

Appendix C.1

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John Street
Brighton
BN2 0LA

Tel: 01273 404535 – ext. 550829
06th Email:
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SC CON ENDS 11.01.22 VALID PCD (A)

06th January 2022

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

Dear Sarah Cornell,

RE: 3 X PREMISES LICENCE APPLICATIONS FOR SOHO HOUSE, MADEIRA DRIVE, BRIGHTON, EAST SUSSEX, BN2 1AY UNDER THE LICENSING ACT 2003.

This refers to the following three licence applications:

1445/3/2021/04297/LAPREN – Restaurant
1445/3/2021/04305/LAPREN – Members Club
1445/3/2021/04313/LAPREN – Work / Events Space

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

This is an application for three new premises licences located at The Terraces on Madeira Drive, Brighton and seeks the following licensable activities and timings:

1445/3/2021/04297/LAPREN – Restaurant – No membership required.

Live music / Recorded music: **Monday – Sunday: 10:00 – 24:00**
Supply of alcohol both on and off sales: **Monday – Sunday: 10:00 – 24:00**
Late night refreshments indoors: **Monday – Sunday: 23:00 – 24:00**
Hours premises are open to the public: **Monday – Sunday: 07:00 – 24:00**

Request for extension to permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day resulting in the premises being able to operate all night.

1445/3/2021/04305/LAPREN – Members Club – Members and their guests.

Films / Live music / Recorded music: **Monday – Sunday: 07:00 – 02:00**
Supply of alcohol both on and off sales: **Monday – Sunday: 07:00 – 01:45**
Late night refreshments indoors: **Monday – Sunday: 23:00 – 02:00**
Hours premises are open to the public: **Monday – Sunday: 07:00 – 02:00**

Request for extension to permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day resulting in the premises being able to operate all night. On the morning of Greenwich Mean Time changes to British Summer Time one hour to be added and such hours of the live broadcast of the American Oscars with one hour before and after the live broadcast.

1445/3/2021/04313/LAPREN – Work and Event Space – Members and their guests.

Films / Live music / Recorded music: **Monday – Sunday: 07:00 – 24:00**
Supply of alcohol both on and off sales: **Monday – Sunday: 07:00 – 24:00**
Late night refreshments indoors: **Monday – Sunday: 23:00 – 24:00**
Hours premises are open to the public: **Monday – Sunday: 07:00 – 24:00**

Request for extension to permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day resulting in the premises being able to operate all night. Hours of the live broadcast of the American Oscars with one hour before and after the live broadcast.

Within the 2021 Brighton & Hove City Council (BHCC) Statement of Licensing Policy, this development is within the Cumulative Impact Area. This recognises that the location has a significant number of licensed premises concentrated in one area and the potential impact this has upon the licensing objectives. Applications for new premises licenses within this area which are likely to add to existing cumulative impact will be refused following relevant representations. This can be rebutted by the applicant if they can show that their application will have no negative cumulative impact. We are unsure if the applicant had reviewed this document prior to submitting. On reading the applications we do not feel exceptional circumstances have been put forward and with the addition of the hours and style of operation being proposed, do not believe there is evidence to depart from the policy.

Although the Members Club and Work / Event Space is only open to members and their guests, these two applications are not club premises certificate applications. When considering the applications, we refer to the matrix within the Statement of Licensing Policy which sets out the expectations for new applications for the City.

Cumulative Impact Area

Restaurant Yes (midnight) / **Cafe** Yes (10.00pm) / **Pub** No / **Off-licence** No
Members Club (club premises certificate) Yes (<100 capacity) (11pm)
Within the policy it also recommends that Workspaces should have a terminal hour of 22:00hrs.

Reviewing the Public Health Framework report for assessing alcohol licensing 2019 edition, Queens Park ward, of which this location is within, is ranked 3rd highest out of 21 wards for

police recorded alcohol related incidents. The City has several initiatives that support Police and other emergency services in safeguarding the public. These include Beach Patrol, Safe Space, Good Night Owls and Street Pastors. Most of these organisations and persons involved with them are volunteers and operate in their spare time. The fact these services exist goes some way to prove the negative impact alcohol has. One concern is although these services operate, they are generally focused between Brighton Palace and West Piers – not East of Brighton Palace Pier.

