

Licensing Panel (Licensing Act 2003 Functions)

Date: **6 June 2024**

Time: **1.30pm**

Venue **Virtual**

Members: Hewitt, Fowler and Cattell

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.

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 CHICKS LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

7 - 54

Contact Officer: Levente Nagy

Ward Affected: Round Hill

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact , (01273 291354, email niall.breen@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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- Do not re-enter the building until told that it is safe to do so.

Date of Publication - Wednesday, 29 May 2024

Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council

| | | | |
|--------------------------|---|--|----------------------------|
| Subject: | Application for a Variation of a Premises Licence under the Licensing Act 2003 | | |
| Premises: | Chicks 5 Lewes Road, Brighton, BN2 3HP | | |
| Applicant: | Checkachicken Ltd | | |
| Date of Meeting: | 06 June 2024 | | |
| Report of: | Executive Director of Housing, Neighbourhoods & Communities | | |
| Contact Officer: | Name: | Emma Grant | Tel: (01273) 29ext. |
| | Email: | emma.grant@brighton-hove.gov.uk | |
| Ward(s) affected: | Round Hill | | |

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Chicks.

2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Chicks.

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

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

I want to increase the timing of my operations as my current license only allows me to operate the following hours.

Sunday - Thursday - 11:00 - 00:00

Friday and Saturday - 11:00 - 01:00

I want to apply for the following variation.

Monday- Saturday 11:00 - 05:00

Sunday 11:00 - 03:00

- 3.2 Section 16 (Operating Schedule) of the application is detailed at Appendix A and the location of the premises is attached at Appendix B
- 3.3 Summary table of existing and proposed activities

| | Existing | Proposed |
|--|--|--|
| Late Night Refreshment | Friday-Saturday: 23:00 - 01:00 Indoors Sunday-Thursday: 23:00 - 00:00 | Monday – Saturday : 11:00 - 05:00 Indoors Sunday: 11:00 - 03:00 |
| Hours premises are open to public | Friday-Saturday: 11:00 - 01:00 Sunday-Thursday: 11:00 - 00:00 | Monday – Saturday : 11:00 - 05:00 Sunday: 11:00 - 03:00 |

3.4 Existing licence attached at Appendix C

3.5 Special Stress Area: The premises falls within the Special Stress Area. This area is deemed an area of special concern in terms of the levels of crime, disorder, and public nuisance experienced within them. (See paragraphs 3.2 – 3.2.5)

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 Sussex Police and The Licensing Authority.

3.8 Representations received had concerns relating to the Prevention of Crime and Disorder and the Prevention of Public Nuisance and that the premises falls within the Special Stress area as defined in the Councils Statement of Licensing Policy.

Full details of the representations are attached at Appendix D. A map detailing the location of the premises is attached at Appendix E.

