

Licensing Panel (Licensing Act 2003 Functions)

Date: **22 May 2024**

Time: **11.30am**

Venue **Virtual**

Members: Cattell, Hewitt and McGregor

Contact: **Niall Breen**
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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.

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(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.

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3 TASTE OF THE CARIBBEAN FOOD & DRINK FESTIVAL LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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Contact Officer: Corinne Hardcastle
Ward Affected: Westdene & Hove Park

Tel: 0127329

Date of Publication - Tuesday, 14 May 2024

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Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council

Subject:	Application for a New Time Limited Premises Licence under the Licensing Act 2003		
Premises:	Taste of The Caribbean Food & Drink Festival, Hove Park, Goldstone Crescent, Hove, BN3 6BG		
Applicant:	S&A Entertainment Ltd		
Date of Meeting:	23 April 2024		
Report of:	Executive Director of Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Emma Grant	Tel: 07826 951829
	Email:	Emma.grant@brighton-hove.gov.uk	
Ward(s) affected:	Westdene & Hove Park		

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a New Time Limited Premises Licence under the Licensing Act 2003 for Taste of The Caribbean Food & Drink Festival.

2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a New Time Limited Premises Licence under the Licensing Act 2003 for Taste of The Caribbean Food & Drink Festival.

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

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

“This application is for the grant of a premises license to be used on 2 days each year, on the occasion of the Taste of the Caribbean Food & Drink Festival.

The event will take place on Saturday 22nd June 2024, thereafter it will run on a consecutive Saturday and Sunday for one weekend each year between May - September (dates to be confirmed with the Council on a yearly basis)

The premises is a public park/recreation ground, we will be using one section of the park. This area will be enclosed using heras perimeter fencing, with one entrance and two exits.

We will have alcohol serving bars at different locations on the site, small live music stage, small funfair rides and a kid’s area.

The event will be ticketed, with a small amount of tickets available for on the door purchases from local community residents who are in the park on the day, did not know about the event and want to participate. This will mean we can keep a full track of the capacity and not exceed the numbers.”

3.2 Section 18 (Operating Schedule) of the application is detailed at Appendix A and the proposed plan of the premises is attached at Appendix B

3.3 Summary table of proposed activities

3.4

	Proposed
Live music	Saturday 22/06/24 – 10:00-20:00 Outdoors
Recorded Music	Saturday 22/06/24 – 10:00-20:00 Outdoors
Supply of Alcohol	Saturday 22/06/24 – 10:00-20:00 On the Premises
Hours premises are open to public	Saturday 22/06/24 – 10:00-20:00

3.5 The premises does not fall in the Cumulative Impact Area or the Special Stress Area.

Representations received

3.6 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

3.7 2 representations were received. They were received from local residents.

3.8 Representations received had concerns relating to Prevention of Public Nuisance.

3.9 Full details of the representations and agreed conditions between Police Licensing 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.

3.3 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.

3.6 Street drinking

3.6.1 The Licensing Authority will have regard to areas highlighted by Sussex Police that are at risk from alcohol related anti-social behaviour. The nature of these areas can be fluid/seasonal and so updated maps and data will be produced regularly to ensure the information is current. These hot spot areas are considered high risk for street drinkers and the Licensing Authority will have regard to prevention of crime and disorder by virtue of street drinking and anti-social behaviour when considering

applications in this area.

3.9 Promoters and irresponsible drinks promotions

3.9.1 The Licensing Act 2003 makes no mention or provision for the use of promoters within licensed premises. Many of the late night bars and clubs within the Brighton & Hove Cumulative Impact Zone regularly hire promoters to sell nights at their venues. In recent years with the introduction of promoters within the Brighton night time economy, several issues have arisen. This includes promoters vouching for underage customers to get them inside licensed premises where they can access alcohol, providing flyers to passers-by who throw them on the floor and irresponsible promotions for their nights. Many premises now have an agreement with their promoter for acceptable promotions and behaviour which includes the signing of a written contract of expectations. This shows premises evidencing their due diligence and ensures that promotion companies know what is expected of them. The contract could include, obligations to pick up self-generated litter, verification of ages of their customers and users of their social media, promoters being over the age of 18 and responsible advertising on social media.

