must be taken into account to complement the policy, including:

- Community Safety & Crime Reduction Strategy
- Drugs and alcohol strategies – local alcohol harm reduction strategy
- Objectives of the Security Industry Authority
- The Anti-Social Behaviour Act 2003/ASBPC Act 2014
- The Health Act 2006
- The Violent Crime Reduction Act 2006
- Policing and Crime Act 2009

APPENDIX A – Licensing Best Practice Measures

Best Practice Measures to be included for consideration, in particular in SSA:
Matters that would normally be expected in operating schedules:

- the adoption of a policy (e.g. Challenge 25) with acceptable proof of ID as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated

- the installation of a digital CCTV system by liaison with, and to a standard approved by, Sussex Police
- policies for dispersal of customers which may include signage regarding taxi services' telephone numbers and advice to respect neighbours and minimize noise

Items to which positive consideration would be given:

- membership of Business Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of 'Night Safe' radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators
- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Recommend best practice for both on and off premises

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences
- Signage on premises should set out legal duties
- Voluntary restriction of high strength alcohol – operating schedules may be used to limit high ABV beers and ciders
- Staff training – in addition to personal licence holders training, staff must be adequately trained for duties
- Challenge 25 would be the norm, particularly in the off licence trade
- Signage – proxy sale – deterrence

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: 23/11/21

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: 23/11/21

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 of the Application with Annex A (steps to promote the licensing objectives)
2. Appendix B – Plan of Premises
3. Appendix C.1 & C.2 – Representations
4. Appendix D – Map of area
5. Appendix E – Brand & Business Strategy

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

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Please see the attached Annex A which follows at the end of this application form. As I am uploading a brochure, the consent form will also follow at the end of this application form, as there was not enough boxes to allow me to upload everything separately.

b) The prevention of crime and disorder

Please see the attached Annex A which follows at the end of this application form. As I am uploading a brochure, the consent form will also follow at the end of this application form, as there was not enough boxes to allow me to upload everything separately.

c) Public safety

Please see the attached Annex A which follows at the end of this application form. As I am uploading a brochure, the consent form will also follow at the end of this application form, as there was not enough boxes to allow me to upload everything separately.

d) The prevention of public nuisance

Please see the attached Annex A which follows at the end of this application form. As I am uploading a brochure, the consent form will also follow at the end of this application form, as there was not enough boxes to allow me to upload everything separately..

e) The protection of children from harm

Please see the attached Annex A which follows at the end of this application form. As I am uploading a brochure, the consent form will also follow at the end of this application form, as there was not enough boxes to allow me to upload everything separately.

ANNEX A
THE BRIGHTON ZIP
DALTONS BASTION, MADEIRA DRIVE
BRIGHTON BN2 1EN

1. The sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables.
2. Substantial food shall be available at all times.
3. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the complex as a zip wire (incorporating a coffee shop and ice cream parlour).
4. (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation. (b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times. (c) CCTV footage will be stored for a minimum of 31 days (d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime. (e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. (f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police. (g) Any breakdown or system failure will be notified to the police immediately & 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.
5. 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.
6. Signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
7. (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*Refusing the sale of alcohol for consumption off the premises to people who may have alcohol dependency issues (b)Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented. (c)All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made

available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

8. 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.

9. (a) An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. (b) 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. (c) Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty four (24) months.

10. At the end of the night a written crowd management procedure/dispersal policy shall be designed and implemented to ensure that there is a wind down period prior to the premises closure and customers are advised accordingly. This will be agreed with Sussex Police to prevent groups gathering, engaging in altercations and persons remaining in the vicinity of the premises.

11. 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 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.

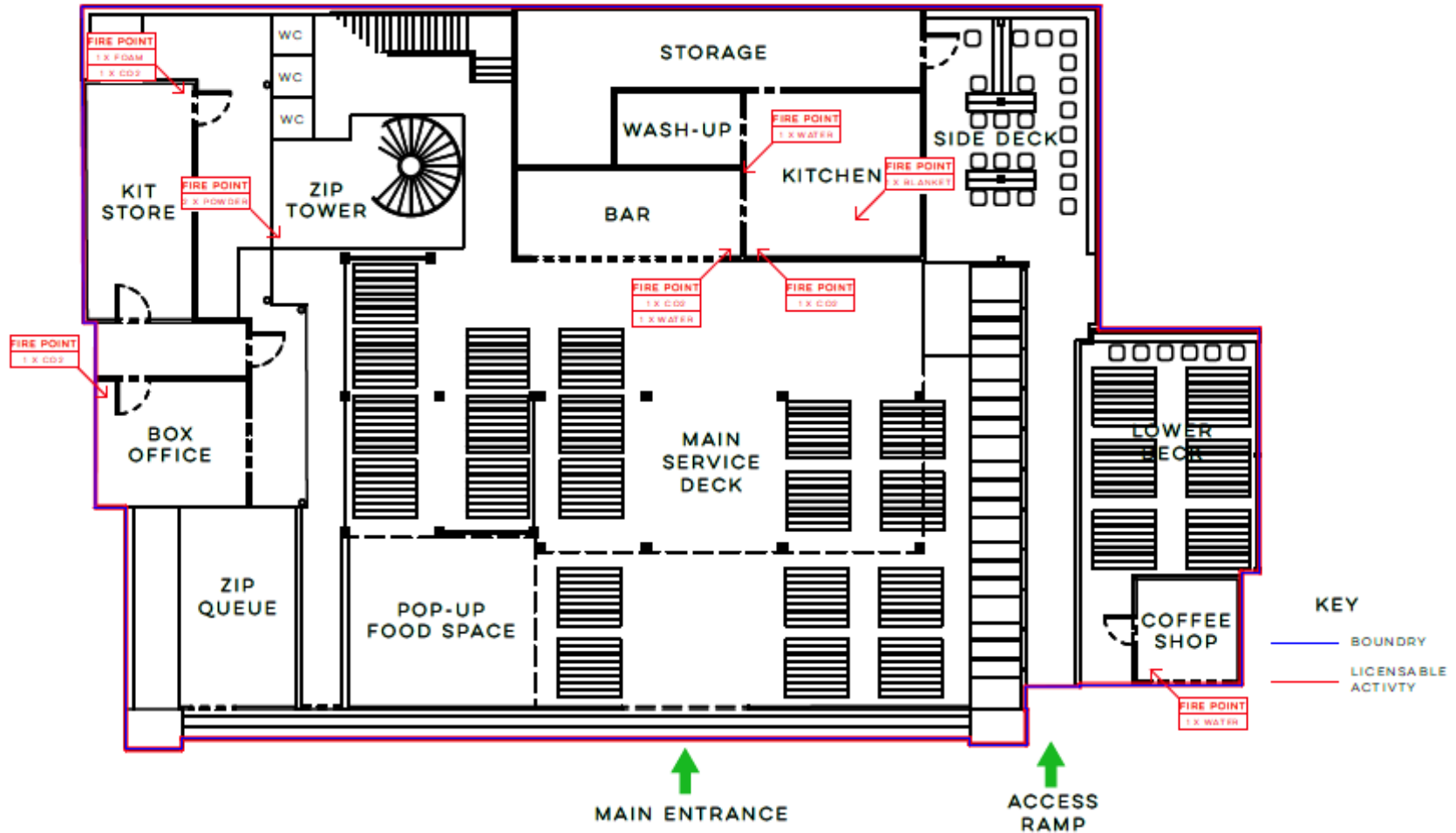
12. The maximum capacity of the premises, excluding staff, shall be 250.