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

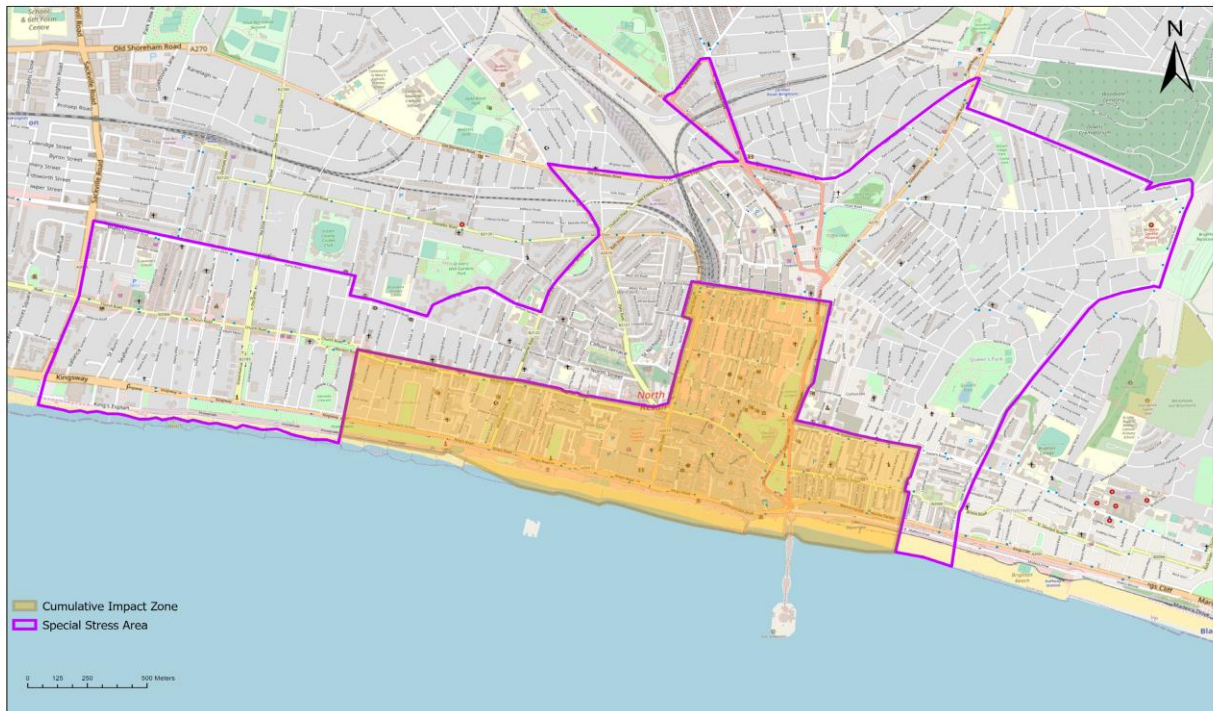
1.3.1 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. 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

3.2 Special Stress Area

3.2.1 The map below details the area of the city centre which borders the Cumulative Impact zone at 3.1.3 and which is deemed an area of special concern in terms of the levels of crime and disorder and public nuisance experienced within it. The area recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below delineated in purple:

Special Stress Area and Cumulative Impact Zone, January 2021



Brighton & Hove Public Health Intelligence, 2021
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The Special Stress Area - an area bounded by and including: The west side of Hove Street/Sackville Road, northwards to the intersection with the north side of Blatchington Road, along north side of Blatchington Road and Eaton Road, southwards at the junction onto the east side of Palmeira Avenue and then eastwards at the junction onto the north side of Landsdowne Road; eastwards to the junction with Furze Hill, along the north side Furze Hill to its end and then due east along the north side of Victoria Road to its junction with Montpelier Road (west side), north to where Montpelier Road joins Vernon Terrace then north to Seven Dials; north west along the west side of Dyke Road until the junction with the Old Shoreham Road, then East along the north side of Old Shoreham Road, continuing on the north end of New England Road, north west at Preston Circus at the junction of New England Road and Preston Road along the west side of Preston Road until the junction with Stanford Avenue then and north east along the north side of Stanford Avenue until the junction with Beaconsfield Road, south along the east side of Beaconsfield Road until the junction at Preston Circus and Viaduct Road, eastwards along the north side of Viaduct Road, then at the junction with Ditchling Road, North East along the north side of Upper Lewes Road until the junction with Lewes Road; south along the Lewes Road to junction with Hartington Road, along the north side of Hartington Road until the junction with St. Helen's Road, south into the north side of May Road, eastwards until its junction with Freshfield Road (east side), then south into Upper Bedford Street, into Bedford Street to the mean water mark south of Bedford Street, then due west until the mean water mark south of Lower Rock Gardens; North on Upper Rock gardens, to the north side of Eastern Road, west along Eastern Road and Edward Street until Grand Parade, north along the Eastern side of Grand Parade to the junction of York Place and Trafalgar Street, West along the Northern boundary of Trafalgar Street, up to and including Surrey Street and then South along the Western boundary of Queens Road to the junction with Air Street, West along the north side of Air Street, South-west to the junction of Western Road Brighton, then

West along the North side of Western Road Brighton, South along the West side of Holland Road to the mean water mark south of Kingsway and Kingsway Esplanade as far as the west side of Hove Street/ Sackville Road.

3.2.2 This Special Stress Area (SSA) is of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it. The area will be kept under review.

3.2.3 New and varied applications for premises and club premises certificates within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. Appendix A of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.

3.2.4 On receipt of any application in the SSA, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in Appendix A, Licensing Best Practice Measures. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.

