

APPENDIX C

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

Dear Licensing,

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

I have a number of concerns with this:

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

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

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

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

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

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

Best wishes,
REDACTED

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

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

Dear REDACTED

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

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

Best wishes

REDACTED

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

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

Dear REDACTED

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

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

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

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

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

Please can you confirm our concerns have been lodged.

Kind regards,

REDACTED

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

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

Good morning REDACTED

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

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

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

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

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

Thank you for your consideration.

Kind regards,

REDACTED

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

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

To REDACTED

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

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

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

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

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

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

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

Please advise, thank you.

Regards,

REDACTED

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

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

Dear REDACTED

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

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

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

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

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

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

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

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

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

Many thanks

REDACTED

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

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

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

26th March 2021

Dear REDACTED

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

Application Number 2021/00472/LAPREN

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

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

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

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

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

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

I look forward to receiving receipt of my representation.

Kind regards
REDACTED

AGREEMENT

Agreed Conditions for One Garden Brighton – 22nd March 2021

Amendment to Timings for Licensable activity

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

General:

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

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

For the Prevention of Crime and Disorder:

8.
 - (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover the entrances/exits to the premises and the fridges/shelves where alcohol is stored. The system shall be on and recording at all times the premises licence is in operation.
 - (b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
 - (c) CCTV footage will be stored for a minimum of 31 days

- (d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
- (e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- (f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police e.g. USB) for the police without difficulty or delay and without charge to Sussex Police.
- (g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
- (h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

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

For Public Safety:

- 9. SIA licensed door supervisors shall be employed on any occasions when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also take into account busy periods such as Bank Holidays, Season Variations and Citywide Events e.g. Fringe Festival, Pride etc as well as any special events with more than 100 attendees held at the premises. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.
- 10. An incident log shall be kept at the premises, and must be completed within 24 hours of the incident. It will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol including date, time and name of staff member
 - (h) any visit by a relevant authority or emergency service.

11. The incident log will:

- (a) be inspected and signed off by the DPS (or a person with delegated authority) at intervals of no more than four (4) weeks.
- (b) be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence or as listed in condition 9.
- (c) be used to give feedback to staff to ensure that the log is used on each occasion that a refusal, ejection or incident occurs at the premises and to identify any patterns or trends
- (d) be kept for a minimum of twenty four (24) months.

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

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

For the Prevention of Public Nuisance:

Conditions as stated in original application or agreed with Environmental Protection

For The Protection of Children from Harm:

13.

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

- *The lawful selling of age restricted products

- *Refusing the sale of alcohol to a person who is drunk

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

14. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.

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

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

