

Appendix D

REP A

Representation from:-

REDACTED

Regarding :-

1445/3/2023/04411/LAPREN

Alcohol Licence Application from The Nowhere Man Café

53 Upper North Street, Brighton BN1 3FH

Our representation relates to both the application for significantly revised opening hours and a licence to sell alcohol at the Nowhere Man Café, under the following licensing objectives:

- Prevention of public nuisance

Past experience (prior to the current opening hours being implemented) of evening and late night drinking and partying in the rear patio of the Nowhere Man Café caused intolerable levels of noise nuisance that prevented us from sleeping. Local residents became distressed and angry and complaints were made to both Environmental Health and the Planning Enforcement team at the time.

If the consumption of alcohol is authorised on the rear terrace of the café it is inevitable that this would cause a return to unacceptable levels of noise nuisance with groups of drinkers and a pub-like atmosphere being given the green light up to 11pm daily.

The proximity of our enclosed 'cheek by jowl' patios, terraces, balconies and REDACTED to the Nowhere Man Café's garden (as evidenced by the attached photos) is clearly not suited to an outside area that accommodates groups of people drinking alcohol during the day and into the night.

As in the past, this would impose an unacceptable amount of stress on those of us in the immediate locality. We wouldn't be able to relax or sleep adequately in the rooms REDACTED (including a bedroom, office space and

lounge) and it would make it impossible to concentrate when home working or attempting to enjoy our outside spaces. All of the above would be exacerbated during warm weather and the summer months.

We have accepted the current levels of noise from the rear patio of the café under the present opening hour because even the loudest customers and groups generally move on within the hours, up until 4.30pm at the latest.

However, if the 7 hour extension until 11pm is agreed this would result in much longer periods of invasive café noise, even without alcohol consumption.

- Public safety

The impact of extended periods of noise nuisance would inevitably impact upon the health of those of us who are subjected to this.

REDACTED and some other residents in close proximity to the café also have REDACTED.

In addition some of us need to get up in the early hours of the morning to leave for work, including at weekends, and others work from home all day.

Lack of sleep evidently impacts on public safety in respect of health and wellbeing and impairs the ability to carry out many work related duties requiring focus, including driving and operating machinery.

- Prevention of crime and disorder

Should the Licence Application be agreed the known cumulative effects of alcohol consumption during extended periods of time could result in the potential for drunk and disorderly or other antisocial behaviour in close proximity to our premises.

We have had no complaints at all about the café since the current opening hours were implemented and recognise that it is important to strike a balance between supporting local businesses and safeguarding the quality of life and wellbeing for residents in such a high-density area.

However, should the Licence Application be agreed this would create a totally different establishment on our doorstep than the current day-time café model and

cause a very worrying set of issues for those of us affected.

As above, it will seriously impact on our sleep, our health, our leisure time and our work.

We are grateful to the licensing panel for taking into consideration the objections that we have raised in this representation and very much hope that the licence application will be refused on the basis of the above.

Signed

REDACTED

Photos Included – REDACTED

REP B

From: REDACTED
Sent: Saturday, December 2, 2023 5:44 PM
To: EHL Licensing <EHL.Licensing@brighton-hove.gov.uk>
Subject: NOWHERE MAN - Licence - 1445/3/2023/04411/LAPREN
Importance: High

Dear Sir/Madam,

As a resident owner for the last REDACTED, I write strongly to object to the above proposed extension of opening hours until 11 pm by the premises REDACTED to my house for the reason of: prevention of public nuisance.

On each of the several occasions that the premises has in the past been open late they have flagrantly ignored the neighbours, with people and music causing noise throughout the evening and into the night.

REDACTED

For those who wish to indulge in nights leisure activities, there are plenty of facilities in the centre of town. There is also a long-established pub opposite NM on Upper North Street, which causes sufficient noise and nuisance at busy times.

Were NM to receive a licence extension as proposed I would place the property on the open market since it would be unbearable. I know that other neighbours have similar objections based on their experience of NM when permitted late night extensions.

I am happy that the business is successful during the day. Let that suffice.

I shall be grateful for your confirmation of receipt.