3.2.5 The Licensing Authority will keep the Cumulative Impact Zone and Special Stress Area under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening, the Special Policy will be reviewed.

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.

3.3.3 Cafes - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following conditions that will prevent the premises becoming a public house.

- The sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables.
- Substantial food shall be available at all times. The licensing authority shall judge each case on its own merits but as a general rule, a bowl of crisps, nuts, or olives does not constitute substantial food.

3.3.3 Restaurants - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following restaurant condition.

- Intoxicating liquor shall not be supplied or sold on the premises otherwise than to persons taking table meals there and for the consumption by such a person as an ancillary to their meal. There will be no vertical drinking.
- Restaurants with outside service - the licensing authority will also consider applications from restaurants that request to serve alcohol to areas adjacent

to or immediately outside their premises. In addition to the above conditions for cafes, the licensing authority will require evidence that the applicants have an agreement with the local authority to use the area as defined on a plan provided. The following condition may also apply:

- The sale and supply of alcohol for consumption off the premises shall be restricted to an area licensed by the Local Authority for use of the public highway as shown on the plan deposited and such area shall be defined by a physical barrier acceptable to the licensing authority.

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: 28/05/24

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: 24/05/24

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 – Section 16 (Operation Schedule)
2. Appendix B – Proposed Plan of Premises
3. Appendix C – Part A of Premises Licence
4. Appendix D – Representations
5. Appendix E – 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

Appendix A

Section 16 of 18

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 have taken all the necessary steps and advice to promote all four licensing objectives which is outlined in the Statement of Licensing Policy 2021. we have taken steps to address and prevent crimes and disorder in the area. we have taken steps in our shop to contribute to public safety in the form of having 24/7 CCTV camera operating outside and inside our shop which holds data for up-to 31 days as per our current licensing condition. we have displayed sign notices that advises our customers to leave the shop quietly and to not disturb the neighbors. we have actively encouraged children under the age of 18 to not enter our premise after 11PM therefore discouraging any form of child coming out at our premise for late night. In addition, we will always actively take action to prevent any forms of harms from happening to a child at our premise and duly notify the authorities in the first instance of such situation. The person responsible for the shop will hold qualification by attending children safeguarding course, the same as provided to Taxi Drivers.

b) The prevention of crime and disorder

To Prevent Crime and Disorder, we have installed CCTV Camera that records data 24/7 keeping data for at least 31 days as per our current licensing condition. In addition, we have contracted Pagoda Security for 24/7 Mobile Support Unit which we can use in times of disorder to help us diffuse any such situation. In addition we have an incident book that is kept at the store to keep records of any incidents that has taken place at our premise which would allow us to help with any police investigation that might take place or any other authority that may find it relevant to their investigation. we will not allow anyone to stay in the shop for any longer time that we deem necessary for them to pick up their food and go. this is if we detect any abnormal behavior then we will take the first step of contacting the police to notify them of the situation.

c) Public safety

our steps such as the CCTV cameras and the notices where we actively notify the public that there are 24/7 CCTV camera in operation which in most instances is seen as an automatic discouragement of any crimes from happening in our premise's vicinity. in addition, we believe that as a result of our shop being open until 5am and customers coming to buy their food in a well lit up shop, we are already improving public safety as our presence will in it self help anyone walking from the level park up or towards the level park at night will feel safer as they can see people working nearby which should give them a sense of not being alone at night. our presence should not be seen as a nuisance, rather it should be seen as a deterrent to anyone thinking to harm the public safety at night in the presence of eye witnesses.

d) The prevention of public nuisance

we are actively taking steps such as notices within our premise to ask customers to leave quietly and not make noises. In addition our services are fast as most of our foods are already cooked and prepared and in most instances it would only take a matter of minutes for them to be served and let go. we do not have any forms of entertainment to keep the customers around therefore the only reason they would be inside our premise would be for them to get their food and go to their home. Since the red route cameras will be active from the 15th of April 2024 on Lewes Road covering the vicinity of our shop and issue fines of £35 if paid within 2 weeks this in it self will discourage any cars being parked outside the shops and reduce traffic nuisance automatically.