13. A Personal licence holder will be contactable all times during sales of alcohol.

14. There shall be no promotions aimed at university students.

Appendix B

THE ZIP DECK - GROUND FLOOR PLAN BOUNDRY LINES



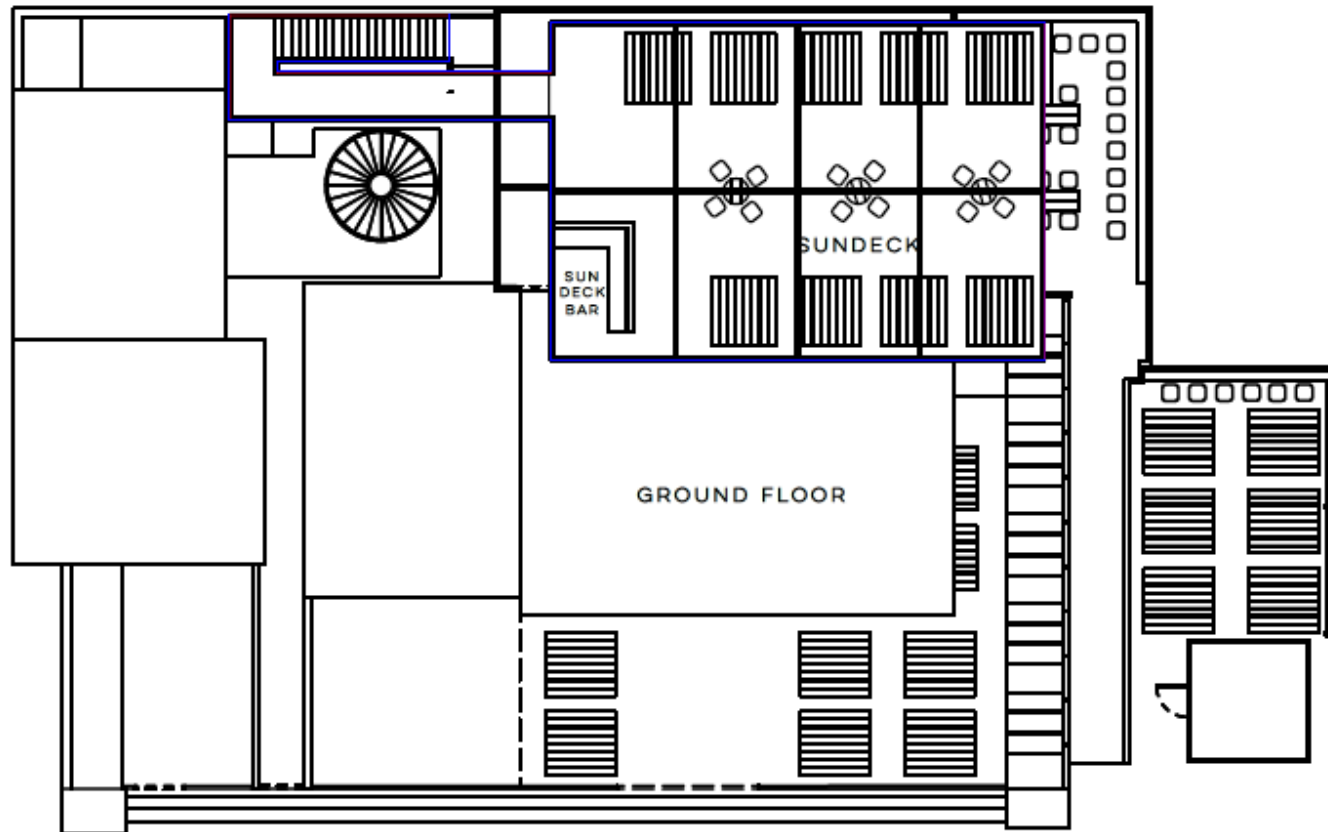
29



THE ZIP DECK - FIRST FLOOR PLAN (SUNDECK) BOUNDRY LINES



THE ZIP



KEY

- BOUNDRY
- LICENSABLE ACTIVITY

SCALE: 1:100 @ A3



VERSION 2
06/10/2020

Appendix C.1

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

Date: 3 November 2021

Our Ref: ELG/02135

Phone: 07826 951829

e-mail: Emma.grant@brighton-hove.gov.uk

JO CON ENDS 04.11.21 VALID PCD PPN PCH

Dear Sarah

Licensing Act 2003

The Brighton Zip, Daltons Bastion, Madeira Drive, Brighton

I wish to make a representation against a new application for Brighton Zip, Madeira Drive, Brighton. The application is for a premises licence for the sale of alcohol from 12:00 to 23:00 1st April to 30 September (From 1st October to 30 March 12:00 to 22:00 Sun to Wed and 12:00 to 23:00 Thurs to Sat)

The grounds for the representation are that it is contrary to the Council's Statement of Licensing Policy as the premises falls within the cumulative impact area and may undermine the Licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

The Licensing Authority's Cumulative Impact area (CIZ) was adopted to give greater power to control the number of licensed premises within the city centre. The special policy was set up because the Licensing Authority determined that the concentration of licensed premises and the subsequent numbers of people drawn into the city centre is causing exceptional problems of crime and disorder and public nuisance. The 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.

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

There is not a category that fits this premises in Matrix Model however it falls within cumulative impact area

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

The premises had the benefit of a licence which lapsed and under annex A of the application the applicant has included conditions to comply with the Licensing Objectives

When considering whether representations should be submitted, the Licensing Team have regard to the 'Public Health Framework for assessing Alcohol Licensing' – January 2019 document. The premises sits within the Queens Park electoral ward

The document states that Queens Park ward is recorded as the 3rd worst ward out of 21 for All violence against the person and All injury violence and 3rd worse for Police recorded alcohol related incidents.

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

Yours sincerely,

Emma Grant,
Licensing Officer

Police Station
John Street
Brighton
BN2 0LA

Tel: 101 ext 550809

Email:
brighton.licensing@sussex.pnn.p
olice.uk

4th November 2021

The Licensing Technical Support Officers
Environmental Health, Brighton & Hove City Council
Bartholomew House, Bartholomew Square
Brighton, East Sussex
BN1 1JP

JO CON ENDS 04.11.21 VALID PCD PS

Dear Jo Osborne,

RE: APPLICATION FOR A NEW PREMISES LICENCE FOR BRIGHTON ZIP, MADEIRA DRIVE, BRIGHTON, BN2 1EN UNDER THE LICENSING ACT 2003.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds that it will undermine the Licensing Objectives of the prevention of crime and disorder and Public safety. We also make reference to the Public Health Framework report for Assessing Alcohol Licensing 2019 edition.

This is an application for a new premises licence located at Zip Wire, Madeira Drive, Brighton and seeks the following licensable activities and timings:

In accordance with the Brighton and Hove Statement of Licensing policy this premises is in the Cumulative Impact Area.

Supply of Alcohol (On the Premises)

Every Day: 12:00 – 23:00

The location of the premises is on the beach prom just East of Brighton Palace Pier.