Unfortunately, there was no pre consulting on the applications prior to submitting and due to the applications being submitted on 15th December, we lost vital consulting days between Christmas and New Year, with limited staffing capacity for both the applicant and Police as well as Bank Holidays.

A conference call was held on 22nd December and we raised several questions. We have also sent emails in regards to the Restaurant and Work/Event Space applications. At the time of submitting this representation we have received an acknowledgement but no full response although it is due to us shortly.

Sussex Police have the following concerns which we believe need to be put before a licensing panel:

- Off sales – This is being applied for on all three applications and we would like to see this removed so to reduce the risk of alcohol being consumed in public outside of a controlled environment.
- Seasonal adjustments – This is being applied for on all three applications and we would like to see this removed and for the applicant to use TEN's should the licence be granted.
- Restaurant application – Agreement to our amended conditions that we sent to the applicant via email on 24th December.
- Work / Event Space – Reduction in the licensable area, currently it's the whole space with capacity of 300. Also, a reduction in hours to bring it in line with policy so 22:00hrs. Tighter conditions offered up in regards to the type of events and capacity numbers.
- Members Club – This has a capacity of 500 with trading until 02:00 7 days a week. This is a concern especially when you add the other two applications in to the mix. And although each application is reviewed on its own merit, considerations need to be taken in regards to other recent applications granted within this locality. Also, the impact a 02:00 finish could have on emergency services and increased risk of higher intoxication levels. As this application currently stands, Sussex Police are unable to support it.
- We have yet to come to an agreement on Annex 2 licence conditions on any of the applications.

We see the negative effect that alcohol has, particularly in areas where there are a high number of licensed premises. Along the small stretch of Madeira Drive (Brighton Palace Pier to Dukes Mound) there are at least 12 premises licences. With high numbers of people descending on the city Sussex Police operate a standalone night-time operation each weekend and at other various peak times throughout the year. This involves dedicated Police resources patrolling the main night-time economy area. Having a visible police presence in the area goes some way to assist in reducing criminal incidents occurring, but unfortunately does not stop them in their entirety. Most incidents dealt with have an element of alcohol linked to them. This is a mix of persons becoming drunk and disorderly, violent and a high number of incidents involve persons who have become a victim of crime due to

their own vulnerability after consuming alcohol. Staff at venues and from emergency services are far too often also at the end of a drunk person's aggression.

Sussex Police believe by allowing these applications to be granted as is, persons will be consuming alcohol without the need to purchase with a substantial meal which will lead to higher levels of intoxication along the beach front and become a further pull on ours and other resources. Taking in to account our comments, the Statement of Licensing policy, Public Health framework report and the location, Sussex Police would ask for the applications to be heard before a licensing panel.

Yours sincerely,



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

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

Date: 7th January 2022

Our Ref: 2022/00025/LICREP/EH

Phone: 01273 292143

e-mail: Becky.pratley@brighton-hove.gov.uk

SC CON ENDS 11.01.22 VALID PCD, PPN, CIZ (B)

Dear Ms Sarah Cornell,

Licensing Act 2003 – Licensing Authority representation against the application for a Premises Licence reference: 2021/04297/LAPREN
Re: The Kiosk, Units 2 -5, The Terraces, Madeira Drive, Brighton, BN2 1AY

I refer to the application made by Soho House UK Limited for a Premises Licence for The Kiosk, Units 2 -5, The Terraces, Madeira Drive, Brighton, BN2 1AY.

The application states the premises will operate as a 'public restaurant'.

