





**Brighton & Hove  
City Council**

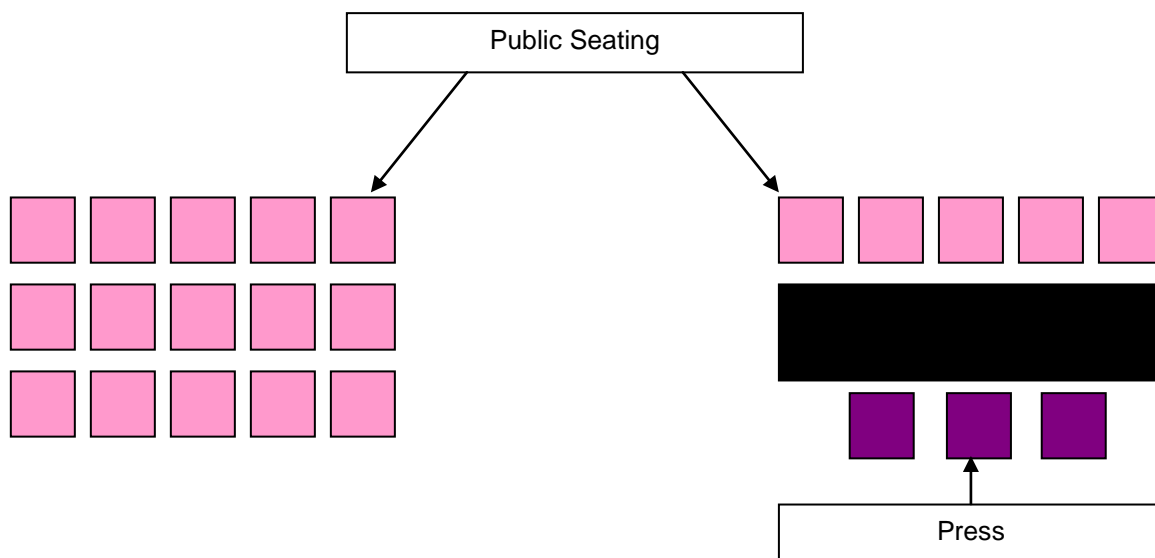
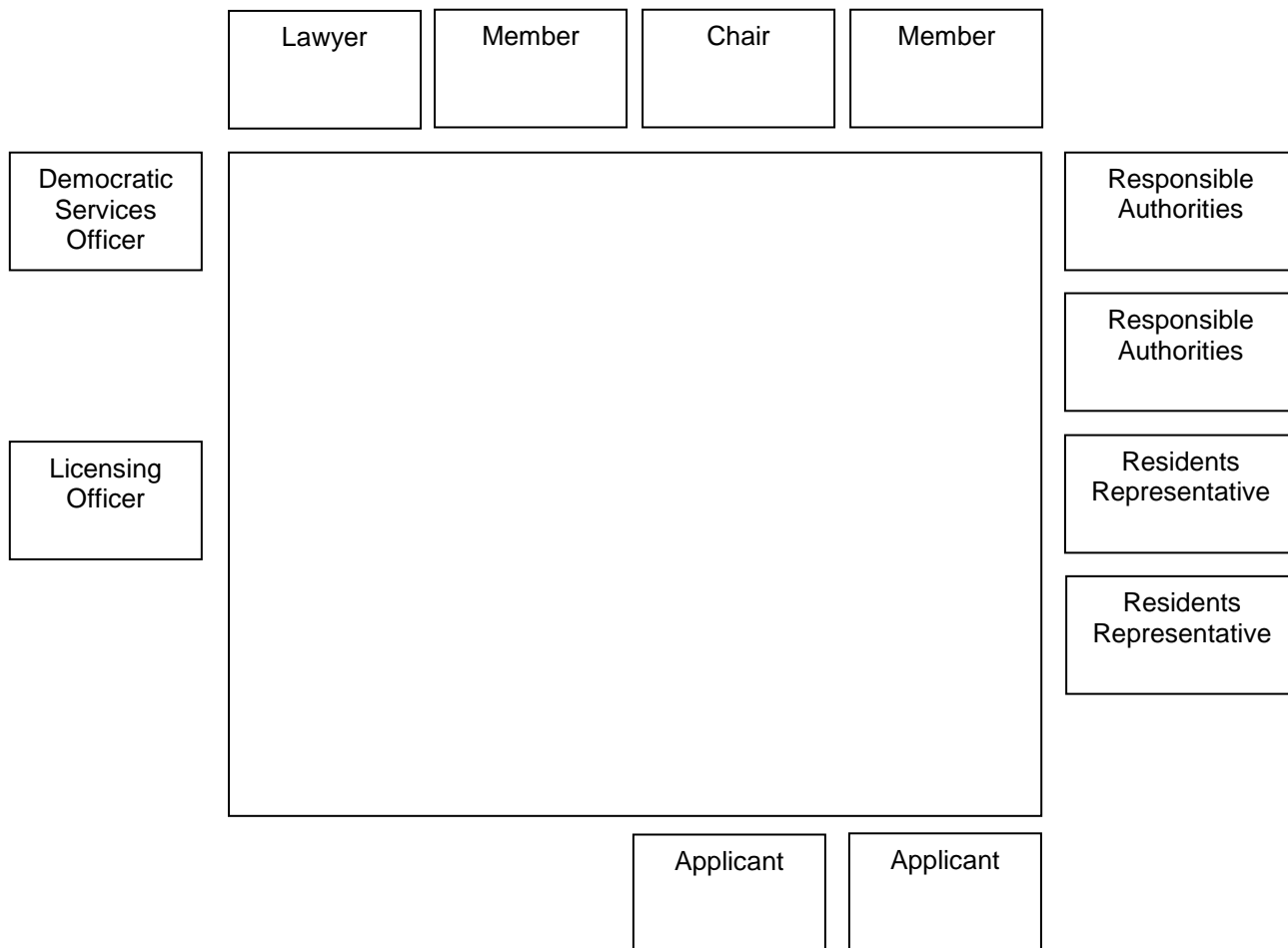
# Licensing Panel

(Licensing Act 2003 Functions)

Title:	<b>Licensing Panel (Licensing Act 2003 Functions)</b>
Date:	<b>28 March 2018</b>
Time:	<b>10.00am</b>
Venue	<b>Hove Town Hall, Room G90 - Hove Town Hall</b>
Members:	<b>Councillors:</b> O'Quinn, Cattell and Hyde
Contact:	<b>Caroline De Marco</b> Democratic Services Officer 01273 29-1063 Caroline.demarco@brighton-hove.gov.uk

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# Democratic Services: Meeting Layout



## AGENDA

96 TO APPOINT A CHAIR FOR THE MEETING

97 WELCOME & INTRODUCTIONS

98 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.*

99 BRITISH AIRWAYS I360 LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS) 1 - 46

Report of Executive Director of Neighbourhoods, Communities & Housing

## LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

(copy attached).