3.9.2 The Licensing Authority expect licensed premises to develop staff policy and training on recognising signs of drunkenness and vulnerability, for example, offering drinking water and tips for refusing customers who appear drunk. And discourage company policies that promote bonuses and sales incentives for selling alcohol. Licensing Authority will expect necessary precautionary processes to restrict drunkenness, e.g. Licensing Guidance states happy hours should not be designed to encourage individuals to drink excessively or rapidly.

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

10 Live Music, Dancing & Theatre

10.1.1 This policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. The impact of licensing on regulated entertainment, particularly live music and dancing, will be monitored. Where indications are that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how such situations might be reversed.

10.1.2 The Licensing Committee represents the general interests of a community in determining what conditions should be attached to licences and certificates as a

matter of necessity for the promotion of the licensing objectives. All members of the Licensing Committee will be trained on Licensing Act 2003 and S182 Guidance. The Licensing authority is aware of the need to avoid measures which deter live music, dancing and theatre - such as imposing indirect costs out of proportion to the income of the licence holder and to the risks presented. Only appropriate, proportionate and reasonable licensing conditions should impose any restrictions on such events.

10.1.3 The licensing committee will support the cultural zones, outdoor eating areas, food led operations, community pubs, live entertainment and protect living conditions in mixed use areas.

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: 16/04/24

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: 05/04/24

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 – Schedule 18 of the Application (Operating Schedule)
2. Appendix B – Proposed Plan of Premises
4. Appendix C – Representations and Agreed conditions between Police Licensing and Environmental Protection
5. 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, December 2023.

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

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

We will work with and take advice from the local authorities via the SAG to ensure the prevention of crime, disorder and to ensure the event takes place safely and successfully.

All staff members engaged in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to age-restricted sales, challenge 25 and the refusal of sales to persons believed to be under the influence of alcohol or drugs.

All staff will receive training on the four licensing objectives and the ask for Angela campaign.

We will also have the following:

Experienced Security team and full security management plan

Medical team on site throughout the duration of event and full medical plan

Challenge 25 policy and signage

Full event management plan including lost child and vulnerable person procedures

Controlled drinking procedures

b) The prevention of crime and disorder

We are using a highly recommended security team who have a wealth of experience with events of this nature and larger events, they have provided a full event security plan that details the security operation for the day.

The target clientele for this event is adults aged 35 - 70 and families. The site will have secure heras perimeter fencing, the event will be ticketed.

Security shall have the right to refuse entry to any unauthorised/disorderly person or any person not complying with the conditions of entry. Anyone who appears to be drunk or intoxicated shall not be allowed entry to the event site.

Continued from previous page...

Heras fencing will be erected around the perimeter of the event as shown on the site plan and constantly monitored by security staff during the event.

All staff members engaged in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to age-restricted sales, challenge 25 and the refusal of sales to persons believed to be under the influence of alcohol or drugs.

The challenge 25 proof of age scheme shall be operated at each bar, the only acceptable forms of identification will be government issued photographic identification cards, such as a driving licence and passport.

Each bar shall have a record of all refused sales of alcohol. The record will include the time of sale and description of the person refused.

No alcoholic drinks shall be permitted to leave the perimeter of the site. Customers will not be permitted to bring alcohol on site and may only consume alcohol which has been purchased from the premises

c) Public safety

For each event held under the license, an Event Safety Management Document (specific to the event) shall be completed, outlining the proposed management structure (including responsibilities and contact details), together with details of the organisation, control, monitoring and review mechanisms as identified by the event specific risk assessment.

The document shall be submitted to the Licensing Authority, the Metropolitan Police and the Emergency Planning Authority at least 4 calendar months prior to the event.

The Licensing Authority and the Metropolitan Police shall have an absolute power of veto where they are not satisfied with the measures proposed.

We have a full event management plan that sets out procedures in all areas for public safety, this includes a risk assessment to make us aware of any potential dangers to the public.