Within the 2021 Brighton & Hove City Council (BHCC) Statement of Licensing Policy, the Brighton Zip Wire is within the Cumulative Impact Area. This recognises that the location has a significant number of licensed premises concentrated in one area and the potential impact this has upon the licensing objectives. Applications for new premises licenses within this area which are likely to add to existing cumulative impact will be refused following relevant representations. This can be rebutted by the applicant if they can show that their application will have no negative cumulative impact. We are unsure if the applicant had reviewed this document prior to submitting the application however, on reading the application we do not feel anything has been offered to depart from the policy.

The premises held an alcohol licence that was granted in April 2019 and lapsed due to non transfer following the premises licence holder company being dissolved. The alcohol licence granted in 2019 had strict restaurant conditions due to the risks associated with alcohol and especially due to the Zip Wires location on the beach. It was required that the premises only sold alcohol via waiter/waitress service to people seated at tables and ancillary to a meal. By having this condition, it reduces the risk of people becoming intoxicated as they are eating a substantial meal with their drinks. The previous premises licence also only allowed alcohol until 21:00, this current application requests alcohol for an additional 2 hours with café conditions which allow persons to consume alcohol without food until 23:00 in the CIZ.

Sussex Police have seen the negative effect that alcohol has, particularly in areas where there are a high number of licensed premises in a small area e.g. the seafront. It can result in persons being made vulnerable and becoming victims of numerous types of crimes.

With high numbers of people descending on the city Sussex Police operate a standalone nighttime operation each weekend and at other various peak times throughout the year. This involves dedicated Police resources patrolling the main nighttime economy area. Having a visible police presence in the area 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.

Sussex Police believe by allowing this application to be granted, persons will be consuming alcohol at the Brighton Zip Wire without food will lead to higher levels of intoxication along the beach front and become a further pull on our resources and other services such as beach Patrol. A recent beach Patrol report shows their services are required as early as 23:20.

Throughout August 2021 Police Licensing officers made a number of visits to the Zip Wire site to go through the then licence conditions. Breaches were found relating to the sale of alcohol with food as this had not been taking place. Customers had been able to purchase alcohol at the bar without purchasing food. Current signage surrounding this was also not on display. It was also noted in August 2021 that persons were queuing for alcohol and not food.

A further concern Sussex Police has regarding this premises operating as a café, is the perception of this premises all leads to a bar. The Premises is called Zip Bar and Kitchen, they offer a fully stocked bar (Please see Photo A).

Reviewing the Public Health Framework report for assessing alcohol licensing 2019 edition, Queens Park ward, of which this location is within, is ranked 3rd highest out of 21 wards for police recorded alcohol related incidents. Granting an additional late night cafe licence we believe will add further to issues currently experienced within the city and so have a negative impact on the surrounding area.

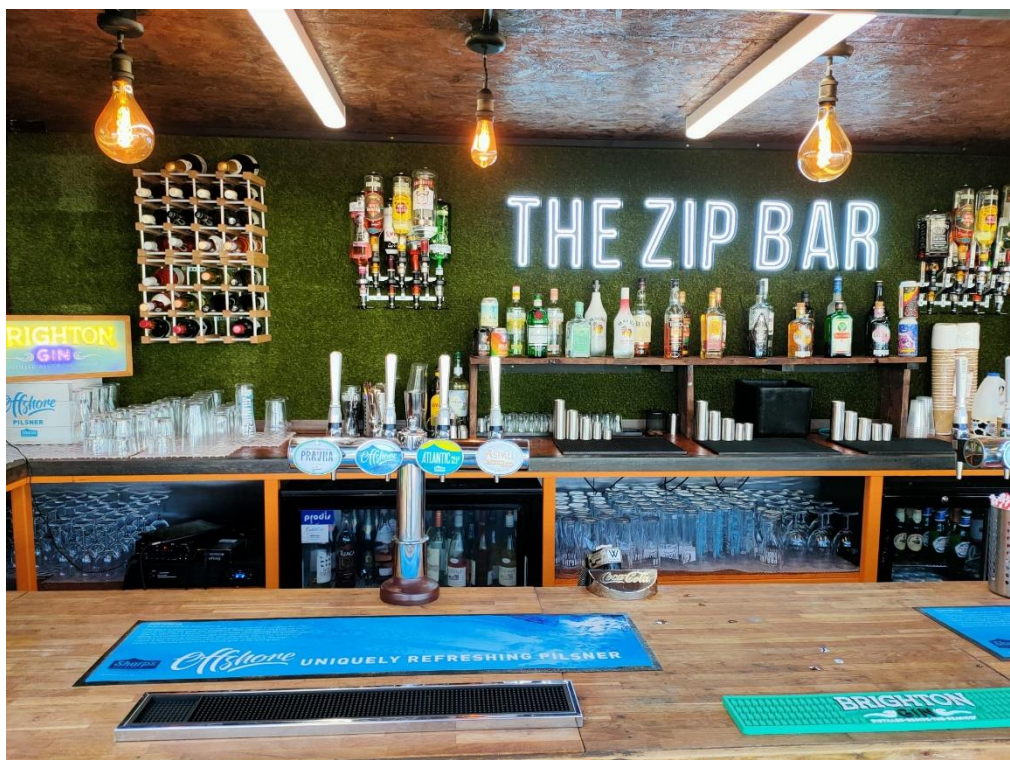
Taking in to account our comments on crime and disorder and public safety, the Statement of Licensing policy,

Public Health framework report and the location of the premises, Sussex Police are unable to support such an application and would ask for it to be heard before a licensing panel to be refused.

Yours sincerely,

Inspector Michelle Palmer-Harris
Licensing – Brighton & Hove Division
Sussex Police

Please address all future correspondence to Brighton & Hove Licensing Unit, Police Station, John Street, Brighton, BN2 0LA.



Appendix C.2

From: Redacted <Redacted>
Sent: 03 November 2021 12:56
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Application number: 1445/3/2021/03439/LAPREN

JO CON ENDS 04.11.21 VALID PPN (S5)

I am contacting you in support of the application for a licence for the Brighton Zip Wire.

My partner and I regularly use the premises and it is a pleasant and peaceful venue to enjoy Brighton seafront.

The staff are very well trained in how to run a bar and there is never any kind of disruption or disorder there.

They run the Zip Wire, and are very well able to manage all aspects of health and safety, particularly ensuring the safety

Of children at all times, and the place is always very well staffed.

We have never been aware of any nuisance or disruption caused on or off the premises by serving alcohol, even when the place

Is busy during the summer months.

This is a well run family orientated establishment, which is well like by locals and visitors and offers a safe and inclusive space

For all to enjoy good quality food and drink.

Regards,

Redacted

Redacted

Redacted

From: Redacted <[Redacted](#)>

Sent: 31 October 2021 16:53

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

Subject: Support forThe Brighton Zip: 1445/3/2021/03439/LAPREN

JO CON ENDS 04.11.21 VALID PCD (S3)

The Brighton Zip: 1445/3/2021/03439/LAPREN

I live nearby this attraction in the Queens Park ward and I am writing because I feel The Brighton Zip is an asset to the seafront and a destination on a seafront walk. Adding a drinks license to the premises will create the perfect viewpoint for locals to enjoy, a fantastic view of sunsets over the Pier.

I think the Zip has a lot of potential. If they did acquire a license, I would be regularly visiting with friends, for the afternoon.