The application seeks the licensable activities of;

- **Live and recorded music between the hours of 10.00-24.00 hrs every day** and from the end of the permitted hours on New Years Eve to the start of the permitted hours on New Year's Day. The application takes place these activities will take place '**outdoors**'.
- **Late Night Refreshment from 23.00-24.00 hrs daily, both indoors and outdoors** with the additional hours from the end of the permitted hours on New Years Eve to the start of the permitted hours on New Year's Day.
- **Alcohol (On and Off the premises) 10.00-24.00 daily**, with the additional hours from the end of the permitted hours on New Years Eve to the start of the permitted hours on New Year's Day.
- **Opening hours are stipulated as 07.00-24.00 hrs daily** and from the end of the permitted hours on New Years Eve to the start of the permitted hours on New Year's Day.

I have concerns about this application and make a representation on the grounds of the Prevention of Crime and Disorder and Prevention of Public Nuisance and that this application falls within our Cumulative Impact Area.

The licensing authority, after careful consideration, determined that the concentration of licensed premises in an area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to 'Cumulative Impact' is necessary as part

of its statement of licensing policy. The first Special Policy incorporating a Cumulative Impact Zone (CIZ) and Special Stress Areas (SSA's) was adopted in March 2008. Since that date, the licensing authority has kept the CIZ and SSA's under review. On 15 December 2011 Full Council resolved to expand the CIZ and the special stress area, covering 1.5% of the administrative area of Brighton & Hove City Council. On 20th November 2014 Licensing Committee resolved to confirm the then current CIZ and SSA. On the 29th November 2018 Licensing Committee resolved to expand the SSA into Central Hove. The 2021 policy further expanded the SSA into Preston Road and Beaconsfield Road. The licensing authority has published a Cumulative Impact Assessment which can be found at Appendix E of our Statement of Licensing policy. [Statement of Licensing Policy 2021 \(brighton-hove.gov.uk\)](https://www.brighton-hove.gov.uk)

The policy states new applications and variations to existing licences within the Cumulative Impact Area should normally be refused following relevant representations. This presumption of refusal can be rebutted by the applicant if they can show that their application will have no negative cumulative impact on licensing objectives including the Prevention of Crime and Disorder and Public Nuisance. 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 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. This application seeks both On and Off sales of alcohol, every day. The matrix permits a restaurant until Midnight but says 'No' to Off licences in the Cumulative Impact Area. The application does not stipulate how alcohol will be sold 'off' of the premises except for a reference in the operating schedule to all staff members engaged, or to be engaged, in selling or delivery of alcohol on or from the premises to receive age restricted sales training.

Each application is still considered on its individual merit and there is discretion to depart from the Matrix approach policy in exceptional circumstances.

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

There is no mention of the Cumulative Impact Area on the application form. The applicant has not demonstrated exceptional circumstances to depart from our policy or how they will not add to the existing cumulative impact of the area.

As mentioned above, the premises falls within the Cumulative Impact Area. It is also located in the electoral ward of Queen's Park, which according to our Public Health Framework for Assessing Alcohol Licensing (5th edition- January 2019) is ranked the second worst out of 21 wards for Crime and Disorder data for Criminal Damage and third worst for All violence against the person, All injury violence, Sexual Offences, Non-injury assault and Police recorded alcohol related incidents. Under the Health data Queen's Park ward ranks the worst of all wards for A&E attendances with a record of alcohol, second worst for Increasing risk or higher risk drinking and Clients in alcohol treatment. It also ranks 3rd worst for Alcohol suspected ambulance call outs.

I am making this representation as a guardian of our policy which this application has not made reference to in detail regarding the Cumulative Impact Area and for the panel to determine the application.

Yours sincerely

A handwritten signature in black ink that reads "B. Pratley". The signature is written in a cursive style and is contained within a thin black rectangular border.

Becky Pratley
Licensing Officer,
Licensing Team,
Environmental Health and Licensing,
Regulatory Services.