Sincerely,

REDACTED

Photo Included – REDACTED

REP C

From: REDACTED

Sent: Sunday, December 3, 2023 6:03 PM

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

Subject: Alcohol Licence Application from The Nowhere Man Café 1445/3/2023/04411/LAPREN

Representation from REDACTED

REDACTED

Alcohol Licence Application from The Nowhere Man Café

53 Upper North Street, Brighton BN1 3FH

1445/3/2023/04411/LAPREN

This is a representation in opposition to:

- the application to extend opening hours; and
- the application for a licence to sell alcohol at the Nowhere Man Café,

My objectives under the Licensing Act are:

Prevention of public nuisance

There has been concern by tenants at the property of evening activities under previous opening hours in the Nowhere Man's rear patio causing highly disturbing noise nuisance leading to formal complaints from neighbours. An extension of hours in itself would recreate these conditions, and would be significantly exacerbated in conjunction with an alcohol licence.

This would turn the Nowhere Man into an entirely different venue which is wholly unsuitable for a residential area with very close proximity back patios, as per the attached photo. REDACTED

Public safety

Granting the application would likely have an impact on the health and well-being of my tenants, and neighbours due to stress and sleeplessness.

Prevention of crime and disorder

The application for an extension of hours and an alcohol licence should be rejected on the grounds of preventing crime and disorder as there is a clear link between alcohol and crime and disorder and the likelihood that problems would arise out of such a significant change to the venue in a small space. This would not only cause problems for local residents and other businesses, it would change the character of the neighbourhood, placing an additional burden on the stretched resources of the council and police.

I would request that, in light of the above, the application for this change in licence is rejected.

REDACTED Tel: REDACTED

Photo Included - REDACTED

REP D

REDACTED	Date:	7th December 2023
Licensing Officer	Our Ref:	2023/02818/LICREP/EH
Licensing Team	Phone:	REDACTED
Brighton & Hove City Council	Email:	REDACTED
Bartholomew House		
Bartholomew Square		
Brighton, BN1 1JP		

Dear REDACTED

Re: Licensing Act 2003 - Representation regarding the application for a New Application for a Premise Licence For: Nowhere Man, 53 Upper North Street, Brighton

I refer to the application made by Nowhere Man Limited, for a new Premises Licence to be issued for the above premises. The Licensing Team, in its role as a Responsible Authority, has concerns about this application and therefore I am submitting this representation on the grounds of the prevention of crime & disorder and public nuisance and to uphold our Statement of Licensing Policy (SoLP).

The applicant has applied for a Premises Licence for alcohol for consumption on & off the premises and opening hours every day 9.00am – 11pm.

This representation is submitted as there are concerns that the application does not meet the requirements of the Council's SoLP, with regard to applications made within the Special Stress Area of the city. The Special Stress Area is of concern to the Licensing Authority because of the relatively high levels of crime and disorder and nuisance experienced within it and we believe that the granting of this application could lead to increased associated issues with regard to crime & disorder and public nuisance in the nearby surrounding area.

The Council's SoLP includes a Matrix Model approach for licensing decisions, which 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 Model, on page 18 of the Council's SoLP, states that in the Special Stress Area, cafes could be granted until 10pm and no to new off licences and although this is not an off licence, it is offering off sales of alcohol in sealed containers. The policy does state that each application is still considered on its individual merit and there is discretion to depart from the policy where justified. However, departure from the Matrix Model is only expected in exceptional circumstances.

When considering whether representations should be submitted, the Licensing Team have regard to the 'Public Health Framework for assessing Alcohol Licensing' – (accessed at <https://public.tableau.com/app/profile/brightonhovepublichealthintelligence/viz/PublicHealthFrameworkforAssessingAlcoholLicensing/NavigationPage>) document. The premises sits within the electoral ward of Regency. Under 'Crime and Disorder data' it is the worst out of 21 wards for all violence against the person, all injury violence, non-injury assault and sexual offences. It is also second worst for police recorded alcohol related incidents. Within the recorded 'Health data', the premises sits in the worst ward for alcohol suspected ambulance call outs.

In light of the above and the fact that this new premises falls within out Special Stress Area, I invite the Sub-Committee Panel to decide the outcome of this application on behalf of the Licensing Authority and whether the applicant has demonstrated whether there are exceptional circumstances to depart from our policy.