The site is a safe and encouraging environment and since its creation has made this stretch of seafront feel much safer.

There are many food providers on the seafront most of which have a bar direct to the beach and I see no reason at all why the Zip should be treated any differently

In conclusion, I feel it could lower crime in the area and give a create new space for locals and visitors alike.

Kind Regards,

Redacted

Redacted

From: Redacted <[Redacted](#)>
Sent: 31 October 2021 18:23
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Support for The Brighton Zip: 1445/3/2021/03439/LAPREN

JO CON ENDS 04.11.21 VALID PCD (S2)

The Brighton Zip: 1445/3/2021/03439/LAPREN

I live nearby this attraction in the Queens Park ward and I am writing because I feel The Brighton Zip is an asset to the seafront and a destination on a seafront walk. Adding a drinks license to the premises will create the perfect viewpoint for locals to enjoy, a fantastic view of sunsets over the Pier.

I think the Zip has a lot of potential. If they did acquire a license, I would be regularly visiting with friends, for the afternoon.

The site is a safe and encouraging environment and since its creation has made this stretch of seafront feel much safer.

There are many food providers on the seafront most of which have a bar direct to the beach and I see no reason at all why the Zip should be treated any differently

In conclusion, I feel it could lower crime in the area and give a create new space for locals and visitors alike.

Kind regards

Redacted

Redacted

From: Redacted <[Redacted](#)>
Sent: 03 November 2021 09:34
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: The Brighton Zip: 1445/3/2021/03439/LAPREN

JO CON ENDS 04.11.21 VALID PCD (S4)

Dear Kerrie,

Thanks for your email.

Full address is Redacted.

Main licensing objective is prevention of crime and disorder, as when The Zip is open they police their area with trained staff, so naturally there's a much safer environment in and around the premises, i.e. well-lit, CCTV, nice environment, etc.

Please let me know if I can be of any further assistance.

Kind regards,

Redacted

Redacted

From: Redacted <[Redacted](#)>
Sent: 27 October 2021 11:08
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: The Brighton Zip: 1445/3/2021/03439/LAPREN

To whom it may concern,

I am writing to support the application made by The Brighton Zip:
1445/3/2021/03439/LAPREN

I am writing this because I feel The Brighton Zip is an asset of an establishment to the area. It brings a fun and safe attraction to the seafront whilst accommodating a mixture of ages and people with restaurant and food options. Adding a drinks license to the premises will create the perfect viewpoint for locals to enjoy, a view we are used to, but not one we have seen from the angle and surroundings The Brighton Zip provides.

I think the Brighton Zip has a lot of potential. If they did acquire a license, I would very much consider to keep bringing my family, but also my visiting friends, for the afternoon. It would be a space we could spend several hours enjoying all aspects of it; the zipwire, ice cream, café with hot drinks of those of my friends who don't drink and would have the other adults reap the benefits of enjoying a sunset beverage.

I have always felt the site is a safe and encouraging environment for all, the staff are attentive, the site itself is now enclosed with a structure which encourages a restaurant intention and with the differentiation of age groups who visit, it is clear others think the same. The area itself is by the beach which you would think poses a risk to the public however with no takeaway alcohol, I couldn't see any reason as to why the site couldn't be a controlled success that will provide enjoyment for all.

There are many food providers on the seafront in which have a bar direct to the beach, in The Zip's case they direct people on the public footpath towards the city, with one main entry and exit point I have never had this worry for myself or others I have seen visit. In conclusion, I feel it could lower crime in the area and give a create new space for locals and visitors alike.

Kind regards,

Redacted

Redacted

From: Redacted <[Redacted](#)>
Sent: 03 November 2021 15:23
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: The Brighton Zip: 1445/3/2021/03439/LAPREN

JO CON ENDS 04.11.21 VALID PCD (SI)

Dear Sir/Madam,

I am writing to formally support the current licensing application submitted by The Brighton Zip under reference: 1445/3/2021/03439/LAPREN

I strongly believe that as a local businessman that the Brighton Zip is already a fantastic well established asset to the City for both locals to enjoy and also to those tourists/families visiting Brighton from outside the locality. Not only does It provide a fun and safe attraction to the seafront it also accommodates for all ages with the benefit of a restaurant in a great location with a stunning view .The benefit of also adding a drinks license to the premises will create the perfect viewpoint for locals to enjoy a seaside view in the unique surroundings the Brighton Zip provides.

The Brighton Zip as a venue has huge potential which will only be enhanced by the addition of a license.

I have always felt that the premises provides for a safe and sound environment for all those that visit it and its staff are always very attentive. With the further recent improvements made to the premises these naturally fit in with the current application.

There are of course already many establishments that provide food along the seafront which have a bar direct onto the beach in a far less controlled environment than the Zip provides for by its location. I believe the Zip having the benefit of a license will create new safer space for locals and visitors alike to enjoy.

Yours faithfully

Redacted

|

From: Redacted <Redacted>
Sent: 21 October 2021 11:28
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Representation in support of Zip Wire licence application

JO CON ENDS 04.11.21 VALID PCD (SI)

Dear Licencing team,

I am writing in support of the licence application 1445/3/2021/03439/LAPREN as a neighbouring business that you probably remember, Redacted.

The renewed Brighton Zip has brought a new demographic of clientele to the east of the pier, especially locals who are looking for some better quality establishments on the seafront. This has directly benefited us as a business by creating a more prominent destination for people to go to.