Contact Officer: *Becky Pratley*  
Ward Affected: *Regency*

Tel: 01273 292143

**NOTES:** *Applicants, Agents, Representatives from Statutory Authorities and Other Interested Parties are kindly requested to wait outside before the beginning of the hearing until called in together by the clerk.*

*There may be more than one item on this agenda, and as such the item you are interested in may not be heard until later in the day. However, the Chair reserves the right to alter the running order of the agenda at the start of the meeting without prior notice.*

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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Penny Jennings, (01273 29-1063, email [caroline.demarco@brighton-hove.gov.uk](mailto:caroline.demarco@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Tuesday, 20 March 2018

# Licensing Panel (Licensing Act 2003 Functions)

**Agenda Item 99**  
Brighton & Hove City Council

<b>Subject:</b>	<b>Application for a Variation of a Premises Licence under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>British Airways I360 Kings Road Arches Brighton BN1 2LN</b>		
<b>Applicant:</b>	<b>Brighton I360 Ltd</b>		
<b>Date of Meeting:</b>	<b>28 March 2018</b>		
<b>Report of:</b>	<b>Executive Director of Neighbourhoods, Communities &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Becky Pratley</b>	<b>Tel: (01273) 292143</b>
	<b>Email:</b>	<b>becky.pratley@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>Regency</b>		

## FOR GENERAL RELEASE

### 1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for British Airways I360.

### 2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for British Airways I360.

### 3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a Variation of a Premises Licence under the Licensing Act 2003. The application proposes to allow sale by retail of alcohol on and off premises, to remove conditions 7, 13 & 21, and to amend condition 8. Please see full details at 3.3 below and also Appendix E for a description of the variation by the applicant. The full current licence with all conditions can be found at Appendix B.
- 3.2 Section 16 (operating schedule) of the application is detailed at Appendix A.

3.3 Summary table of existing and proposed activities

	<b>Existing</b>	<b>Proposed</b>
<b>A) Plays</b>	Every Day 09:00 to 00:00	No change
<b>B) Films</b>	Every Day 09:00 to 00:00	No change
<b>E) Live music</b>	Every Day 09:00 to 00:00	No change
<b>F) Recorded Music</b>	Every Day 09:00 to 00:00	No change
<b>G) Performance of Dance</b>	Every Day 09:00 to 00:00	No change
<b>H) Anything of a similar description within e, f ,or g</b>	Every Day 09:00 to 00:00	No change
<b>L) Late Night Refreshment</b>	Every Day 23:00 to 00:00	No change
<b>M) Supply of Alcohol</b>	Every Day 09:00 to 23:00 On premises	Every Day 09:00 to 23:00 On and Off premises
<b>O) Hours premises are open to public</b>	Every Day 09:00 to 00:00	No change

<p><b>P) Conditions removed as a consequence of the proposed Variation</b></p>	<p>Remove conditions 7, 13 &amp; 21 and amend condition 8.</p> <p>7. Members of the public will be permitted to take unfinished alcoholic drinks which they have purchased on the pod with them, into the Beach Building (the area into which the Pod descends and lets its passengers off). These persons will be directed into one of the following areas:</p> <ul style="list-style-type: none"> <li>(a) The West Beach Bar &amp; Kitchen Restaurant where there is seating/tables (hatched in blue on the floor plan).</li> <li>(b) Into the Volk Room where they can view a free exhibition whilst finishing off their drink (hatched in yellow on the floor plan).</li> <li>(c) To a specifically cordoned off area in “Constable” room on the western side (which is marked in green on the floor plan) where seats will be provided.</li> </ul> <p>No drinks will be permitted to be consumed outside of any of the licensed areas.</p> <p>Persons attending private events in another part of the premises will be permitted to take their drinks with them from the Pod into the Private Event.</p> <p>8. There are no ‘On’ Sales intended in this area for the general public, however there are 8 areas of the Beach Building which can be partitioned off from public use and made available for private hire ranging from weddings to conference and on some occasions could entail the use of the whole area and include the Restaurant as well and the outside patio areas. These include –</p> <ul style="list-style-type: none"> <li>• The Attenborough Room</li> <li>• The Birch Room</li> <li>• Constable Room</li> <li>• The Nash Room</li> <li>• The Greene Room</li> <li>• Austen Room (The Children’s play zone)</li> <li>• Volk Room</li> <li>• The West Beach Bar &amp; Kitchen Restaurant</li> </ul> <p><i>The variation seeks to amend this condition to allow on and off sales.</i></p> <p>13. In the Restaurant alcohol will be served by waiter/waitress service to persons seated at tables. There is substantial food offer available and there will be no vertical drinking.</p> <p>21. All drinks that are dispensed into glass type vessels in the Pod or any of the outside areas shall dispensed into polycarbonate or the like.</p>
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- 3.4 Existing licence attached at Appendix B
- 3.5 Cumulative Impact. The premises falls within the Cumulative Impact Area (“The Area”) (see paragraphs 3.1 – 3.1.8).

#### **Representations received**

- 3.6 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:
- 3.7 Three representations were received. They were received from Sussex Police, The Licensing Authority and a Local Action Team.
- 3.8 Representations received had concerns relating to Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, Protection of Children from Harm and Cumulative Impact.
- 3.9 Full details of the representations are attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