The event security team and medical team will be on site at all times during the event.

The event will have clear conditions of entry as follows – “No glass bottles, no alcohol shall be brought onto site, no illegal drugs or prohibited highs, no weapons of any kind, or anti-social behaviour will be tolerated, and the organisers reserve the right to refuse admission.”

The event manager will be on site to oversee the event build, live and break. His duties will include but not be limited to overseeing the following:

Assessment of contractors and their safety documentation prior to their arrival on site

The undertaking of site and task specific risk assessments

Sign off Policy for temporary installations by contractors

Protection of audience and staff from noise

Adherence to food hygiene standards

Safe installation and operation of generators and temporary power supplies

Adequate provision of medical facilities on site as documented in the medical plan

Continued from previous page...

Appropriate provision of firefighting equipment throughout the site in accordance with Fire Safety Management Plan

d) The prevention of public nuisance

We will not encourage heavy drinking, customers who appear to be near to the limit will be refused service. We will have portaloos and large dustbins on the inside and also the outside of the perimeter fencing.

We have a full security team that are experienced in dealing with any nuisance behavior.

The event production manager will take noise measurement readings both within the perimeter fence and outside of the perimeter fence at the park boundaries to ensure noise levels are complied with at regular intervals

A resident contact telephone line to contact the site management team will be operated during the build, live and break periods of the event.

Communication will be sent to all ticket holders giving them walking routes from the main public transport stations that limit the use of smaller residential roads.

e) The protection of children from harm

We have a lost child and vulnerable person procedure in the event management plan.

















This is a family friendly event but we will still encourage adults to not leave children under the age of 16 unattended.

The event will have a strict challenge 25 policy for alcohol sales.

Appendix B



TASTE OF THE CARIBBEAN FOOD & DRINK
FESTIVAL SITE MAP KEY

- | | |
|---|---|
|  BAR |  BOUNCY CASTLE |
|  TREE OR FLOWER BUSH |  MEDICAL TENT |
|  HERRAS FENCING |  INFO TENT / LOST CHILDREN |
|  FOOD VENDOR |  SAFETY BARRIERS |
|  PRODUCE / ARTS & CRAFT VENDOR |  PARKING |
|  TOILETS |  SECURITY CONTROL |
|  MAIN STAGE |  B.O.H PRODUCTION VAN |
|  FUNFAIR RIDES |  ARTIST GREEN ROOM |

Appendix C

REP A

From: REDACTED

Sent: Sunday, March 24, 2024 3:59 PM

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

Subject: Premises license Hove Park, Goldstone Crescent, Brighton & Hove, BN3 6BG

I object to this application on the grounds that it inadequately describes the nature of the application.

For example, it fails to answer the following questions:

1. if licensing approval is given for this year's event, will that approval automatically be carried forward for all subsequent years or will a new publicly advertised application be required for each following year on an individual basis?
2. Where is the information I was told was available about "the applicant's proposed measures in an Event Management Plan and Risk Assessment, a noise management plan, Fire Safety and evacuation plan, Medical plan and Security plan"?

It is difficult to formulate an objection without knowing anything about these arrangements. So there is no option but to object.

3. Will the proposed music be continuous between the hours of 10am to 8pm? What are the numbers of people likely to attend?
4. What will be the likely noise levels or degree of nuisance likely to be experienced by local residents?
5. Will it attract all day parking in the surrounding streets which could cause difficulties for local residents?
6. Will the effect on residents for this year's event be monitored and reactions sought from people living in adjacent areas, before any decision is made about the two-day events proposed for subsequent years?
7. If the noise levels turn out to be high enough to become a nuisance, will there be a way in which complaints can be urgently made and the noise levels reduced to an acceptable level?

Yours faithfully,

REDACTED

REP B

From: REDACTED

Sent: Monday, March 25, 2024 12:03 PM

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

Subject: S & A Entertainment Ltd - Licensing Application - Objection

Dear Sirs,

My wife and I live in REDACTED, adjacent to Hove Park and strongly object to the licencing application by S & A Entertainment Ltd on the grounds that:

1. The toilet and other hygiene facilities in this location are limited and inadequate for an event which may attract large numbers of people.

