

Licensing Panel (Licensing Act 2003 Functions)

Date: **11 April 2023**

Time: **10.00am**

Venue **Virtual**

Members: **Simson, Theobald, & Moonan**

Contact: **Thomas Bald**
Democratic Services Officer
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AGENDA

1 TO APPOINT A CHAIR FOR THE MEETING

WELCOME & INTRODUCTIONS

2 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the Licensing Committee may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

3 PIZZA GOGO LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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Contact Officer: Corinne Hardcastle
Ward Affected: Rottingdean Coastal

Tel: 0127329

Date of Publication - Friday, 31 March 2023

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Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council

Subject:	Application for a New Premises Licence under the Licensing Act 2003		
Premises:	Pizza GoGo 144 Saltdean Vale Saltdean Brighton BN2 8HF		
Applicant:	Fast Food Guru Ltd		
Date of Meeting:	11 April 2023		
Report of:	Executive Director of Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Emma Grant	Tel: (01273) 292381.
	Email:	emma.grant@brighton-hove.gov.uk	
Ward(s) affected:	Rottingdean Coastal		

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for Pizza GoGo.

2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for Pizza GoGo.

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a New Premises Licence under the Licensing Act 2003. The application proposes

Fast food takeaway for delivery and collection

- 3.2 Part M of the application is detailed at Appendix A and the plan of the premises is attached at Appendix B

- 3.3 Summary table of proposed activities.

	Proposed
Late Night Refreshment	The application was for every day from 23:00 - 02:00 however amended hours were agreed with the Police Licensing Unit and the proposed hours are now Sunday to Thursday 23:00 to 00:00 Friday and Saturday 23:00 to 02:00
Hours premises are open to public	Every day: 11:00 – 02:00

- 3.4** The premises does not fall in the Cumulative Impact Area or the Special Stress Area.

Representations received

- 3.5** Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:
- 3.6** 15 representations were received. They were received from local residents and a local Councillor.
- 3.7** Representations received had concerns relating to Prevention of Crime and Disorder and Prevention of Public Nuisance.
- 3.8** Full details of the representations and agreement with Sussex Police and Environmental Protection 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. This policy takes effect from the 4th February 2021. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the

licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

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

1.2 The licensing objectives are:

- (a) the prevention of crime and disorder.
- (b) public safety.
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

1.3 Scope

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

3 Special Policies and Initiatives

3.3 The Matrix Approach

The Licensing Authority will support:

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

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

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

	Cumulative Impact Area	Special Stress Area	Other Areas
Restaurant	Yes (midnight)	Yes (midnight)	Yes (midnight)
Café	Yes (10 pm)	Yes (10 pm)	Yes (10 pm)
Late Night Takeaways	No	Yes (midnight)	Yes (midnight)
Night Club	No	No	No
Pub	No	Yes (11pm)	Yes (midnight)
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes (favourable)
Off-licence	No	No	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
Members Club (club premises certificate)	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes

Notes on matrix

Subject to the following notes, the policy, as represented in the matrix, will be strictly adhered to:

- 1) Each application will be considered on individual merit
- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social

responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).

6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.

7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or cafes, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing on our website www.brighton-hove.gov.uk/licensingact.

8) In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops.

9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The licensing authority will have regard to Noise Council guidance.

10) Non-alcohol led category does not include "alcohol in shared workplaces". It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on "alcohol in shared workplaces" please see paragraph 3.3.4-3.3.6.

4 Prevention of Crime and Disorder

The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.

4.1.1 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced.

Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.

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

4.2 Sussex Police

4.2.1 Sussex Police have a specific Operation relating to the night time economy called Operation Marble (detailed in 3.4.1) and work closely with partners to ensure a safe and vibrant city centre. There continues to be an increasing demand for resources further into the early hours of the morning with the highest concentration of crimes occurring between 21:00 and 06:00 on a Friday into a Saturday and between 20:00 and 06:00 on a Saturday night into a Sunday. The data set used shows that up to 80% of arrests made in the timeframe 20:00 – 06:00 on these days were affected by alcohol. For full details of these statistics see the Cumulative Impact Assessment at Appendix E.