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

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



## **1. Introduction**

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

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

### **1.2 The licensing objectives are:-**

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

### **1.3 Scope**

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

## **3 Special Policies and Initiatives**

### **3.1 Cumulative impact**

**3.1.1** The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not,

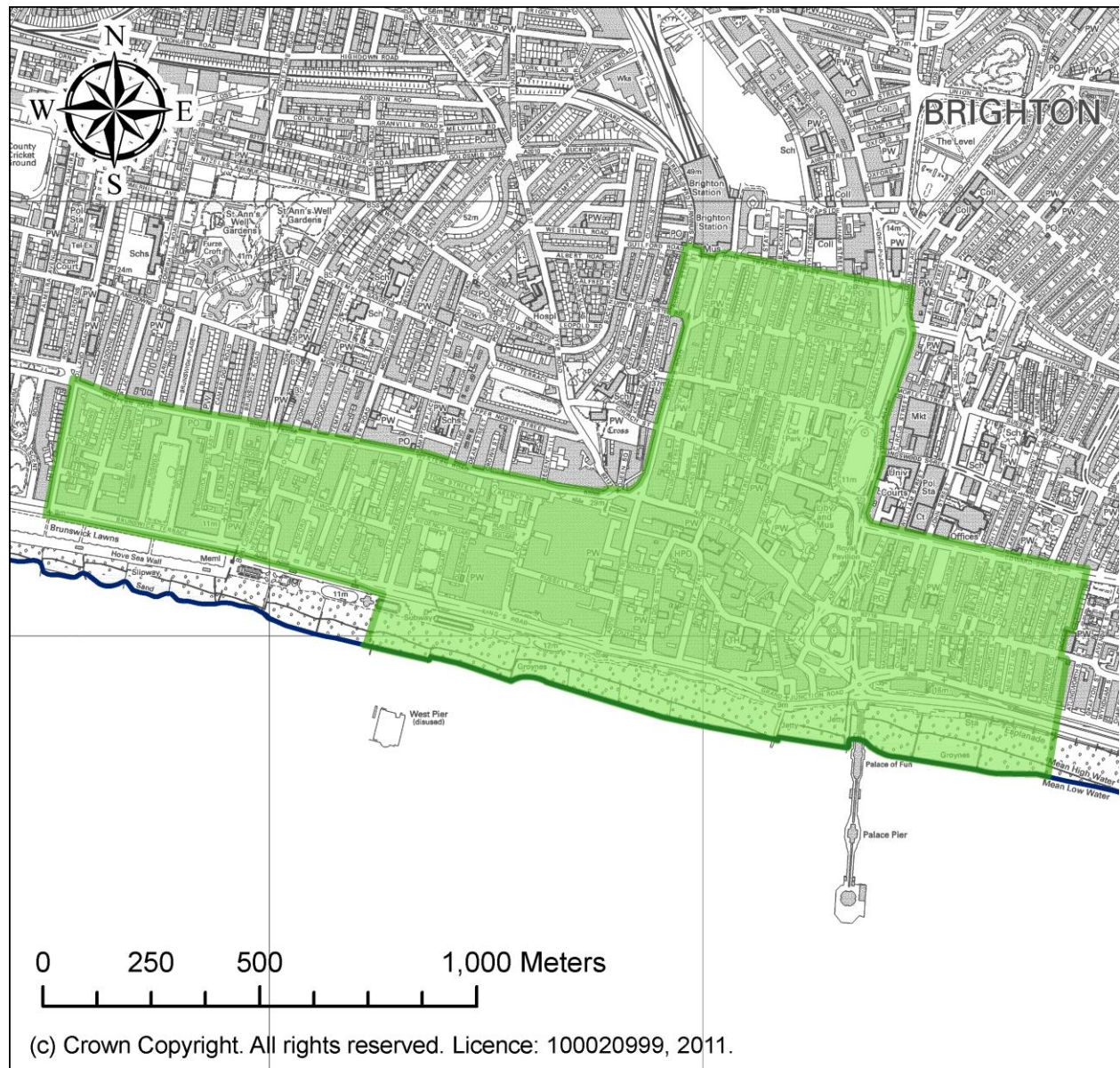
however, be confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore does not form part of this licensing policy statement.

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

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

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

## Brighton & Hove City Council - Cumulative Impact Area



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

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

### **3.3 The Matrix Approach**

#### **The Licensing Authority will support:**

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

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

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

	<b>Cumulative Impact Area</b>	<b>Special Stress Area</b>	<b>Marina</b>	<b>Other Areas</b>
<b>Restaurant</b>	Yes (midnight)	Yes (midnight)	Yes	Yes (midnight)
<b>Café bar</b>	Yes (11.30)	Yes (midnight)	Yes	Yes (midnight)
<b>Late Night Takeaways</b>	No	Yes (midnight)	Yes	Yes (midnight)
<b>Night Club</b>	No	No	Yes	No
<b>Pub</b>	No	Yes (11pm)	Yes	Yes (midnight)
<b>Non-alcohol lead (e.g. Theatre)</b>	Yes (favourable)	Yes (favourable)	Yes	Yes (favourable)
<b>Off-licence</b>	No	No	Yes	Yes ( Up to 11pm but if in densely residential area may be earlier – see note 7 below)
<b>Members Club (club premises certificate)</b>	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes	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 off set 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 café bars, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing and the Street Community and Drug Activity Profile. These documents are available on the following page of our website [www.brighton-hove.gov.uk/licensingact](http://www.brighton-hove.gov.uk/licensingact).
- 8) In an area where there are already several existing off-licences and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds.
- 9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.

#### **4 Prevention of Crime and Disorder**

- 4.1.1 The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.
- 4.1.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.

- 4.1.3 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.
- 4.1.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 4.1.5 Measures put in place should support the intentions of Operation Marble (police operational order), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the city centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

### **4.3 Care, control and supervision of premises**

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



restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.

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

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

## **5 Public Safety**

5.1 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.

## **6 Prevention of Public Nuisance**

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

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

6.1.5 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**

7.1 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, e.g. 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).

7.2 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 (e.g. passport, photo driving licence or pass card).

7.3 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 5.3 below.

7.4 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

7.5 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.

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

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

## **8 Integration of Strategies**

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

- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
- Liaising and consulting with Public and Alcohol Programme Board
- Liaising and consulting with the East Sussex Fire & Rescue Service
- Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
- Liaising and consulting with the Planning authority
- Liaising and consulting with the Highways authority
- Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private

Security Industry Act 2001, for example liaison or information sharing protocols

- Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice

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

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

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

8.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.

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

## **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: 07/03/18*

### 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: 06/03/18*

Equalities Implications:

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

Sustainability Implications:

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

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Appendix A – Section 16 (operating schedule) of the Application
2. Appendix B – Part A of Premises Licence
3. Appendix C – Representation
4. Appendix D – Map of area
5. Appendix E - Description of variation by applicant,

**Documents in Members' Rooms**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, March 2015.

Public Health Framework for assessing Alcohol Licensing. Annual Report – Ward. 3rd edition. Public Health Intelligence. October 2017

**Background Documents**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.

## **APPENDIX A**

### **Section 16 of 18**

#### **LICENSING OBJECTIVES**

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

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

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

We have 24/7 security presence, are members of Nightsafe, and monitor our CCTV 24 hours a day. Health & safety is our number 1 priority, we ensure all staff are trained in all H&S aspects relating to their role. We operate a challenge 25 policy which is instrumental in promoting the licensing objectives. Our higher than average price point for drinks discourages consumption by a younger demographic.

b) The prevention of crime and disorder

We have a high security presence on site, and particularly where alcohol will be available to buy and consume. Our retail area contains a security presence at all times the attraction is open to the public. We have a state of the art, comprehensive CCTV system with over 100 cameras that is monitored 24 hours a day, 7 days a week. We are proud to be members of Brighton & Hove Business Crime Reduction Partnership 'Nightsafe' to help reduce crime in the city.

c) Public safety

Our staff are trained to exceptionally high standards, both customer service and Health & Safety. The security team all hold SIA licences and are responsible for maintaining a safe site for the public. The team monitor our CCTV, man our retail area, and security search all customers coming on board the pod. Our front of house staff all receive Challenge 25 training ensuring our younger visitors will not receive any alcoholic beverages without valid photo ID.

d) The prevention of public nuisance

We will continue to maintain current stipulations in our licence which states all windows and doors must be closed when music is being played after 11pm. We will always ensure our events have the appropriate number of security staff to deal with any incidents.

e) The protection of children from harm

Our challenge 25 policy means that anyone underage will not be successful in purchasing alcohol. We will uphold the current stipulations in the licence that state anyone under 18 must be accompanied by an adult after 6pm. Also those aged between 13-17 must have an adult with them if the group size exceeds 5.