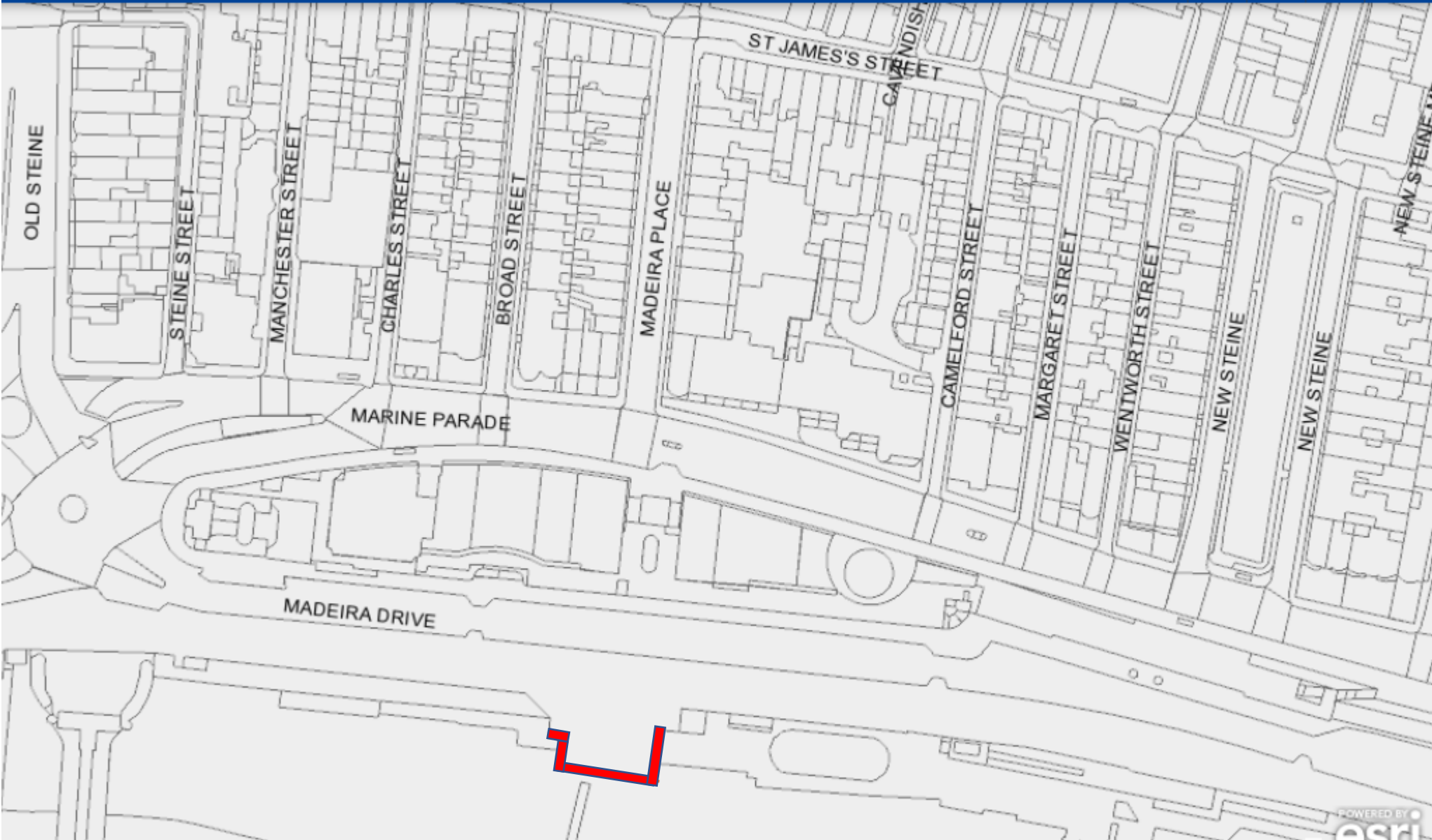
A knock on effect of this foot traffic has also developed a stronger feeling of safety within the area. It doesn't feel as desolate as it used to when we just opened four years ago. There has been a reduction in anti-social activities in the area due to the Zip being a prominent part of Madeira drive, allowing all of our businesses to therefore feel more protected.

I would be happy to discuss further if requested,

Kind Regards,

--

Redacted
Redacted





THE ZIP

THE BRIGHTON ZIP
BRAND AND BUSINESS STRATEGY

HISTORY

The Brighton Zip has been operating since 2017. It is one of Brighton's major leisure offerings with over 25,000 riders a year. The zip is one of the few leisure activities that has a physical element to it. It consists not only of the zip wire itself but also the walk down the seafront to The Zip Base camp, this has two benefits one is the additional exercise and the other is giving customers the opportunity to see other businesses and shop fronts on the return walk. The site has been operated by the same person prior to Brighton Zip since 2011. The Zip operator was also responsible for bringing Brighton wheel to the seafront, a big attraction and a huge investment to the city which brought hundreds of jobs over the years, and raised Madeira Drive's profile in Brighton with both with tourists and residents alike. During this time they worked closely with BHCC's to pass the wheel through planning and were allowed to operate under BHCC own license to create VIP events and support charity evenings. This partnership was incredibly successful.

49 The Brighton Zip as a concept was born out of the need to use the site for leisure after the wheel was removed. The reason for its removal was partly due to the investment from BHCC in the I360. Once again, the operator regenerated the site and supplemented the leisure activity with a simple food court offering. They were approved for a premises license in April of 2019 and added alcohol offering to their food offering.

Brighton Zip are one of the few companies that have committed to being open throughout the winter. While not commercially profitable during the off season, it's has always been important to the local family business to provide year-round employment to their core staff.

The long-term plans for the site were to create a permanent restaurant to cater for the tourist trade near Brighton Pier. In essence this plan remains the same, but The Brighton Zip seek to approach the project in a different way to align the operation with the cultural needs and behaviour of the local people of Brighton and Hove and to manage the social responsibility and challenges COVID-19 has brought to business in the hospitality and leisure sector.





MADIERA DRIVE

It's been clear that Madeira Drive has suffered from neglect over the years, almost the forgotten stretch of seafront. Even with significant investment from historic operators like Brighton Zip, Concorde 2 and new operators, such as Loaded and The Electric Arcade the area has traditionally been a difficult place to operate, and very tourist focused. When the Covid-19 Pandemic hit it decimated businesses along the seafront from bars to restaurants, venues to leisure activities. The damage to these businesses and major employers runs deep and regardless of the support and schemes it has put business back for years, leaving companies carrying huge amounts of debt. Even with a cultural feel that the worst is over these businesses will carry damages far into the future and income is not by any means back to pre-pandemic levels.

There was one significant change to Madeira drive, the pedestrianisation of the road for additional exercise space during the Lockdown. Locals began to discover a part of their seafront they had not considered regularly visiting before. This derelict forgotten part of the seafront began to show signs of growth and innovation, alongside the changes and reduction in visiting tourists.

It is this that has triggered Brighton Zip to once again regenerate and refocus its business at local residents. Brighton Zip is a family business who have lived in Brighton for the past 30 years. Graphite Design has been contacted to help develop this new concept and reach more local audiences.