4.2.2 The dealing and use of drugs remains an issue across the city and Sussex Police welcome proactive policies from licensed premises. A drug safe and seizure recording initiative is in place of which further details can be obtained by contacting Brighton & Hove Police Licensing (brighton.licensing@sussex.pnn.police.uk). This initiative encourages licensed premises with Door Supervisors to search and seize drugs from persons attempting to enter their premises and ensures that once drugs are removed from persons, they can be safely collected and destroyed by Sussex Police.

4.2.3 Dispersal from the city centre during the late evening and early morning remains a policing challenge. Over recent years, there has been a proliferation of off-licences and late night refreshment venues along the city's arterial routes. This has led to incident 'hot spots' where patrons from the night time economy continue to interact, albeit away from any safety measures afforded by on-licences. As such, Sussex Police support the Council's Special Policy in offering guidance to both applicants and the Licensing Committee in relation to off-licences and late night refreshment

licences.

4.2.4 Sussex Police have continuing concerns that, despite staff training in age-restricted sales, under age individuals are still being served alcohol both on and off the premises in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted to highlight premises where sales are taking place and ensure appropriate enforcement action is taken to prevent further sales. The introduction of identification scanning machines at premises throughout the city has proved successful in mitigating some risk, but operators must maintain vigilance regarding the fraudulent use of genuine IDs. Sussex Police continue to work alongside the Business Crime Reduction Partnership to tackle the problem of those who use false or another's identification to enter licensed premises and purchase alcohol.

4.2.5 Sussex Police work closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. As well as work to prevent under age sales, vulnerability training is offered to identify persons who may have been made vulnerable through alcohol or drugs. Sussex Police also support initiatives such as (but not limited to) safe spaces, mobile teams of volunteers actively checking people's well-being and the Beach Patrol.

4.2.6 Public Space Protection Orders have proved an effective tool for Sussex Police in targeting enforcement action in problem areas of the city. It 'allows Police Officers and Police Community Support Officers to remove alcohol from any person in a public place if that person is involved in anti-social behaviour (ASB) or the officer believes that by having alcohol in their possession there is an increased risk of ASB. It is an offence to refuse to hand over alcohol when required to do so.' They have been particularly effective in the day time economy where members of the street community are causing ASB issues for members of the public and local businesses, especially during the summer months where there is a large influx of visitors to Brighton & Hove.

4.2.7 Policing the night time economy continues to provide a challenge and in the climate of limited resources and newly emerging problems, Sussex Police support maintaining the council's Special Policy which defines cumulative impact and special stress and will continue to take enforcement action where appropriate if the actions of a Premises Licence Holder, Designated Premises Supervisor, Door Supervisors or Staff have fallen below the high standard expected across the city. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton & Hove a safe and enjoyable city.

4.3 Care, control and supervision of premises

4.3.1 The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an

operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.

4.3.2 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, eg type of licence, capacity, operating hours restrictions.

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

4.3.4 This policy recognises the use of registered Door Supervisors All Door Supervisors will be licensed by the Security Industry Authority. Mobile security units and similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. This policy endorses the use of units following such guidance and standards in appropriate circumstances.

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

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

6 Prevention of Public Nuisance

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

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

6.1.2 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence. Noise emanating from within licensed premises should not normally be audible outside.

6.1.3 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

6.1.4 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.

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.

8 Integration of Strategies

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

- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
- Liaising and consulting with Public and Alcohol Programme Board
- Liaising and consulting with the East Sussex Fire & Rescue Service
- Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
- Liaising and consulting with the Planning authority
- Liaising and consulting with the Highways authority
- Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
- Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice

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

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

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

8.1.5 Specific conditions may be attached to premises licences to reflect local crime

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

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

8.3 Enforcement

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

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

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

APPENDIX A – Licensing Best Practice Measures

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

- the adoption of a policy (e.g. Challenge 25) with acceptable proof of ID as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours

- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital CCTV system by liaison with, and to a standard approved by, Sussex Police
- policies for dispersal of customers which may include signage regarding taxi services' telephone numbers and advice to respect neighbours and minimize noise

Items to which positive consideration would be given:

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

Recommend best practice for both on and off premises

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

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

Finance Officer Consulted Michael Bentley

Date: 21/03/23

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: 21/03/23

Equalities Implications:

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

Sustainability Implications:

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

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part M of the Application
2. Appendix B – Plan of Premises
3. Appendix C – Representations and agreement with Sussex Police and Environmental Protection
4. Appendix D – Map of area

Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018.

Public Health Framework for Assessing Alcohol Licensing – January 2022.