2. The events proposed are based on live and recorded music, which if played at high volume will disturb the peaceful enjoyment of local homes.

Yours Faithfully

REDACTED

From: REDACTED

Sent: Monday, March 25, 2024 1:14 PM

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

Subject: Re: S & A Entertainment Ltd - Licensing Application – Objection

Dear Mr Boufrahi,

Thank you for your email.

Our full address is:

REDACTED

Proposed conditions for the new time limited licence application for Taste of the Caribbean, Hove Park – 19/03/2024

Conditions:

Taken from original application

New/Addition/Amendment

~~Remove/replace~~ (taken from original application)

General:

1. The event will run for 2 consecutive days maximum a year (Saturday into Sunday) on a date agreed at least 6 months in advance with Brighton & Hove City Council). This date will fall between May and September each year.
2. The Licence is subject to obtaining Landlords Annual Consent from Brighton & Hove City Council.
3. All planning for the event will be in line with recommendations laid out in the online 'Purple Guide' and HSG154 Managing Crowds Safely and will be planned in strong consultation with local authorities and licensing staff via regular ELT meetings starting no less than 4 months before the proposed start date of any activities on the site.
4. The final site layout shall be as agreed with the event health and safety advisor and Security consultant and all statutory authorities (which includes but is not limited to members of the council events department, licensing, highways, parking, and blue light services).
5. Organisers/the premises licence holder will work with and take advice from the local authorities via the SAG to ensure the prevention of crime, disorder and to ensure the event takes place safely and successfully.
6. No event shall take place until an Event Management Plan (including an Event Safety Management Document) has been submitted to and approved by all other relevant statutory bodies not less than three (3) months prior to the proposed Event. If any changes are made after this time, notification to be sent to the responsible authorities in writing (this can be by email).
7. No alcohol will be sold for consumption 'off' the premises under this licence.
8. At all times the bars are in operation and carrying out licensable activity, a personal licence holder (PersLH) will be on site at a ratio of 1 PersLH to every 2 licensed bars. Furthermore, whenever the premises are open to the public the Designated Premises Supervisor shall be present within the licensed premises.
9. Authorised staff employed by Sussex Police shall have free access to all parts of the licensed premises at all times licensable activity is taking place or when open for licensable activity, for the purpose of inspection to ensure

compliance with the terms and conditions of the premises licence and to ensure the promotion of the licensing objectives.

- ~~• All staff members engaged in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to age-restricted sales, challenge 25 and the refusal of sales to persons believed to be under the influence of alcohol or drugs.~~
 - ~~• All staff will receive training on the four licensing objectives and the ask for Angela campaign.~~
10. Organisers/the premises licence holder ensure the following is in place:
- a) Experienced Security team and full security management plan
 - b) Medical team on site throughout the duration of event and full medical plan
 - c) Challenge 25 policy and signage
 - d) Full event management plan including lost child and vulnerable person procedures
 - e) Controlled drinking procedures

Additional conditions as agreed with another Agency.

For the Prevention of Crime and Disorder:

- ~~• We are using a highly recommended security team who have a wealth of experience with events of this nature and larger events, they have provided a full event security plan that details the security operation for the day.~~
11. Security shall have the right to refuse entry to any unauthorised/disorderly person or any person not complying with the conditions of entry. Anyone who appears to be drunk or intoxicated shall not be allowed entry to the event site.
12. Secure Heras fencing will be erected around the perimeter of the event as shown on the site plan and constantly monitored by security staff during the event.
- ~~• All staff members engaged in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to age-restricted sales, challenge 25 and the refusal of sales to persons believed to be under the influence of alcohol or drugs.~~
 - ~~• The challenge 25 proof of age scheme shall be operated at each bar, the only acceptable forms of identification will be government issued photographic identification cards, such as a driving licence and passport.~~
13. No alcoholic drinks shall be permitted to leave the perimeter of the site. Customers will not be permitted to bring alcohol on site and may only consume alcohol which has been purchased from the premises.