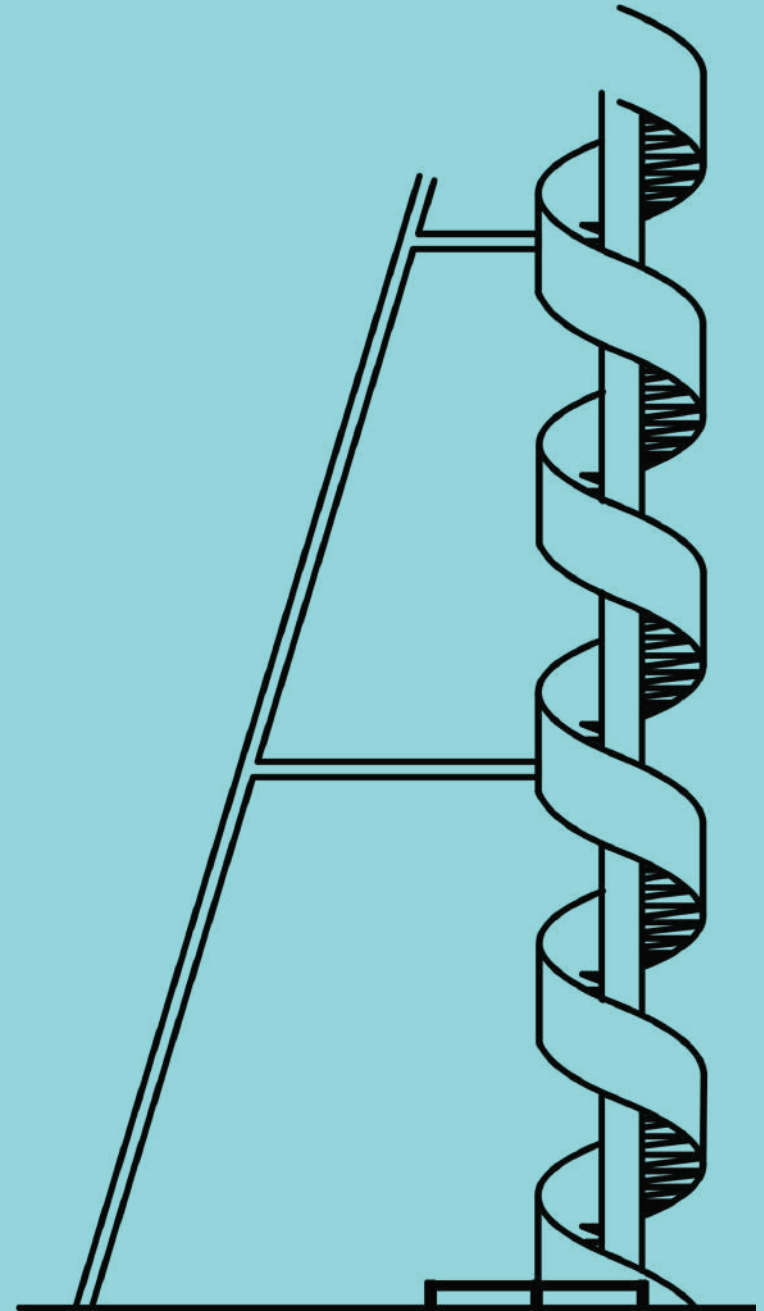
THE BRIEF

Brighton Zip wants to create a new hub for local residents, families, foodies and adventure seekers. They want to tap into Brighton's love for pop up - local food, local beer, and the love of socialising. They want to bring the traditions that local Brightonians all love about being a seaside town, while moving away from the traditional 'kiss me quick' and 'fish and chip' offering. Knowing that investment in indoor dining is incredibly risky at the moment they want to create a vibrant outdoor environment with a food and activity focus that local people can enjoy all year round.

GOALS

- + Site redevelopment to engage local audiences.
- + Update branding to be modern, clean and more accessible.
- + New food with pop-up options and kitchen takeovers.
- + New local coffee offering.
- + Venue for local artists, charities and kitchens.
- + Make the ZIP Deck + WIRE a year-round operation.

**BRIGHTON ZIP THE NEW
PLACE TO MEET.**



THE STRATEGY

SITE

Re-Style the ZIP deck, to integrate with the local audiences more.

- + Clean and remove cluttered signage
- + Create a strong colour pallet that brings a mix of the tradition seafront styling with the new bolder colour choice
- + Bring the zip and the food court together to feel like one cohesive operation
- + Create an original asset to the site for local people to enjoy
- + Tidy the visuals and operational bar and kitchen elements
- + Make the coffee shop a more accessible unit that relates to the site
- + Create a clear entrance and brand for the site.
- + Install signage that give the space a title 'The Zip Deck'

BRANDING

Create one clean brand across the whole operation and communication platforms.

- + Update logo
- + Create basic brand guidelines and follow them through all arms of the company
- + Tie the site clearly to the branding
- + Make a strong brand presence across the site
- + Make relationships with other brands that supports Brighton Zips goals
- + Make enviromentally friendly choices in all branding activations

PARTNERSHIPS

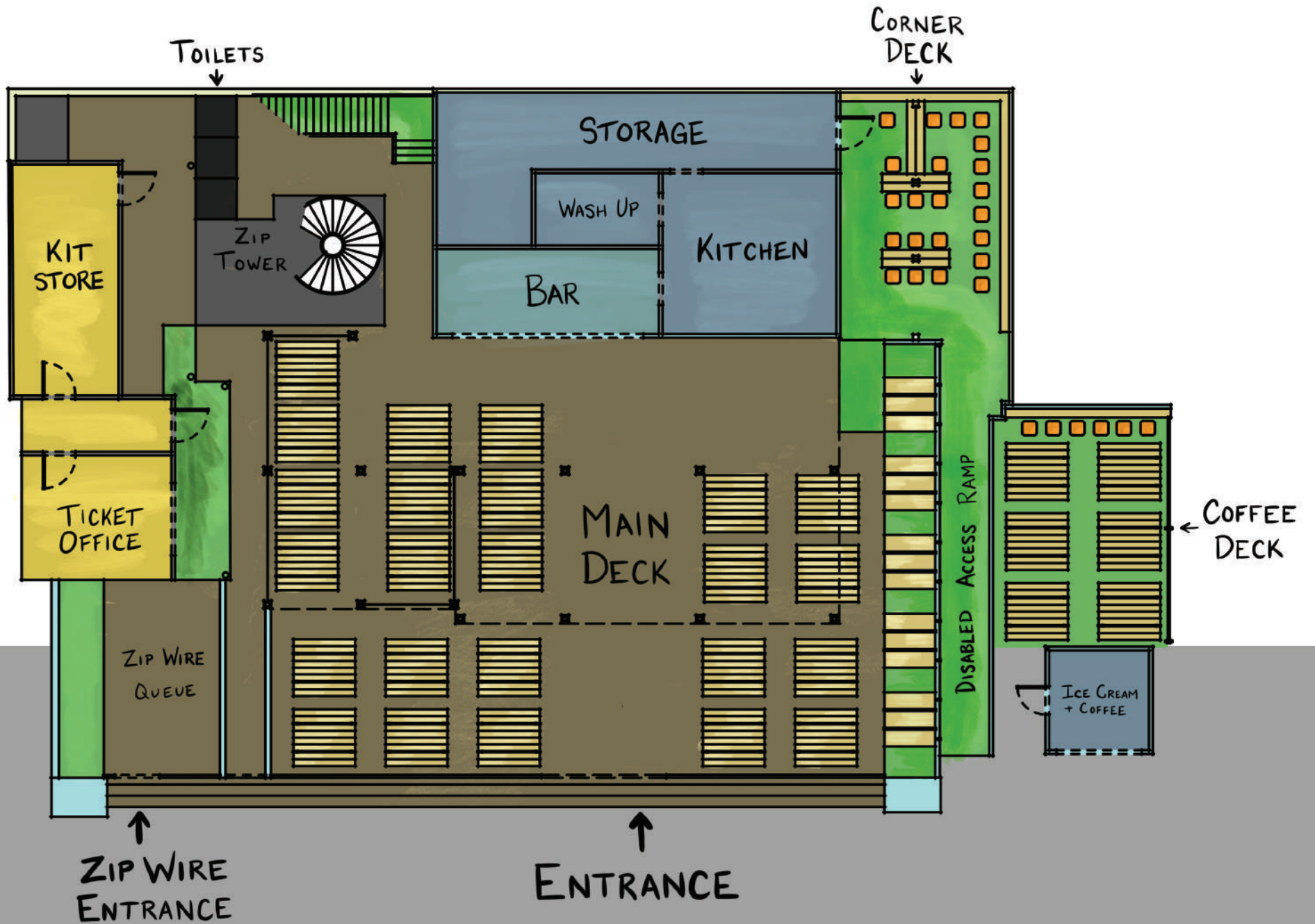
Work with other Brighton businesses in collaboration to create great experiences for customers.

- + Bring in a local coffee company Red Roaster to provide training for staff, a better quality product and a trusted local brand
- + Connect with Street. Diner a local street food market and stall broker to provide local food offerings through their contacts
- + Connect with local venues and festivals to engage in existing events providing space for activations such as screenings, receptions and small-scale performances
- + Develop a relationship through previously mentioned activity with local Brighton audiences to create a year round non-seasonal business

THE BEST SUNSET IN BRIGHTON
ALL YEAR ROUND.