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

Appendix A

M

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

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

I WILL MAKE SURE ALL MY STAFF ARE WELL TRAINED AND EQUIPED TO CARRY OUT THEIR DUTIES SAFELY AND FOLLOW GOVERNMENT GUIDELINES AND LICENCE CONDITIONS.

b) **The prevention of crime and disorder**

I HAVE CCTV CAMERAS INSTALLED ON THE PREMISES WHICH IS AND WILL BE AVAILABLE AT ANY TIME FOR CRIME PREVENTION FOR THE POLICE AND COUNCIL AUTHORITY SHOULD THIS BE NEEDED.

c) **Public safety**

I HAVE ALL FIRE SAFETY PROCEDURES IN THE PREMISES, THIS INCLUDES, CO₂, FIRE BLANKET, FIRE EXTINGUISHER, SMOKE ALARMS, EMERGENCY LIGHTING, FIRE EXIT SIGNS AND ALL APPLIANCES ARE ANNUALLY INSPECTED.

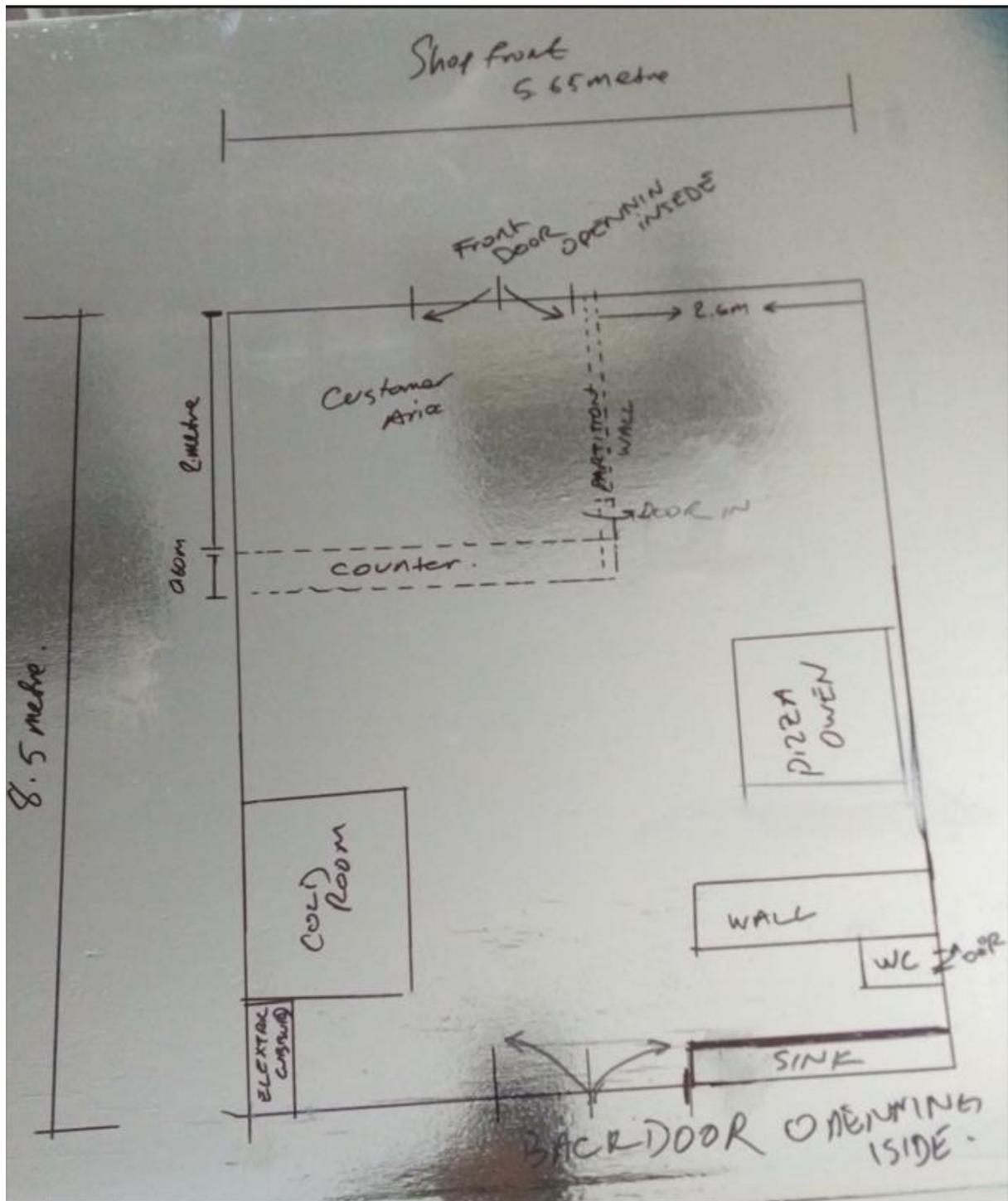
d) **The prevention of public nuisance**