Premises Licence  
Brighton and Hove City Council

Premises Licence Number

1445/3/2016/06239/LAPRMV

## Part I – Premises Details

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

British Airways 1360  
Kings Road Arches  
Brighton  
BN1 2LN

**Telephone number** 0333 772 0360**Licensable activities authorised by the licence**

Performance of Dance  
Exhibition of a Film  
Entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance  
Performance of Live Music  
Performance of Recorded Music  
Performance of a Play  
Late Night Refreshment  
Sale by Retail of Alcohol

**Times the licence authorises the carrying out of licensable activities****Performance of Dance** - both on and off the premises

Every Day 09:00 - 00:00

**Exhibition of a Film** - both on and off the premises

Every Day 09:00 - 00:00

Outside spaces until 23:00

**Anything of a similar description to a performance of live music, any playing of recorded music or a performance of dance** - both on and off the premises

Every Day 09:00 - 00:00

Outside spaces until 23:00

**Performance of Live Music** - both on and off the premises

Every Day 09:00 - 00:00

Non Standard Timings:

A live music performance lasting until 1am may take place a maximum of 12 times a year subject to the event plan detailed in the conditions.

**Performance of Recorded Music** - both on and off the premises

Every Day 09:00 - 00:00

Outside spaces until 23:00

Non Standard Timings:

If a private event is going on inside the premises then recorded music may continue until 1am.

**Performance of a Play** - both on and off the premises

Every Day 09:00 - 00:00

Outside spaces until 23:00

**Late Night Refreshment**

Every Day 23:00 - 00:00

Non Standard Timings:

In case of a pre-organised event where the restaurant is included in the venue area then it is authorized until 1am.

**Sale by Retail of Alcohol** – on the premises only

Every Day 09:00 - 23:30

Non Standard Timings:

All outside sales cease at 23:00 at all times.

When the Beach Building is booked for a pre-arranged private or ticketed event then alcohol can be served no later than 00:30

**The opening hours of the premises**

Every Day 09:00 - 00:00

When the Beach Building rooms are booked for a private or special event, then that part of the premises will stop open until no later than 1am.

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption on the Premises only.

## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Brighton I360 Ltd  
Lower Kings Road  
Brighton  
BN1 2LN

**Registered number of holder, for example company number, charity number (where applicable)**

Registered Business Number      05528127

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Courtney Lawrence- Hedges

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

## Annex I - Mandatory conditions

### S 19; mandatory conditions where licence authorises supply of alcohol

1. No supply of alcohol may be made under the premises licence
  - a) at a time when there is no designated premises supervisor in respect of the premises, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
  - (e) dispensing directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
6. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

### **Minimum Drinks Pricing**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 —
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979:
  - (b) “permitted price” is the price found by applying the formula—

$$P=D+(D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.  
  
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**S 20;** mandatory condition: exhibition of films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where -

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section –

“children” means any person aged under 18; and

“film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

## **S 21**; mandatory condition: door supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

- a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001: or
- b) Be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

- a) In respect of premises within paragraph 8 (3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films): or
- b) In respect of premises in relation to:
  - I. Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence) or
  - II. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

- a) “Security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for purposes of that Act, (see Section 3(2) of that Act) and
- b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## Annex 2 – Conditions consistent with the Operating Schedule

### General

1. The Ticket Office Toll Booth will only be used for the sale of alcohol on very rare occasions for invited VIP's as it will entail shutting it off for ticket sales and will never be for more than 20 persons.
2. Entry to the Boarding Deck and Pod is by ticket only and will always be under the control of SIA Door Supervisors. Boarding takes place either from the Boarding Deck (on the Upper Esplanade) or from the Beach Building. Licensable Activities in this area are a prelude to the flight in the Pod and therefore will be continually moving groups of customers any sales of alcohol will be from a few brands of high quality wines, spirit and beer and drinks may be taken onboard the Pod for further consumption, sales will cease at 22.30. The boarding deck is available for hire for private events such as weddings and conferences where alcohol may continue to be served along with other licensable activities until 23:00.
3. The Tea Room [Toll Booth] is a separate refreshment area open directly to the public normally but also available for hire and private use, it will be open from 09.00 to 23.00 for licensable activities and the sale of alcohol will cease at 22.30. When open to the public and not closed for private hire then food and non-alcoholic drinks will be obtainable by buffet style self service but alcohol will only be served to persons seated at tables and chairs and will be by waiter waitress service.
4. When hired for a private event then licensable activities including the sale of alcohol will continue until 23.30 with the premises closing at 24.00. The outside area will be closed for service from 23.00 onwards and no drinks permitted to be taken outside or removed from the Tea Room and the requirement for waiter/waitress service to tables will not apply.
5. The Sky Bar within the Pod will be in use when passengers are boarding and a flight is underway and will sell a restricted range of high quality alcoholic drinks. Last sales will always be no later than 22.30. A flight on the Pod lasts 20 minutes before 18.00 and thereafter 30 minutes so customers have a limited time to consume alcohol.
6. In the case of a private hire of the Pod then the same limitations apply. (There are no toilets on board the Pod) however the sale of alcohol will continue until no later than 24.00.
7. Members of the public will be permitted to take unfinished alcoholic drinks which they have purchased on the pod with them, into the Beach Building (the area into which the Pod descends and lets its passengers off). These persons will be directed into one of the following areas:
  - (a) The West Beach Bar & Kitchen Restaurant where there is seating/tables (hatched in blue on the floor plan).
  - (b) Into the Volk Room where they can view a free exhibition whilst finishing off their drink (hatched in yellow on the floor plan).
  - (c) To a specifically cordoned off area in "Constable" room on the western side (which is marked in green on the floor plan) where seats will be provided.No drinks will be permitted to be consumed outside of any of the licensed areas.



Persons attending private events in another part of the premises will be permitted to take their drinks with them from the Pod into the Private Event.

8. There are no 'On' Sales intended in this area for the general public, however there are 8 areas of the Beach Building which can be partitioned off from public use and made available for private hire ranging from weddings to conference and on some occasions could entail the use of the whole area and include the Restaurant as well and the outside patio areas. These include –
  - The Attenborough Room
  - The Birch Room
  - Constable Room
  - The Nash Room
  - The Greene Room
  - Austen Room (The Children's play zone)
  - Volk Room
  - The West Beach Bar & Kitchen Restaurant
9. The outside area on the Lower Esplanade including the West Beach Bar & Kitchen will have demarcation for private events where access may be gained from specific points along its perimeter but would be under the supervision of Door supervisors.
10. On those occasions when any of the Beach Building and Outside Terraces are in use for a private or ticketed event then licensable activities may occur including the sale of alcohol, sales and service to the outside patio areas will cease by 23.00 under these circumstances and inside the premises all licensable activities will cease no later than 00.30 with closure at 01.00.
11. On those occasions when part of Beach Building with or without the Outside Terraces or the Restaurant is in use for a private event where more than 480 customers are attending then an event plan will be created, a full risk assessment will be made and an events management plan will be in place and copies of this will be available at least 28 days in advance of the event and served on the Licensing Authority, Environmental Health and Sussex police for consultation and approval. The final approval of any such event will be subject to agreement of the Licensing and those two responsible bodies. Should the event be planned as one where tickets are on sale then the sales will only be made by advance payment and not on the door and the above conditions regarding the event plan will apply but the time limit extended to 60 days notice and no more than 750 tickets will be sold. The total number of such events referred to and requiring an event plan shall not exceed 24 occasions each calendar year
12. The Restaurant will be open to the public from 09.00 to 24.00 for licensable activities but the outside patio area will close for service by 23.00 but may remain in use for smoking only. It may be accessed either from the Beach Building or directly from the Lower Esplanade on the seafront and will have suitable barriers maintained to define its outside area.
13. In the Restaurant alcohol will be served by waiter/waitress service to persons seated at tables. There is substantial food offer available and there will be no vertical drinking.