e) The protection of children from harm

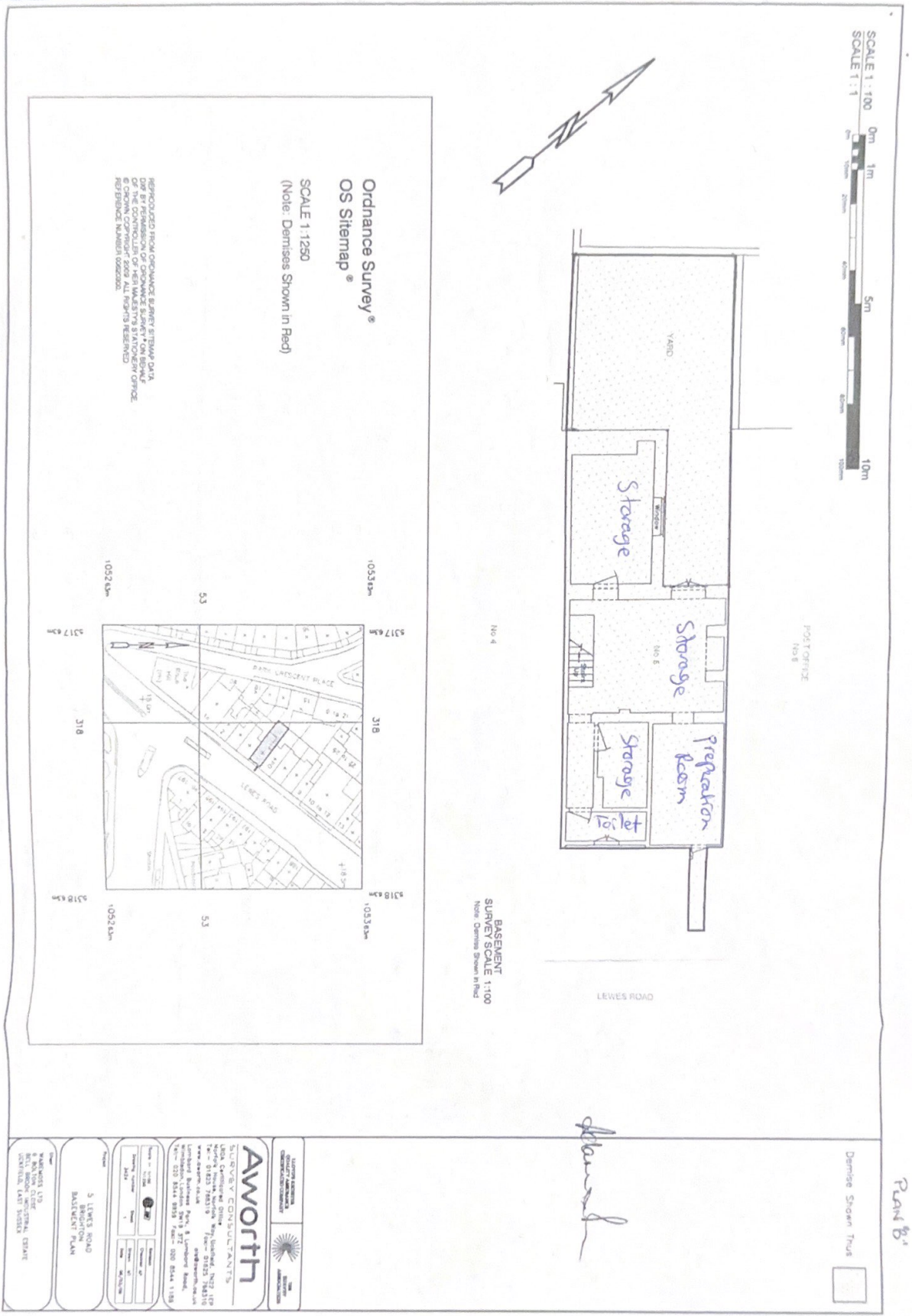
As per our current licensing condition we do not allow any children into our shop after 11PM and we are actively discouraging children to not come to our shop after the said time with Notices on each side of the shop. we have a very small space for people to sit inside the shop and therefore if we do notice any forms of child abuse/harm taking place we

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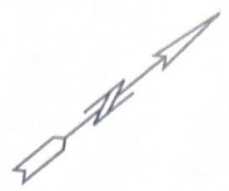
Continued from previous page...

will actively take action to notify the police in first instance. we will provide training to staff as to how to notice and be aware of any child abuse/harm taking place in the shop. we will work with the police on any such matters relating to children's well being.