ALL CUSTOMERS WILL BE ASKED TO LEAVE QUIETLY. CLEAR AND LEGIBLE NOTICES WILL BE PROMINENTLY DISPLAYED TO REMIND ALL CUSTOMERS AND STAFF TO LEAVE QUIETLY AND HAVE REGARD TO OUR NEIGHBOURS.

e) **The protection of children from harm**

THE LICENCEE AND STAFF MEMBERS WILL ASK PERSONS WHO APPEAR TO BE UNDER THE AGE OF 25 FOR PHOTOGRAPHIC ID, IF THE CUSTOMER IS UNABLE TO PROVIDE ID, NO SALE IS MADE. POS WILL BE ON DISPLAY IN STORE.

Appendix B



Appendix C

REP A

From: REDACTED

Sent: 22 February 2023 19:51

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

Cc: bridget@bridgetbythesea.com

Subject: Pizza Go Go , 144 Saltdean Vale

EG CON ENDS 14.03.2023 VALID PPN (A)

I wish to lodge an objection to the proposed closing times for the above business. This is a residential area and the business is not acceptable to be operating late at night. An earlier time may be better but no later than 11.00 pm in any event. The additional noise and vehicle pollution will impact on our wellbeing in this area.

REDACTED

REP B

From: REDACTED

Sent: 23 February 2023 18:34

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>; bridget@bridgetbythesea.com

Subject: 1445/3/2023/2023/00487/lapren Pizza Go Go 144 Saltdean Vale

EG CON ENDS 14.03.2023 VALID PPN (B)

Hi Brighton & Hove Council

I live REDACTED, & there`s been a Pizza Takeaway there on & off for years,

Its good to have in the area, I have purchased from there before myself, BUT

Previously it`s shut at the latest 23:00, & there`s no other premises open that late here anyway.

SO I STRONGLY OBJECT TO THE NOISE proposed after 23:00 at night of little tiny 2 stroke scooters, collecting deliveries & Loads of cars arriving to collect their orders, & the noise & disturbance this will create

This is a quiet area of Saltdean, mostly pensioners & families with little children.

So turning this into a late night early morning takeaway with people outside talking & drinking whilst waiting for there food to be cooked is completely out of character for the area

SO PLEASE LIMIT THE LICENCE TO 23:00 Hrs

Yours

REDACTED

REP C

From: REDACTED

Sent: 22 February 2023 19:31

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

Cc: bridget@bridgetbythesea.com

Subject: Pizza Go Go, 144 Saltdean Vale

EG CON ENDS 14.03.2023 VALID PPN (C)

I wish to lodge an objection regarding the above business late night trading. This is a residential area and do not want people, vehicles and noise etc at 02.00. 7 days a week as proposed.

The business could be open from 9pm until 11pm during the week with weekend trading until midnight.

REDACTED

REP D

From: REDACTED

Sent: 26 February 2023 12:46

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

Cc: REDACTED

Subject: Objections to Licence - 1445/3/2023/00487/LAPREN

EG CON ENDS 14.03.2023 VALID PPN (D)

Dear Sir or Madam

Licence - 1445/3/2023/00487/LAPREN

I would like make the following objects to the above licence planned for Saltdene Vale:-

This is a residential area, mainly elderly and young families

There would be an increase of noise which will affect the health of all residents (physical and mental).

Increase in rubbish on the streets and in our gardens also worries about the lack of recycling from the packaging used in this industry.

Increase of vermin, (rats, badgers, seagulls, foxes etc

Increase to traffic and pollutions effecting the our health and well-being.

Opening another pizza takeaway to an already saturated market, which has 4 in a very close vicinity

Pizza Saltdene Closes at 11pm

V.I.P. Closes at 10pm

Piazza Saltdean Closes at 9pm

Domino's Opening soon in Lustrells Vale

Delivery drivers blocking the BUS STOP as there is a lack of parking near to this shop, or motorbikes driving onto the pavement which is a hazard to everyone's safety.