14. If the restaurant is closed to the general public for a specific private event which will mainly occur when this area is incorporated into the whole of the Beach Building, then the Restaurant conditions for the sale of alcohol will not apply but the restrictions regarding managing the area under an event plan will.
15. A monthly diary of events other than those requiring an event plan will be submitted to the Licensing Authority and the police licensing team with any updates made if hiring occurs at less than a months' notice. (Email communication is acceptable for this)

## **The Prevention of Crime and Disorder**

16. , The whole complex will have a comprehensive CCTV system installed with over 100 cameras and continual monitoring of it when the premises is open. The 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.
  - The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
  - CCTV footage will be stored for a minimum of 31 days
  - 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.
  - The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
  - Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
  - Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
17. Whenever the premises is open there will be registered door supervisors on duty, numbers being subject to an internal risk assessment.
18. Entry to the boarding deck and into the Pod is totally restricted and anyone entering this area will be subject of search conditions and supervision by a high number of operational attendants including further Door Supervisors.
19. When any private or ticketed event occurs then the risk assessment will include Door Supervisors identified with specific roles regarding controlling entry to that part of the premises. If an event plan has been submitted to the authorities is planned then that risk assessment will include what minimum numbers of Door Supervisors will be in place.

## **Public Safety**

20. The Fire Risk Assessment will be updated accordingly
21. All drinks that are dispensed into glass type vessels in the Pod or any of the outside areas shall be dispensed into polycarbonate or the like.
22. Smoking will only be permitted on the boarding deck if it is hired for a private event.
23. The only area where members of the public are permitted to smoke is the outside terraces to both of the restaurants (i.e., the one on the upper level next to the tea rooms and the one on the lower level next to the restaurant).

## **The Prevention of Public Nuisance**

24. The premises will join the Brighton Crime Reduction Partnership 'Nightsafe' or like organisation should it be available.
25. No live or amplified music will be played outside after 23.00 at which time all doors and windows will be closed and kept shut except for entry and exit.
26. When open to the public then the playing of live or recorded music will cease at 23.00 after which it will only occur on the Lower Esplanade within the Beach Building in any area which is subject to a private hiring or restricted event.

## **The Protection of Children from Harm**

27. Children under the age of 13 must be accompanied by a responsible adult, aged 18 years or over, and must remain under the supervision of that adult at all times.
28. Children aged 13 to 17 years are permitted to visit the Vertical Cable Car before 6pm without an adult supervisor, providing the maximum group size does not exceed five children.
29. From 6pm (when the Vertical Cable Car changes to the Sky Bar), children aged under-18 years must be accompanied by a responsible adult aged 18 years or over.
30. The Vertical Cable Car may only be hired by persons aged 18 years or over.
31. Children under the age of 18 are permitted in the Vertical Cable Car or British Airways i360 bars and restaurant where alcoholic beverages may be available but will not be served alcohol.
32. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, 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.

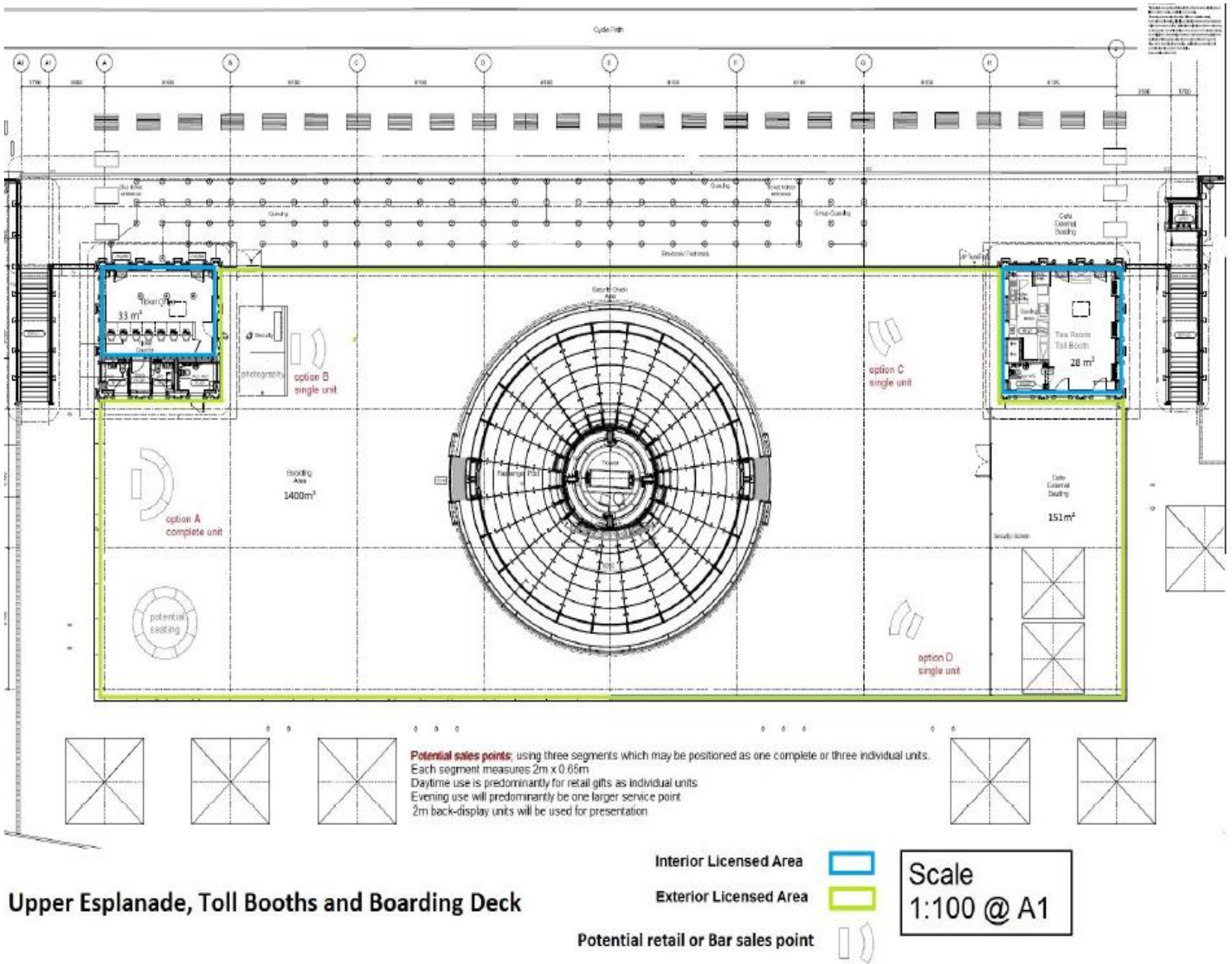
The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.