14. SIA security will be employed to monitor the site overnight at numbers set by the Event Safety Management Document.
15. An incident log shall be kept at the premises and must be completed within 24 hours of the incident. It will record the following:
- a) all crimes reported to the venue
 - b) all ejections of patrons
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder
 - e) all seizures of drugs or offensive weapons
 - f) any visit by a relevant authority or emergency service.

16. The incident log will:

- a) be inspected and signed off by the DPS (or a person with delegated authority) at the end of each day of the event.
- b) be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence or as listed in condition 15 above.
- c) be used to give feedback to staff to ensure that the log is used on each occasion that a refusal, ejection or incident occurs at the premises and to identify any patterns or trends.
- d) be kept for a minimum of six (6) months post event.

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

For Public Safety:

17. No drinks (alcoholic or non-alcoholic) will be served in glass or glass bottles.
18. For each event held under the licence, an Event Safety Management Document (specific to the event) shall be completed, outlining the proposed management structure (including responsibilities and contact details), together with details of the organisation, control, monitoring and review mechanisms as identified by the event specific risk assessment.
19. The document shall be submitted to the Licensing Authority, ~~the Metropolitan Police~~ Sussex Police and the Emergency Planning Authority at least 4 calendar months prior to the event.
20. The Licensing Authority and ~~the Metropolitan Police~~ Sussex Police shall have an absolute power of veto where they are not satisfied with the measures proposed.

- ~~• We have a full event management plan that sets out procedures in all areas for public safety, this includes a risk assessment to make us aware of any potential dangers to the public.(covered by condition 15)~~

21. The event security team and medical team will be on site at all times during the event.

22. All licensed door staff will use radios to contact each other and will wear hi-visibility arm bands with their SIA badge clearly on display. They will also be in high visibility jackets or similar and should be clearly identifiable as security.

23. All stewards will wear high visibility jackets or similar and should be clearly identifiable as stewards.

24. ~~The target clientele for this event is adults aged 35–70 and families. The site will have secure Heras perimeter fencing and~~ The event will be ticketed and conditions of entry attached to this as detailed in condition 25 below, including 'no ticket, no entry'.

25. The event will have clear conditions of entry as follows – “No glass bottles, no alcohol shall be brought onto site, no illegal drugs or prohibited highs, no weapons of any kind, or anti-social behaviour will be tolerated, and the organisers reserve the right to refuse admission.”

26. The event manager will be on site to oversee the event build, live and break. His duties will include but not be limited to overseeing the following:

- Assessment of contractors and their safety documentation prior to their arrival on site
- The undertaking of site and task specific risk assessments
- Sign off Policy for temporary installations by contractors
- Protection of audience and staff from noise
- Adherence to food hygiene standards
- Safe installation and operation of generators and temporary power supplies
- Adequate provision of medical facilities on site as documented in the medical plan
- Appropriate provision of firefighting equipment throughout the site in accordance with Fire Safety Management Plan

Additional conditions as agreed with another Agency.

For the Prevention of Public Nuisance:

27. We will not encourage heavy drinking, customers who appear to be near to the limit will be refused service. We will have portaloos and large dustbins on the inside and also the outside of the perimeter fencing.

28. We have a full security team that are experienced in dealing with any nuisance behaviour.

29. The event production manager will take noise measurement readings both within the perimeter fence and outside of the perimeter fence at the park boundaries to ensure noise levels are complied with at regular intervals
30. A resident contact telephone line to contact the site management team will be operated during the build, live and break periods of the event.
31. Communication will be sent to all ticket holders giving them walking routes from the main public transport stations that limit the use of smaller residential roads.