From: Redacted <Redacted >
Sent: 09 January 2022 17:26
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Cc: REDACTED

Subject: Licensing App 1445/3/2021/04297/ & 04305/ & 04313/ LAPREN

SC CON ENDS 11.01.22 VALID PCD, PPN, PS, PCH (C)

Dear Sirs

Re. Licensing Applications 1445/3/2021/04297/ & 04305/ & 04313 / LAPREN. SOHO HOUSE.

Redacted wish to Object to the above Licensing Applications for the following reasons;

- the 7 am opening which will create noise and disturbance by;
- a) staff arriving say at 6 am to open up etc.,
- b) guest arriving to park in our residential side streets at say 6.30 am.
- c) guests using our residential side streets to access the premisses at say 6.30 am.
- d) all of the above will add to the noise and disturbance caused by the local nightclub closures between 2 am and 4 am.
- e) the 7 am opening will only add to the problems resulting in sleepless nights for the residents.
- NOTE we would confirm that all of the above noise and disturbance situations were experienced by the residents and complainants made to the Council and Police before Covid 19.
- NOTE that there are possible some 30 +'s events on Madeira Drive that would mean access to the Soho Club would be from Marine Parade, giving rise to the above.
- All of the above objections are against licensing policies, 4. Prevention of Crime and Disorder. 5. Public Safety. 6. Public Nuisance. & 7 Protection of Children from Harm.
- When are local residents allowed to get a night's sleep for their health and well-being when all this disorder is going on 24 x 7?
- In addition to the above, we would object to the access to the terrace pool for the following national advice,
- f) that you should never go into the water after drinking
- g) all too often people drown despite never intending to enter the water slips, trips and falls are common and many alcohol-related accidents are adjacent to the water and not therein.
- h) don't drink and drown
- Referring to the above items f) to h) we are highly concerned with the inclusion of the terrace pool and would welcome sight of the ' Risk Assessment ' for this project, as there have been too many alcohol-related deaths along this part of the seafront.
- That all the services meet the requirements of the Planning & Building Regulation Permissions and those of the Police and Fire Officers.
- Bearing in mind the above we would ask for a manded telephone line number during opening hours (+s 1/2 hour) for local residents to call to resolve disturbances. This is bearing in mind that the Council has terminated the late-night noise patrols.
- With respect, we cannot comment on detailed information of the Club Rules, etc., as these are not public knowledge at this time and we would reserver our rights to comment once they are known.

We would be pleased to expand our above reasons or to attend a licensing meeting to do so.

With respect, under licensing policy's 4, 5 & 6 we would ask that the committee curtails the start times from 7 am to 10 am for the above reasons, that no late-night drinking is allowed outside after 10 pm and late-night refreshment is also curtailed, that no deliveries and or materials taken-a-away before 9 am,

yours sincerely, Redacted. Redacted

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You can visit our website at <http://www.brighton-hove.gov.uk>

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From: Redacted <Redacted >
Sent: 11 January 2022 13:27
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Licensing Applications 1445/3/2021/04297/ & 04305/ & 04313 / LAPREN. SOHO HOUSE

SC CON ENDS 11.01.22 VALID PPN (D)

Dear Sirs

Re. Licensing Applications 1445/3/2021/04297/ & 04305/ & 04313 / LAPREN. SOHO HOUSE.

Unit 6-8 The Terraces, Madeira Drive, Brighton, BN21AJ Soho House UK Ltd.

GROUNDS PUBLIC NUISANCE

I am not objecting in full to the granting of a licence. I would like a restriction to be placed on the licence, that alcohol should not be served for consumption or consumed in the gap between the two upper tier buildings of these premises.

This is to comply with a planning restriction placed on the building in planning application...

The Planning Consent, BH2015/02443, that Soho House have for the development of units 6-8 on the Terraces, has a condition attached:

Condition 16

*"A visual gap of 10 metres shall be permanently maintained between the two permitted built structures on the upper tier level (units 6 to 8) as shown on drawing no.12076/MBA/101 Rev P1 dated 10/11/15. **The gap to remain permanently free of any visual obstruction.**"*

My details are:-

Redacted

Redacted

Redacted

Redacted