33. Suitable and sufficient signage advertising the “Challenge 25” policy will be displayed in prominent locations in the premises.
34. 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
35. 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.
36. 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.
37. The premises shall at all times maintain and operate an age-restricted sales refusals recording system (either in book or electronic form) at each part of the premises where alcohol is being sold from which shall be reviewed by the Designated Premises Supervisor at intervals not to exceed 4 weeks and feedback given to staff as relevant. The refusals recording system shall be available upon request to police staff, Licensing Authority staff and Weights & measures.
38. Additionally there will be one incident log maintained by the premises showing a detailed note of incidents that occur in the premises. The log and the Refusals Registers will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The incident log 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.

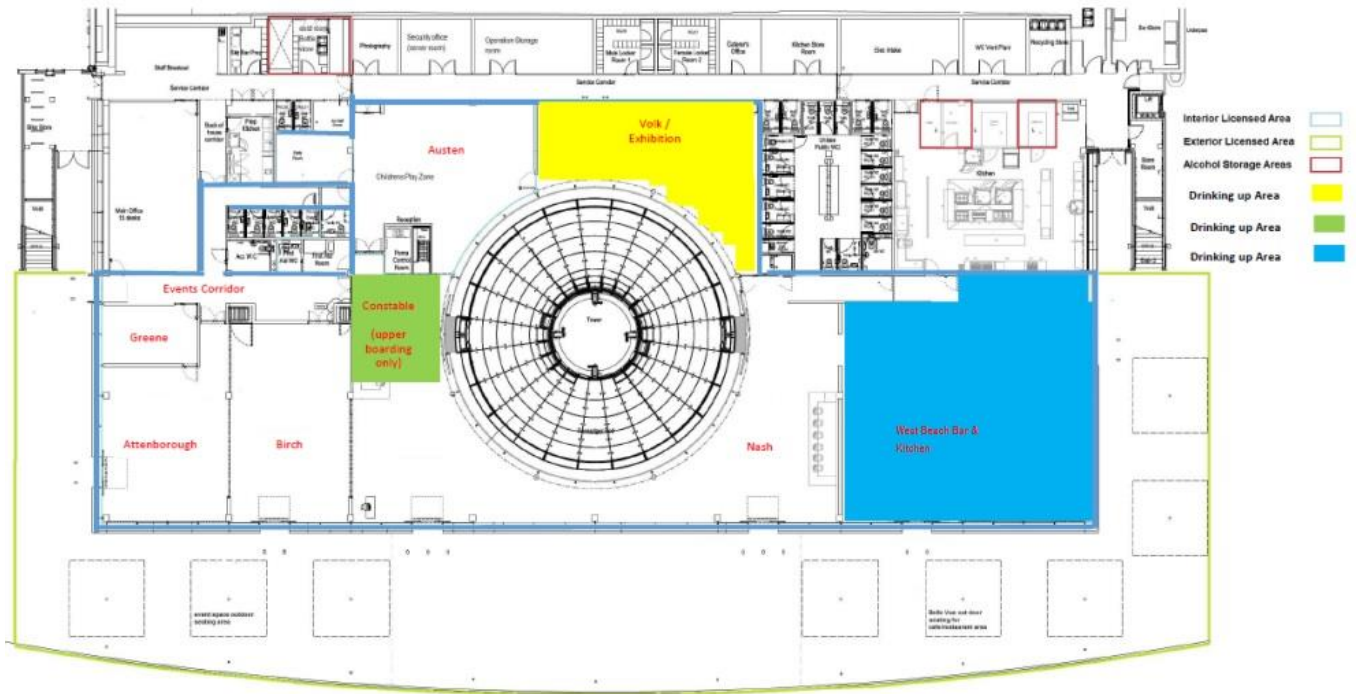
### **Annex 3 – Conditions attached after a hearing by the Licensing Authority**

1. Because of the comprehensive mixed nature of the venue, in addition to the Designated Premises Supervisor(DPS), there will be a minimum of 2 other personal licence holders appointed and a minimum of 1 personal licence holder on duty at all times when the premises is open who shall be employed by the premises licence management company and who will have complete oversight and control of all licensable activities when the DPS is not present.
2. From 6pm one of the Pod hosts is to be SIA trained.

# Annex 4 – Plans



## Upper Esplanade, Toll Booths and Boarding Deck



## **APPENDIX C**

Becky Pratley  
Licensing Team, BHCC  
Bartholomew House  
Bartholomew Square  
Brighton  
BNI IJP

Date: 22<sup>nd</sup> February 2018  
Our Ref: 2018/01177/LICREP/EH  
Phone:  
Email:

### **BP CON ENDS 28.02.18 VALID PPN & PCD (A)**

Dear Mrs Pratley,

#### **RE: Licensing Act 2003 - Representation against the application for variation of premises licence (Ref. 2018/00422/LAPREV) for British Airways I360, Lower Kings Road, Brighton**

I wish to make a representation in relation to the application for variation of the premises licence (ref. 2018/00422/LAPREV) for British Airways I360, Lower Kings Road, Brighton submitted by Brighton I360 Ltd. The representation is based on the grounds of prevention of crime and disorder, public nuisance and makes reference to our Special Policy contained within the Statement of Licensing Policy.

This application is to remove and amend conditions on the existing licence, namely:-

- Condition 7 to be removed (which would allow customers to finish their drinks anywhere in the building rather than specific areas)
- Condition 13 to be removed (In the Restaurant alcohol will be served by waiter/waitress service to persons seated at tables. There is substantial food offer available and there will be no vertical drinking).
- Condition 21 to be removed (All drinks that are dispensed into glass type vessels in the Pod or any of the outside areas shall be dispensed into polycarbonate or the like).
- Condition 8 to be amended to allow 'Off' sales and to add 'off' sales to sale by retail of alcohol overall.

This premises falls within the Licensing Authority's Cumulative Impact area which 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 Licensing Authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case.

The Council's Statement of Licensing Policy also includes a Matrix approach for licensing decisions with provisions for a terminal hour for all classes of licensed premises in a particular area. The Matrix Model recognises the diverse operation and different risks presented by different classes of licensed premises. It provides a vision of what the licensing authority would like to see within its area and gives an indication of likelihood of success or otherwise to investors and local businesses making applications. The Matrix (on page 17 of the Council's Statement of Licensing Policy) states that in the Cumulative Impact area (CIZ) no new pub permissions will be granted and the applicant is proposing to remove conditions relating to the restaurant making it more of a pub. The applicant is also looking to add 'off' sales to the licence and the matrix states that no off licences will be granted in the CIZ. It is important to note that each application is still considered on its individual merit.