Worries about attracting inebriated clientele, groups of undesirables hanging around which could bring in drugs, burglaries, fowl language and unsociable behaviour.

All bedrooms face the road which will effect all our sleeping casing an affect on our health.

The take-a-way which was established in this shop wasn't open later than 11pm which was accepted.

Suggested opening hours:- Sunday to Thursday. 11am - 11pm Friday & Saturday. 11am to 12 midnight

REDACTED

REP E

From: REDACTED

Sent: 26 February 2023 14:38

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

Cc: REDACTED

Subject: Pizza go go 144 saltdean vale

EG CON ENDS 14.03.2023 VALID PPN (E)

To whom it may concern.

I am writing to formally object to the license application open hours for Pizza Go Go on Saltdean Vale.

This quiet family neighbourhood has been plagued by antisocial behaviour and I believe that the 2am closing time only serves to exacerbate the issue and facilitate further anti social behaviour.

Furthermore, the noise created by the takeaway and delivery business at these hours is incredibly anti social and will clearly infringe on the quality of life of the local residents.

A far more reasonable closing time would be 10pm.

I look forward to hearing from you.

REDACTED

REP F

From: REDACTED

Sent: 27 February 2023 14:25

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

Subject: Licence - 1445/3/2023/00487/LAPREN

EG CON ENDS 14.03.2023 VALID PPN (F)

Good afternoon

I understand that the proposed hours for this application have been amended.

However until midnight on Sunday to Thursday and deliveries between midnight and 0200 on Friday and Saturday are unacceptable to residents.

This is a very quiet residential area packed full of families and older people. There is with very little traffic after about 10pm.

The sounds of vehicle engines and the slamming of doors will travel a long way.

I would like to speak at the licensing panel please.

Thanks very much.

REDACTED

REP G

From: REDACTED

Sent: 28 February 2023 13:38

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

Subject: Pizza Go Go 144 Saltdean Vale

EG CON ENDS 14.03.2023 VALID PPN (G)

Dear Sir

Please find my objection to the opening of Pizza Go Go Fast food takeaway at 144 Saltdean Vale Saltdean to 2am closing time.

I REDACTED. I find it unacceptable for a Pizza Shop to be open to 2am in a residential area with all the noise and traffic of delivery men and customers. Parking in this area is already congested and I see that this can only increase the congestion.

Thank you for your help in this matter.

REDACTED

REP H

From: REDACTED

Sent: 01 March 2023 00:19

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

Cc: REDACTED

Subject: "Pizza Go Go"

EG CON ENDS 14.03.2023 VALID PPN (H)

Hi REDACTED I would like to unfortunately object to the application of the new opening times as being so close I feel like the noise could be an issue being so close and both working full time I feel like 2am could be quite disruptive . Although open minded and would like to encourage to small business , so 11-1130 would be more suitable. Thank you for your letter.

Thank you

REDACTED

REP I

On 1 Mar 2023, at 14:53, REDACTED wrote:

Good afternoon REDACTED

EG CON ENDS 14.03.2023 VALID PPN (I)

I wanted to put in my objection for the late opening of Go Go Pizza on saltdean vale.

We REDACTED are concerned about the level of noise late at night that we have never had to experience here along saltdean vale disrupting their sleep.

I feel 7 days a week is unnecessary and especially until 2am. I think 11pm over the weekend would be acceptable for such a quiet residential area.

Kind regards

REDACTED

REP J

On 4 Mar 2023, at 11:52, REDACTED wrote:

EG CON ENDS 14.03.2023 VALID PPN (J)

Sirs/ Madams

I wish to object to Pizza Go Go's application for a licence for fast food takeaway and delivery 11a.m. until 2a.m. every day.

This is a quiet residential area and there are children living above the block of flats where this establishment will be housed, as well as directly opposite and in close proximity . These children need a good uninterrupted night's sleep for optimum health, well being and educational attainment. There are also a large number of elderly people in the area who do not wish to be woken in the early hours of the morning by slamming car doors, revving motor bikes and general melee.

Surely a far more acceptable arrangement would be for the establishment to open from 11am until 10pm Sunday to Thursday and 11am until 11pmon Friday and Saturday.