Yours sincerely

REDACTED

Sarah Cornell

Senior Licensing Officer

Licensing Team

Regulatory Services

REP E

Representation from: REDACTED

Regarding :- 1445/3/2023/04411/LAPREN Alcohol Licence Application from The Nowhere Man Café 53 Upper North Street, Brighton BN1 3FH

Our representation relates to both the application for significantly revised opening hours and a licence to sell alcohol at the Nowhere Man Café, under the following licensing objectives:

- Prevention of public nuisance Our past experience around REDACTED years ago (prior to the current opening hours being implemented know, they open from 10am and close at 5pm every evening) Consisted of late night drinking and partying in the rear patio of the Nowhere Man Café , REDACTED.

Local residents became distressed and angry and complaints were made to both to the Environmental Health and the Planning Enforcement team by us as a family and our other surrounding neighbours, It also caused arguments between us as family when our late mother was still with alive.

Although The Nowhere Man Cafe may or may not have different ideas compared to the past if the consumption of alcohol is authorised on the rear terrace of the café, it is inevitable that this would cause a return to unacceptable levels of noise nuisance with groups of drinkers and a pub-like atmosphere being given the green light up to open later in the evening to sit out on the back terrace. When we think 5pm is sufficient already

We have enclosed a couple of photographs REDACTED. REDACTED. REDACTED. We find REDACTED which is an established pub is very audible to us especially at weekends, and summer months.

REDACTED and is confined to the house with REDACTED has not been out for well over four years, and is housebound. REDACTED and even now without an alcohol licence its impossible for REDACTED to have a lie in at weekends or nap in the afternoon. He also has REDACTED for which REDACTED stress and anxiety will make this condition worse. REDACTED and works full time were REDACTED has to get up at 6.00am in the mornings including weekends. REDACTED also has her own REDACTED, and REDACTED bedroom overlooks the back terrace. REDACTED and works mainly from home and is an REDACTED. So we feel the current system where the cafe closes at 5pm , seven days a week is already a fair compromise.

REDACTED Nowhere Man Café's garden (as shown in the photos attached) is clearly not suited to an outside area that accommodates groups of people drinking alcohol during the day and into the night.

As in the past, this would impose an unacceptable amount of stress on those of us in the immediate locality. We wouldn't be able to relax or sleep adequately in the rooms at the REDACTED(including a bedroom, office space and lounge) and it would make it impossible to concentrate when at home working or attempting to enjoy our outside gardens. All of the above would be exacerbated during warm weather and the summer months.

We have accepted the current levels of noise from the rear patio of the café under the present opening hour because even the loudest customers and groups generally move on within the hours, up until 4.30pm at the latest. However, if the extension after 5pm is agreed this would result in much longer periods of invasive café noise, even without alcohol consumption.

- Public safety The impact of extended periods of noise, nuisance would inevitably impact upon the health of those of us who are subjected to this. We personally do not think this property was designed to have a cafe with the general public effectively over our garden fence, let alone a licenced alcohol premises.

- Prevention of crime and disorder We do not feel threatened with crime or disorder currently, but adding alcohol and evening drinking into the equation in the back terrace, could soon turn into something more problematic. We are also concerned how any new rules would be implemented, and about our security in general. REDACTED

Signed REDACTED

REDACTED

Photos Included - REDACTED

REP F

Police Station

John Street

Brighton

BN2 0LA

REDACTED

7th December 2023

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

Dear REDACTED,

RE: APPLICATION FOR A NEW PREMISES LICENCE FOR NOWHERE MAN CAFÉ, 53 UPPER NORTH STREET, BRIGHTON, BN1 3FH UNDER THE LICENSING ACT 2003.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds that it will undermine the Licensing Objectives of the prevention of crime and disorder. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy (revised January 2021) and the Public Health Framework for Assessing Alcohol Licensing.

This is a proposed new application in an area of the City which is subject to a Special Policy adopted by Brighton & Hove City Council. The premises lies in the area identified as the Special Stress Area within the Statement of Licensing Policy for Brighton and Hove.

The applicant did not pre consult with Sussex Police prior to the submission of this new application and no specific reference to potential negative impact issues has been made. Local concerns and issues that the area suffers from have not been addressed.

Further concerns arise from the application which requests a terminal hour of 23:00 every day with On and Off sales which goes against the Brighton and Hove Statement of Licensing Matrix. The policy which is generated using data from various agencies including Police, is one we fully support, and it recognises that the location has a significant number of licensed premises concentrated in one area.