Additional conditions as agreed with Environmental Protection

For the Protection of Children from Harm:

32. There will be a lost child and vulnerable person procedure in the event management plan.
 - ~~This is a family friendly event but we will still encourage adults to not leave children under the age of 16 unattended.~~
33. Children under the age of 14 will not be permitted on site without an adult over the age of 18 accompanying them.
 - ~~The event will have a strict challenge 25 policy for alcohol sales.~~
34. 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.
35. Signage advertising the "Challenge 25" policy will be displayed at all bars selling alcohol throughout the premises site.
36.
 - a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:
 - The four licensing objectives
 - The lawful selling of age restricted products
 - Refusing the sale of alcohol to a person who is drunk
 - Vulnerability initiatives such as 'Ask for Angela'

- 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.
 - c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available for inspection by authorised officers and staff of the Licensing Authority or the police and officers from the Trading Standards team upon request.
37. Each bar shall have a written/electronic record of all refused sales of alcohol. The record will include the time of sale and description of the person refused. Records will be retained for 6 months post event and available for inspection by authorised officers of the Police and Local Authority.

Additional conditions as agreed with another Agency.

Environmental Protection agreed conditions submitted 26/03/2024

From: REDACTED

Sent: Tuesday, March 26, 2024 3:03 PM

To: REDACTED

Cc: EHL Licensing <EHL.Licensing@brighton-hove.gov.uk>; Emma Grant <Emma.Grant@brighton-hove.gov.uk>

Subject: RE: Re: Time Limited Application for Taste of The Caribbean Food & Drink Festival

Dear REDACTED

Thanks for your response.

As agreed in your previous email, kindly revise the event management plan, Taste of The Caribbean Food & Drink Festival Noise Management Plan 2024 and Brighton - Event Management Plan, Taste of the Caribbean 2024, Version 1, dated 2nd February 2024 and prepared by Joe Scholar, to include the following noise mitigation measures:

1. *To reduce noise from construction and dismantling:*

- *staff/contractors **will** take steps to minimise **impact** noise,*
- *switch off and avoid idling of vehicles/machinery where practical,*
- *optimise handling and time taken to complete tasks safely and,*
- *adopt good working practices based on the Code of Practice for Noise and Vibration on Construction and Open Sites BS5228:2009+A1:2014.*

2. *To further attenuate the impact of plant noise:*

- *well maintained and silenced equipment (for example by utilising acoustic barriers) will be employed where necessary,*
- *other noisy equipment e.g., chiller units, extract ventilation, waste disposal **will** be placed as far away as possible from noise sensitive premises, and*
- *plant use **will** be overseen by management and operation times minimised as much as practicable.*

3. *There **will** be additional low frequency controls and monitoring positions **will** be set up, on and off site, to check compliance with noise limits specified in the document.*

4. *Sound checks **will** be done before the event and must comply with these noise limits too.*

5. *A plan to review the Noise Management Plan for future events **will** be in place.*

Furthermore, please note that the following condition to uphold the prevention of Public Nuisance will now be added to your time limited licence:

The licence holder will ensure that all aspects of the operation of the event and provisions made for the event are in compliance with the agreed Event Management Plan as they relate to the prevention of public nuisance.

Kindly respond to all contacts in this email , as confirmation that you will revise the Event Management Plan to include the above measures and that you agree to the stated condition on your licence.

Kind regards

REDACTED | Environmental Health Officer – Environmental Protection

Regulatory Services

Brighton & Hove City Council

2nd Floor, Barts House, Barts Square, BN1 1JP

T 01273292167 | www.brighton-hove.gov.uk/environment/noise-pollution-and-air-quality

Appendix D



Addendum – Comments from Ian Baird, Outdoor Events Development Manager

From: Ian Baird

Sent: Tuesday, April 16, 2024 11:12 AM

To: Subject: RE: Upcoming hearing: premises license application

Hi Damian,

Thanks for the email. Please do share the following:

Damian from Taste of the Caribbean attended a residents forum for Hove Park area on Friday 15 March where he was very willing to share his plans for the event with the assembled residents. I would like it to be noted that the event plans were very well received by all those in attendance and there was good support for events of this sort for the area.

It is our assessment that there is broad local support for the event from the local area and that it will be a great addition to the area.

Ian Baird

Outdoor Events Development Manager

Many thanks,

Ian

Ian Baird | Outdoor Events Development Manager

Culture, Tourism & Sport | Brighton & Hove City Council