Yours sincerely REDACTED

REP K

From: REDACTED

Sent: 03 March 2023 17:33

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

Subject: 1445/3/2023/00487/LAPREN

EG CON ENDS 14.03.2023 VALID PPN (K)

Regarding the above application for a licence for a takeaway and delivery in Saltdean Vale.

I would like to object to the timings they have asked for, this is a very quiet residential area allowing them to open till midnight and 2am will cause a great deal of disruption to this residential area and very quiet road with little late night or early morning traffic.

I would suggest latest opening is till 2200 at the weekend and 2100 weekdays to try and cause minimal disruption to local residents. I assume they will be mainly delivering outside this area and this will also cause a large increase in the carbon footprint of Saltdean. Apart from the noise of delivery people using cars/mopeds to deliver.

REDACTED

REP L

From: REDACTED

Sent: 05 March 2023 19:30

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

Subject: Objection

EG CON ENDS 14.03.2023 VALID PPN (L)

Reference 1445/3/2023/00487/LAPREN

I am writing to voice my objection to the proposed opening hours of the new takeaway. As resident REDACTED noise of comings and goings so late will be detrimental to ours and our neighbours general wellbeing. There were occasional problems with the previous occupants regarding noise at night and they closed earlier than the new proposed times.

REDACTED

REP N

From: REDACTED

Sent: 12 March 2023 15:26

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

Subject: Objection to opening times

EG CON ENDS 14.03.2023 VALID PPN (N)

Dear Sirs

Re: Opening times for Pizza go go, 144 Saltdean Vale

I wish to object to the above planning application which has requested opening times from 11.00am - 2.00am.

I am aware there has already been a takeaway here but the closing time was approximately 11.30pm. For this quiet corner of Saltdean, that seems completely appropriate. 2.00am with all the associated noise and smells and delivery vehicles is actually being antagonistic towards the community. I suspect he has said 2.00am in the hope of getting something less but this is a highly residential area in a very small parade and 11.30pm does not seem unreasonable as a closing time.

Can I also mention, that although I REDACTED, none of these flats received notification of the planning permission, not even the REDACTED. Are we not considered close enough for it not to be a problem?

Kind regards

REDACTED

REP O

From: REDACTED

Sent: 13 March 2023 18:19

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

Subject: Pizza go go 144 Saltdean Vale

EG CON ENDS 14.03.2023 VALID PPN and PCD (O)

Dear Sir/Madam,

I would like to object to the above application, i REDACTED. Im quite frankly horrified by the times they wish to stay open. My experience of these new owners has been very poor, a few weeks ago i went REDCTED to ask how late they'd be working to as i'd got home from work and there was very loud drilling. The man said for another hour, i asked if he hadnt thought of letting the people who live REDACTED know that theyd be doing the work and he just rudely said - no we can do what we want. They also decided to put what looks a REDACTED at the REDACTED. I know REDACTED spoke to them as they also REDACTED.

This obviously makes me worry about our REDACTED and how they might be.

I see they want to be open so late too! 2am on Fri & Sat this means theyd be delivering poss up to 3am!? So we'd have noise especially noisy scooters/cars/vans which would be unbearable. We hear a lot from the takeaway when its open, the shouting from the kitchen, banging & the ventilation vibrates through the buidling.

Theres no need for them to open after 11pm - Saltdean Vale is so quiet even after 8pm in the evening & even at the weekend.

Theres also 2 pizza places really close on lustrells vale already incl a new Dominos pizza.

On a personal note my REDACTED - i know he'd be really affected by the noise he has been already by the previous owners and they were never open so late.

I would suggest 10pm to be the latest opening time, so they would then be delivering those orders till 11pm. I would question why 7 days a week too? Could they not have at least one day a week closed?

Any later would be massively to the detriment of REDACTED.

Lastly whenever weve had a takeaway in that shop it has attracted some groups of youngsters who then gather around the bus stop outside, it then used to get smashed up a lot and we'd see police coming up here a fair bit at the weekend.

Many thanks for reading,

Best regards

REDACTED

REP P

From: REDACTED
Sent: 13 March 2023 21:04
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Licence - 1445/3/2023/00487/LAPREN

EG CON ENDS 14.03.2023 VALID PPN and PCD (P)

To Whom It May Concern

As a resident who has lived in the area for over ten years, I object to this application. Like my neighbours, I was attracted to this calm and peaceful environment having previously being exposed to the relentless noise and hustle and bustle of Brighton.