Additionally, this premises lies within the Regency Ward which, as evidenced by the Brighton & Hove Public Health Framework for Assessing Alcohol Licensing (accessed at <https://public.tableau.com/app/profile/brightonhovepublichealthintelligence/viz/PublicHealthFrameworkforAssessingAlcoholLicensing/NavigationPage>), is ranked number 1 for All Injury Violence, All Violence against the person, Sexual Offences, Non-Injury Assault. Second for Police recorded alcohol related incidents and third for criminal damage. This demonstrates the higher risk to the Licensing Objective of the Prevention of Crime and Disorder in this area.

Further to this, conditions have not been agreed by Sussex Police and the applicant.

The conditions offered on the application do not offer Sussex Police any confidence that this premises will primarily be a café. No further conditions regarding the private events have been offered.

With regards to the café condition, the wording "Intending to be seated" is not enforceable and offer assurance that customers will be seated at tables and there will be no vertical drinking. Within the condition wording offered, "for take away purposes" suggests customers can leave the premises with alcohol to be consumed in any public outside space, and not alongside any food offering which allow this premises to trade as an additional off licence in this area.

Despite the above Sussex Police proposed conditions to the applicant, which can be seen attached to this letter. This is inclusive of a reduced terminal hour of 22:00 and to operate as an On sales Premises only, with any private events being hosted with the use of a Temporary Event Notice.

Therefore, should the licensing panel be minded to grant this premises licence, Sussex Police would ask that these conditions be added to the premises licence.

The application is consequently at risk of undermining the prevention of crime & disorder licensing objective if granted as it is submitted.

Yours sincerely,

REDACTED

Insp Mark Redbourn

Operations (inc. Licensing) Inspector

Brighton & Hove Division

Sussex Police

Proposal for Nowhere Mans Café, 53 Upper North Street by Sussex Police.

Retail of alcohol shall be for On sales Only.

Terminal Hour for the supply of Alcohol – 22:00

Conditions

General

Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.

The sale of intoxicating liquor and other beverages shall be by waiter/waitress service for consumption by persons seated at tables.

Substantial food shall be available at all times that alcohol is offered for sale on these premises. Food menus must be clearly displayed within the venue.

Prevention of Crime and Disorder:

4. Subject to GDPR guidance and legislation:

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 entrances/exits to the premises as well as any outside space. 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.

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) 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 Police e.g., USB) or provide footage via an online link as initiated by Police, without difficulty or delay and without charge.

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 Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

5. a) An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month.

b) The logbook should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.

c) The premises shall at all times maintain and operate an age-restricted sales refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor at intervals not to exceed 4 weeks and feedback given to staff as relevant. These refusals recording system shall be available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

Public Safety: – None

Prevention of Public Nuisance: None

Protection of Children from Harm:

6. 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.

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

8. a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive 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 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.

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.

REP G

From: REDACTED

Sent: Friday, December 8, 2023 4:58 PM

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

Subject: Objection to Nowhere Man Cafe licensing change request

Hello,

We're writing to lodge an objection to the proposed change in licensing at Nowhere Man Cafe, 51 Upper Street.

My husband and I are long-term tenants REDACTED. Our specific objection is to do with 'prevention of a public nuisance' - specifically the added noise that will come with changing the license from a daily cafe to a cafe/wine bar/restaurant serving guests in the evenings.

We are both fans of the cafe as it currently operates and eat there regularly. REDACTED and the staff are great and we've had no problem whatsoever for the last 6 years. So we make this complaint reluctantly. The unfortunate issue is that REDACTED patio, and that of several of our neighbours, sits cheek by jowl with the cafe's patio in an enclosed and tiny area. We can hear each others' conversations it's so small. The chat from guests having pancakes and coffee during the day is no problem at all. It tends to get quiet mid afternoon and the cafe shuts around 5pm. If the cafe were to add an alcohol licence for their existing hours we would have no objection.

But the thought of the patio being busy through the evening with people drinking - even if it was just until 8pm - makes our hearts sink. We have no doubt the managers will strive to run it responsibly, but the noise will completely change our experience of sitting outside in the garden during the good months. We are also wary of extra noise at REDACTED. And because the pavement here is very narrow it's not uncommon for people to queue in REDACTED popular weekends. Again, we have accepted that during the daytime hours. But the thought of a busy wine bar scene at night when we're using the REDACTED is depressing.

Thank you for your consideration. I've attached a few pictures of REDACTED to give you a better picture.

Regards,

REDACTED Telephone – REDACTED

Photos Included – REDACTED