I acknowledge that the applicant has a number of existing conditions on their licence which uphold the four licensing objectives and they have made reference to the fact that the suggested changes will not detract from the overall objectives but they have not mentioned the cumulative impact policy. I therefore do not feel that they have demonstrated how these changes will not negatively impact on the cumulative impact of the area thus not showing exceptional circumstances to depart from the special policy.

The premises is also situated in the CIZ and the electoral ward of Regency, which according to our Public Health Framework for Assessing Alcohol Licensing is ranked (out of 21 wards) the 2<sup>nd</sup> worst for police recorded alcohol related incidents and ranked the worst A&E attendances with a record of alcohol and alcohol suspected ambulance call outs.

Therefore we have made representation to uphold our Statement of licensing policy. The Policy is predicated on too much alcohol being available and applications for variations premises licences will be refused unless the applicant can demonstrate exceptional circumstances. It is up to the applicant to demonstrate this and satisfy the Panel that they will not impact negatively on the CIZ.

However, the 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. If an application is unlikely to add to the Cumulative Impact of the Area or the applicant has rebutted the presumption of refusal by demonstrating exceptional circumstances then the licence may be granted.

Yours sincerely

Sarah Cornell  
Senior Licensing Officer  
Licensing Team  
Regulatory Services



First Floor  
Police Station  
John Street  
Brighton  
BN2 0LA

28<sup>th</sup> February 2018

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

**SC COND ENDS 28.02.18 VALID PCD, PPN, PS, PCH & CIZ (B)**

Dear Becky Pratley,

**RE: APPLICATION TO VARY A NEW PREMISES LICENCE FOR i360 LOWER KINGS ROAD, BRIGHTON, BNI 2LN UNDER THE LICENSING ACT 2003 (1445/3/2018/00263/LAPREV)**

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 of the prevention of crime and disorder, public nuisance, public safety and for the protection of children from harm. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy (SoLP).

This is a proposed licence variation for a premises that is located in the City's Cumulative Impact Zone (CIZ) which seeks to remove the following conditions from the premises licence:-

**Annex 2 – Conditions consistent with the Operating Schedule**

**General**

7. *Members of the public will be permitted to take unfinished alcoholic drinks which they have purchased on the pod with them, into the Beach Building (the area into which the Pod descends and lets its passengers off). These persons will be directed into one of the following areas:*
  - (a) *The Belle Vue Restaurant where there is seating/tables (hatched in blue on the floor plan).*
  - (b) *Into the Volk Room where they can view a free exhibition whilst finishing off their drink (hatched in yellow on the floor plan).*

*(c) To a specifically cordoned off area in “Constable” room on the western side (which is marked in green on the floor plan) where seats will be provided.*

*No drinks will be permitted to be consumed outside of any of the licensed areas.*

*Persons attending private events in another part of the premises will be permitted to take their drinks with them from the Pod into the Private Event.*

*13. In the Restaurant alcohol will be served by waiter/waitress service to persons seated at tables. There is substantial food offer available and there will be no vertical drinking.*

## **Public Safety**

*21. All drinks that are dispensed into glass type vessels in the Pod or any of the outside areas shall be dispensed into polycarbonate or the like*

This Variation also proposes to amend the following condition

## **General**

*8. There are no ‘On’ Sales intended in this area for the general public, however there are 8 areas of the Beach Building which can be partitioned off from public use and made available for private hire ranging from weddings to conference and on some occasions could entail the use of the whole area and include the Restaurant as well and the outside patio areas. These include –*

- The Attenborough Room*
- The Birch Room*
- Constable Room*
- The Nash Room*
- The Greene Room*
- Austen Room (The Children’s play zone)*
- Volk Room*
- The Belle Vue Restaurant*

Regarding the removal of condition 21 Sussex Police feel this could increase the potential for Crime and Disorder and reduces Public Safety as any person despite their age or demographic could use a broken glass as a weapon while in the Pod. Care is taken to remove knives and sharp implements from the public when entering the pod and the introduction of glass drinking vessels could increase the risk of injury to the public as they could be used as a weapon if broken. The applicant has not stated how health and safety will be managed in the pod should there be a breakage or injury to a member of the public.

Additionally, should Condition 7 be removed as proposed then persons can take glass from the Pod and move freely around the building making it a vertical drinking establishment. Further issues may arise as glass drinking vessels could be left unattended around the Building for anyone to pick up. At present the licence restricts drinking up to 3 defined areas of the premises which can be managed and controlled by security. There is no

explanation of how security will be managed if the general public can move freely around the Premises. People will be able to move freely around the Beach Building with alcohol which leads straight out onto the beach which could potentially undermine the Licensing Objectives of Crime and Disorder and Public Safety.

Paragraph 3.1.4 of the Brighton and Hove City Council 2016 Statement of Licensing Policy states:

*“The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licenses or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact”.*

The licensing decision matrix on page 16 of the Council Statement of Licensing Policy (SoLP) states that no new premises or premises licence variations asking for these licensable activities e.g. late night refreshment and hours will be granted in the CIZ, except in exceptional circumstances.

Paragraph 14.30 of the Secretary of State’s Guidance to the Licensing Act 2003 provides:

*“The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences...which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives”.*

This premises is in the Cumulative Impact area, where the licensing decision matrix on page 16-17 of the Council Statement of Licensing Policy (SoLP) indicates a No for new premises applications or premises licence variations asking for “vertical drinking” e.g. a Pub and for Off Licences which would be the case if Condition 13 is removed and Condition 8 is amended to allow Off sales.

The applicant has not referred to the Cumulative Impact Zone or the BHCC Statement of Licensing Policy (SoLP) in their application, nor did they consult with Sussex Police prior to submission. Sussex Police do not believe that the applicant has offered comprehensive reasoning why the application would be an exception to policy or why the SoLP should be departed from. No restrictions or additional new conditions have been offered within this variation to fully migrate risk and reassure Sussex Police that the Licensing Objectives will not be undermined by these changes.

Therefore, Sussex Police invite the Licensing Authority to seriously consider refusing this application.

Yours sincerely,

Insp Di Lewis  
Licensing & Response Inspector  
Local Policing Support Team  
Sussex Police

**From:** Debbie Leigh  
**Sent:** 28 February 2018 16:23  
**To:** EHL Safety  
**Cc:** Debbie Gibson-Leigh; Tom Druitt; Alex Phillips; Caroline Brennan; stuart lauchlan  
**Subject:** 1445/3/2018/00422/LAPREV OBJECTION

**SC CON ENDS 28.02.18 VALID PCD, PPN, PS, PCH & CIZ (C)**

Good afternoon,

I want to register an objection regarding this licence application from Brighton i360 Ltd. The objection relates to the following licence objectives:

Prevention of Crime and Disorder  
Public Safety  
Prevention of Public Nuisance  
Protection of Children from Harm

The application states:

"We would also like to remove the condition relating to verticle drinking within our restaurant, the West Beach Bar & Kitchen. Therefore we would like to remove point 13"

This establishment is within the cumulative impact zone and removal of this condition will just turn this venue into another large seafront bar, with the potential of causing further anti-social behaviour and noise nuisance to residents who live along the seafront. The applicants state that "The demographic of our visitor is a low risk" This may be the case for visitors paying to visit the Pod, but you do not need to pay to enter the West Beach Bar and Kitchen and therefore this establishment has no different a demographic than other licensed premises on the seafront.