This is a residential area and the residents like it how it is. We don't want to be disturbed by cars coming and going until two in the morning. There is no mention of whether the premises will be purely take-away or whether there will be seating provided and, if so, we don't want to have to endure possible drunk and disorderly behaviour. I would also object to an earlier closing time because many residents here work shifts or nights and have to sleep during the day. There is already plenty of provision for the purchase of "refreshments" in both Longridge Avenue and Lustrells Vale so, please, have respect for the residents and allow us to continue to enjoy our tranquil oasis.

REDACTED

Agreement with Sussex Police

Dear All,

As you will see from the below email thread we have been in consultation with the applicant for Pizza GoGo in Saltdean. They have agreed new operating hours and also our proposed conditions of which we have attached.

Subject to the licence going through as per this agreement, Sussex Police have no representation to make against it.

Kind Regards

Mark.



Mark Thorogood
Police Licensing Officer

Brighton & Hove Licensing Unit : John Street, Brighton
Telephone: 01273 404 535 Ext: REDACTED Mobile: REDACTED

Pizza GoGo Saltdean Proposed Conditions.

Operating Hours

Sunday – Thursday 11:00 – 00:00

Friday & Saturday 11:00 – 02:00 – Between 00:00 – 02:00 deliveries only

General

1. After 00:00 (midnight) on Friday and Saturday the premises will be closed to the public so there will be no takeaways or eating in after that time; only deliveries will take place. Appropriate signage will reinforce this.

Prevention of Crime and Disorder:

2. Subject to GDPR guidance and legislation:
 - (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the 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.

- (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) 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.
3. (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 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.

Public Safety:

As offered within the original application or agreed with another responsible authority.

Prevention of Public Nuisance:

As offered within the original application or agreed with another responsible authority

Protection of Children from Harm:

As offered within the original application or agreed with another responsible authority

Agreement with Environmental Protection

Hello there,

Please see email chain below with the applicant who has agreed for additional conditions to be added to any new licence that may be granted along with the applicants proposed conditions. This will be under "The Prevention of Public Nuisance"

1. Deliveries, recycling and rubbish should not be dropped off, collected or placed outside except between the hours of 7am and 7pm.
2. Delivery drivers shall not cause a noise disturbance to the occupiers of any residential properties surrounding the premises. This includes the avoidance of slamming doors, playing loud music, shouting, overrevving engines and sounding horns to signal arrival. The driver shall turn the engine off immediately upon arrival for collection.
3. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.

With this in mind there will be no further comment from EP.

Thank-you

Mylene Hayward

Environmental Protection Officer

2259

From: Pizza GoGo Saltdean <pizzagogosaltdean@gmail.com>

Sent: 04 March 2023 14:18

To: Mylene Hayward <Mylene.Hayward@brighton-hove.gov.uk>

Subject: Re: New Premises licence application for 144 Saltdean Vale

Dear Mylene

I have read and happy to confirm for the additional terms to be added on the application and I will take all reasonable steps to make sure all staff are well trained and adhere to all conditions.

Thanks

Sardar

On Tue, 28 Feb 2023, 13:37 Mylene Hayward, <Mylene.Hayward@brighton-hove.gov.uk> wrote:

Hello there,

I have been asked to comment on your new premises licence application for 144 Saltdean Vale, Saltdean on behalf of the Environmental Protection team (noise team).

I note that following consultation with the Police you have amended the opening times Sunday to Thursday 23-00hrs – 00-00 and 23-00hrs to 02-00hrs Friday and Saturday but delivery only after midnight.

I note from checking the area that this area is a residential area with residential above as well.

I would like to propose some additional conditions to be added to the licence under The Prevention of Public Nuisance:-

1. Deliveries, recycling and rubbish should not be dropped off, collected or placed outside except between the hours of 7am and 7pm.
2. Delivery drivers shall not cause a noise disturbance to the occupiers of any residential properties surrounding the premises. This includes the avoidance of slamming doors, playing loud music, shouting, overrevving engines and sounding horns to signal arrival. The driver shall turn the engine off immediately upon arrival for collection.
3. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.

I would like you to consider these additional conditions and let me know if you are happy for these to be added to any new licence.

Many thanks

Mylene Hayward

Environmental Protection Officer

Appendix D