SITE LAYOUT PROPOSALS

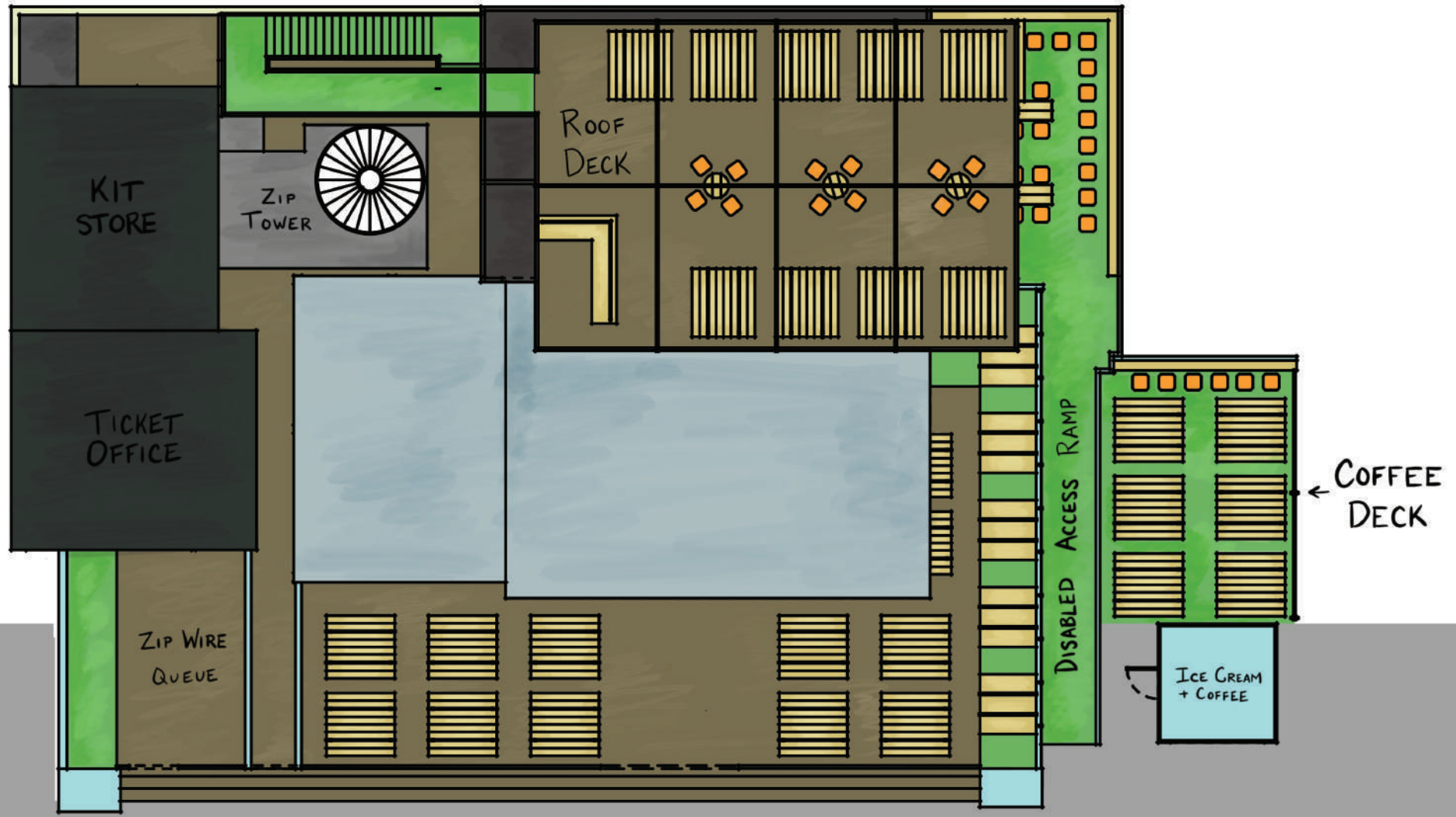
GROUND FLOOR



ROOF DECK

STAIRS
↓

CORNER
DECK
↓



← COFFEE
DECK

↑
ZIP WIRE
ENTRANCE

↑
ENTRANCE

54

SKETCH CONCEPT



THE ZIP

PRICE LIST

ZIP WIRE

SINGLE RIDER _____ £16
DUAL RIDER _____ £30

VIDEO WRIST BAND

RECORD YOUR TRIP _____ £3

WWW.BRIGHTONZIP.COM

ENTRANCE

KIT DROP

THE ZIP BAR + KITCHEN

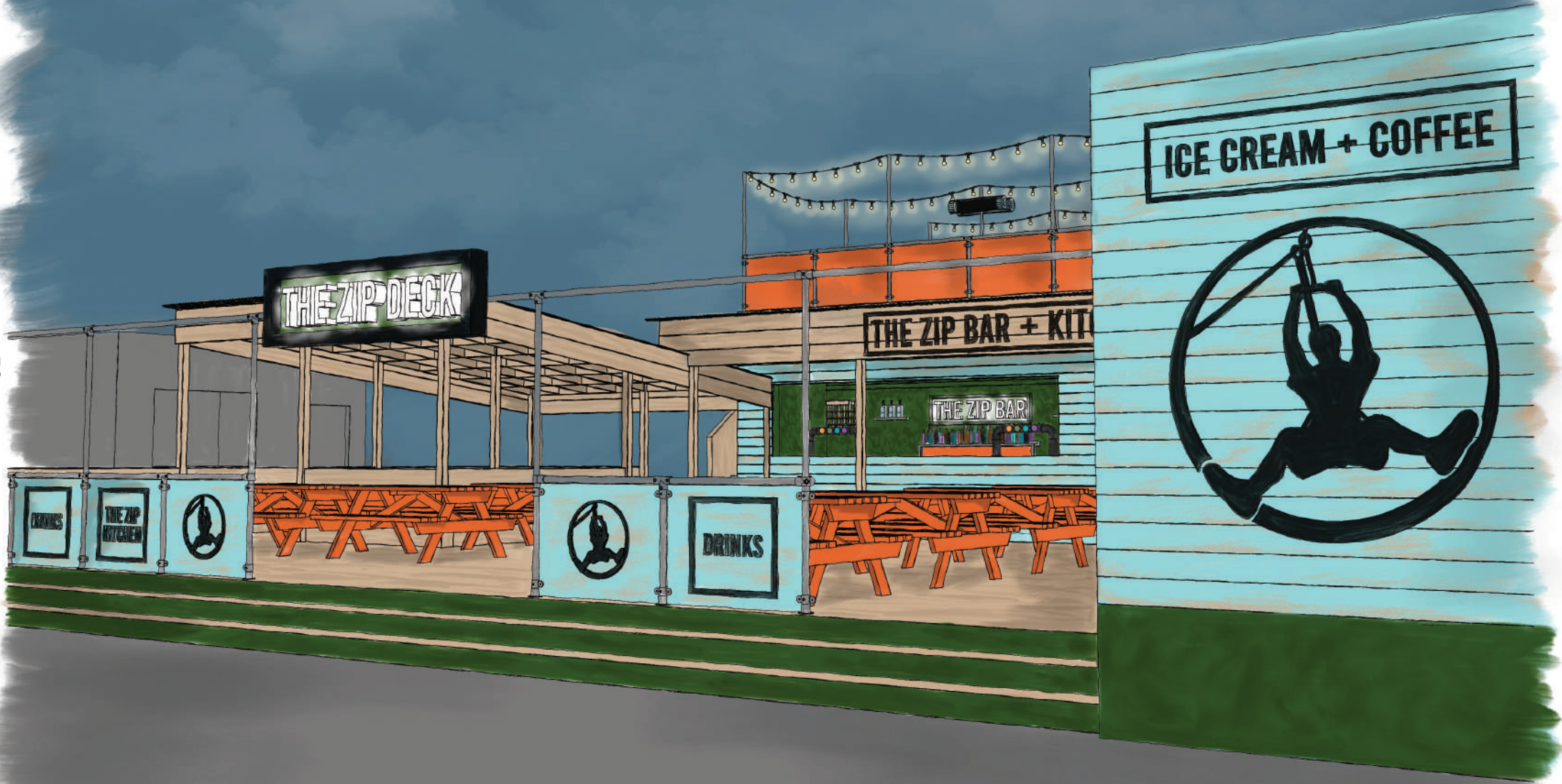


**THE ZIP
KITCHEN**

**FISH
+
CHIPS**

SKETCH CONCEPT

56

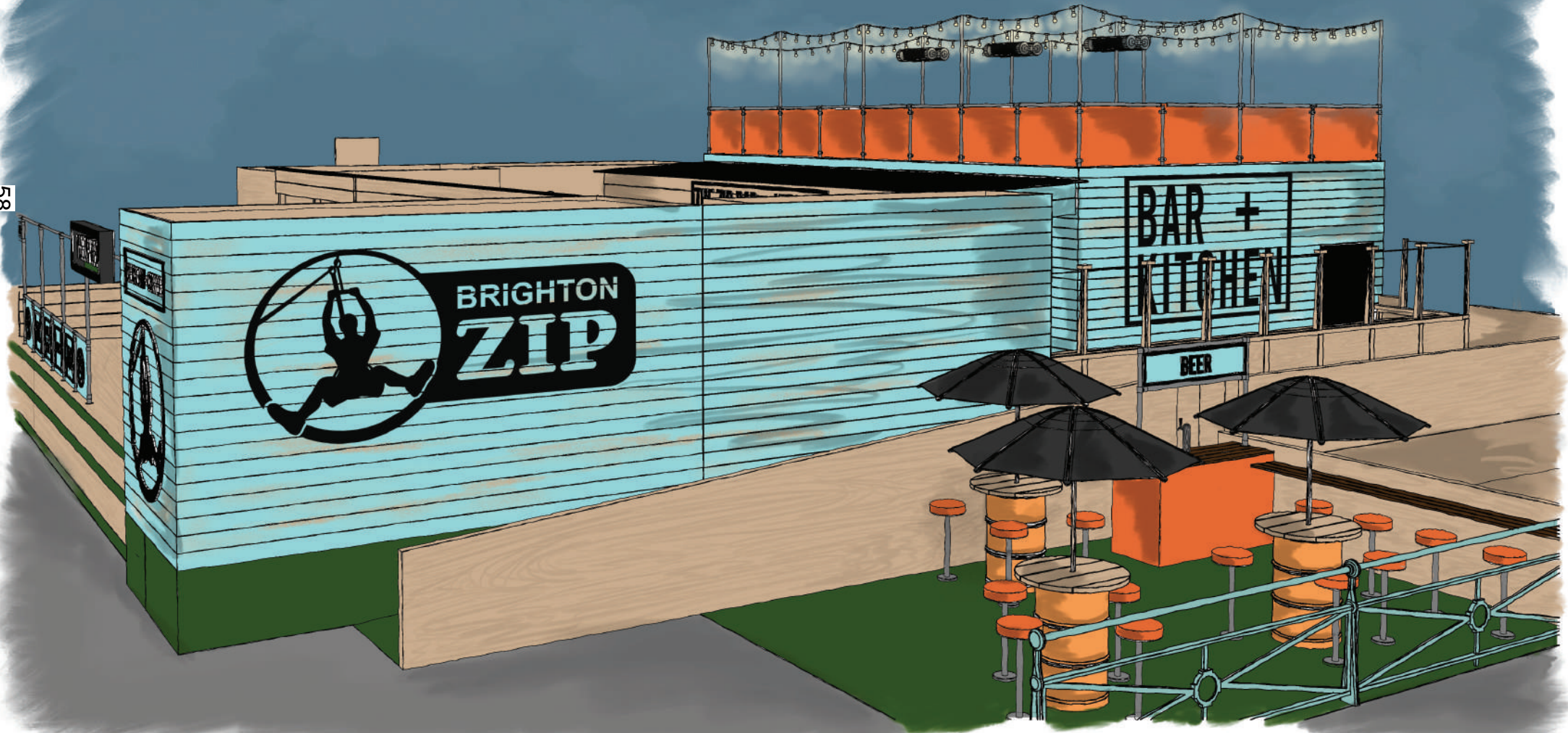


SKETCH CONCEPT



SKETCH CONCEPT

58

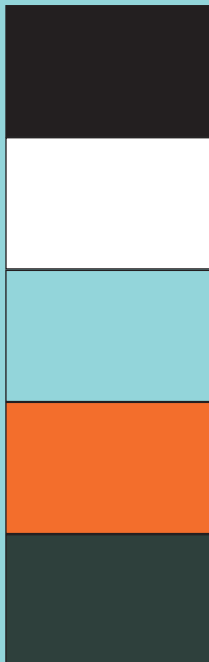


BRAND PROPOSALS

BRANDING STYLE PROPOSAL

- + Black and white versions of the logo on Brighton Blue
- + All signs hand painted instead of printed
- + Single font, taken from current branding "Bebas"
- + Single simple box around titles
- + All titles in block capitals
- + The use of + symbol instead of the word 'and' or '&' In titles.

COLOUR PALETTE



TEXT AND LOGO COLOUR

TEXT AND LOGO COLOUR

PRIMARY COLOUR

ACCENT COLOUR

ACCENT COLOUR

OLD LOGO

The old Brighton Zip logo, has become dated over time and needs modernising. Taking the multiple font styles and removing alot of the colour will help clean the logo.



NEW LOGO

The new Brighton Zip logo creates a modern silhouette of the old logo design. By simplifying the mutli-colour branding to a high-contrast, monochrome palette, it turns what was once a logo into an icon - a recognisable symbol that can be used in many applications, from packaging, to signage, and t-shirts.



THE ZIP

PACKAGING

Update the Brighton Zip packaging to reflect the new brand and style guidelines.

Replace plasticware for sustainable materials that can be easily recycled and are biodegradable.

Replace multi-colour boxes with simple kraft boxes, so all packaging has a cohesive look.



- + BROWN KRAFT BOXES
- + RECYCLABLE, BIODEGRADABLE COFFEE CUPS
- + RECYCLABLE, BIODEGRADABLE PINT CUPS
- + BIODEGRADABLE BAMBOO CUTLERY
- + STAMPED WITH ZIP LOGO

UPDATES SEPTEMBER 2021

BEFORE



AFTER



02



BEFORE



AFTER

BEFORE



AFTER



AFTER





BEFORE



AFTER



AFTER