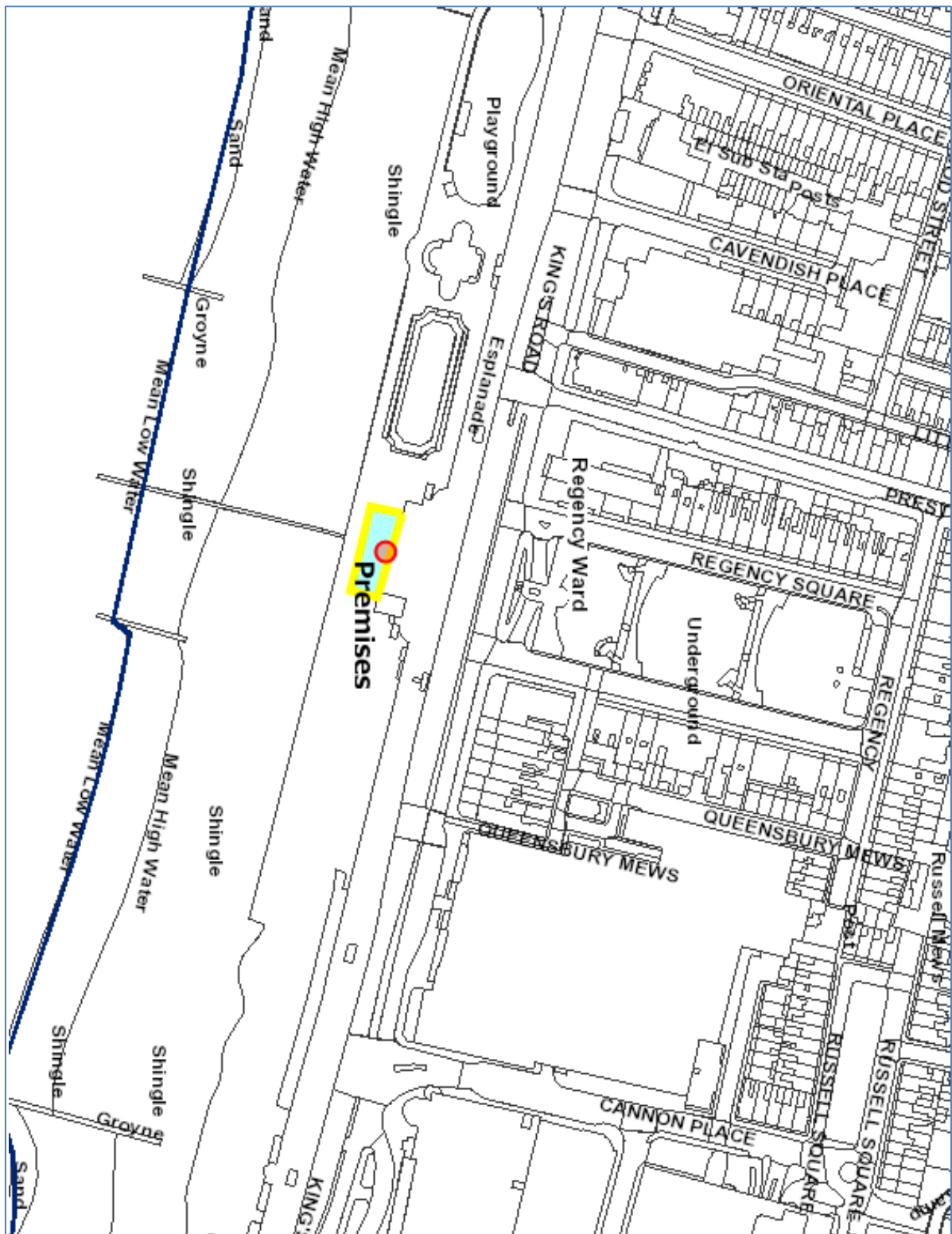
The recently released Public Health Framework for Assessing Alcohol Licensing 2017 clearly shows that the i360 is within the hotspot area of police recorded alcohol related incidents. Turning this establishment into another vertical drinking premises will only encourage further crime and disorder in Regency ward.

Regards,

Debbie Gibson-Leigh, Chair Brighton Old Town LAT  
C/O Flat 1 Clarendon Mansions  
80 East Street  
Brighton  
BN1 1NF



**APPENDIX D**







## **APPENDIX E**

The British Airways 1360 opened to the public in August 2016 and welcomed over 500,000 visitors in our first year of trading, making us the top paid for attraction in Brighton. Our current licence was issued before the attraction opened and contained many restrictions on the sale and consumption of alcohol on the premises. Having now traded for 18 months we are in a much stronger position to understand our visitors, the operation of the site and the service limitations the current licence gives us.

We would therefore like to adjust our licence to reflect our customers expectations and increase customer satisfaction.

The Pod - main experience and heart of the attraction. We currently retail for consumption from our Sky Bar on the Pod - Brighton Gin, Nyetimber sparkling wine and Harveys Beer. These products are currently sold in polycarbonate glasses and visitors are not permitted to receive the bottle due to the 'no glass' rule. We would like to change this condition to allow us to serve products in glasses. The demographic of our visitor is in the main, family and more mature and we therefore feel this group able to act appropriately. Therefore we would like to remove point 21 of the licence.

Our current licence also restricts the areas within the beach building where alcohol can be consumed. This gives our day visitors a poor experience as they are required to finish their beverage before leaving the Pod or are required to move directly to our restaurant. Releasing these restrictions from our licence and allowing visitors to drink up anywhere in the building will enhance their experience and allow them to browse our exhibition and retail areas whilst finishing their drinks. Therefore we would like to remove point 7 from the licence.

Our current licence only allows us to serve alcohol to be consumed on the premises. We would like to change this to an on and off-licence allowing visitors to purchase our preferred and local suppliers of Brighton Gin, Nyetimber sparkling wine and Harveys Beer. As stated previously, the demographic of our visitor is a low risk to any anti-social behaviour as a result of alcohol consumption and our products are at the high end of the market with price points to match. We would also like to expand our range of alcohol to purchase to include locally produced fruit wines and meads. Again a specialist area that will not appeal to a younger audience. This will be an amendment to point 8 to allow 'on' sales.

We would also like to remove the condition relating to verticle drinking within our restaurant, the West Beach Bar & Kitchen. The area contains a very well proportioned bar and is in the centre of the space creating a large area capable of serving customers who are not seated and allowing them to drink within the bar area, restaurant or terraces. Therefore we would like to remove point 13.

We do not believe the changes suggested above will detract from the overall licensing objectives. Our high standard of staff training and on-site security team means that sales would not be made to those who were under the influence of alcohol. We serve a premium product throughout our operation with high price points and a range of products which will not be appealing to a younger demographic.