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SCALE 1:100
 0m 1m 5m 10m
 SCALE 1:1
 0m 20m 40m 60m 80m 100m



GROUND SURVEY SCALE 1:100
 Note: Demises Shown in Red



Ordnance Survey®
 OS Sitemap®
 SCALE 1:1250
 (Note: Demises Shown in Red)

REPRODUCED FROM ORDNANCE SURVEY STIPPLED DATA
 WHICH IS THE PROPERTY OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE
 & CROWN COPYRIGHT FROM ALL RIGHTS RESERVED
 REFERENCE NUMBER 99999999

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Plan "A"

Demise Shown Thus

Handwritten signature



| | | |
|--|---|---|
| <p>REGISTERED ARCHITECT ARCHITECTURAL CONSULTANT</p> <p>AWORTH</p> <p>SURVEY CONSULTANTS 100-10103 TRISTY WAY, CHISLEHAMPTON, WILTSHIRE, WILTS BA15 2JG TEL: 01263 784315 FAX: 01263 784310 www.aworth-architects.co.uk 100-10103 TRISTY WAY, CHISLEHAMPTON, WILTSHIRE, WILTS BA15 2JG</p> | | <p>AWORTH 100-10103 TRISTY WAY CHISLEHAMPTON, WILTSHIRE, WILTS BA15 2JG</p> |
| <p>Project: 5 LEWES ROAD BREXTON FLOOR PLAN</p> | <p>Client: MANSURUS LTD 8 NEWTON CLIFFE WIMBORNE, DORSET, DT9 8JH</p> | <p>Date: 10/10/2019</p> |



Brighton & Hove City Council

Appendix C Schedule 12 Part A

Regulation 33, 34

Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2023/00157/LAPREN

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Chicks
5 Lewes Road
Brighton
BN2 3HP

Telephone number

Licensable activities authorised by the licence

Late Night Refreshment

Times the licence authorises the carrying out of licensable activities

Late Night Refreshment

| | | |
|-----------------|---------------|---------|
| Friday-Saturday | 23:00 - 01:00 | Indoors |
| Sunday-Thursday | 23:00 - 00:00 | Indoors |



Brighton & Hove City Council

The opening hours of the premises

| | | | |
|-----------------|---------------|---------|---|
| Friday-Saturday | 11:00 - 01:00 | Indoors | |
| Sunday-Thursday | 11:00 - 00:00 | Indoors | - |

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

N/A

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Checkachicken Ltd
4 Lewes Road
Brighton
BN2 3HP

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 14307794

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

N/A

Personal licence number and issuing authority of personal licence held by designated



Brighton & Hove City Council

premises supervisor where the premises licence authorises for the supply of alcohol

N/A



Brighton & Hove City Council

Annex 1 – Mandatory conditions

Annex 2 – Conditions consistent with the Operating Schedule

General

1. A third party security firm will be contracted to be available for call out during the hours of operation.

The Prevention of Crime and Disorder

The Prevention of Public Nuisance

Public Safety

The Protection of Children from Harm

Annex 3 – Conditions attached after a hearing by the licensing authority 7 March 2023

2. (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) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Police e.g. USB) or



Brighton & Hove City Council

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. On Friday and Saturday nights the seating in the shop will be put out of use by midnight to limit time spent in the premises.

4. All delivery vehicles must use the designated loading bays in the vicinity of the premises and not stop on the Lewes Road in front of the premises.

5. The licence holder shall employ the services of a third-party security firm who will be available for call out during the hours of operation.

6. There will be signage on display at the premises to remind customers that there is CCTV and security on call and to respect local residents by not congregating outside the premises and to leave quietly.

7. An incident book or electronic log will be maintained at the premises. It shall be available upon request to an authorised officer of the Council or police and shall record any crimes or incidents of disorder or anti-social behaviour relating to the premises.

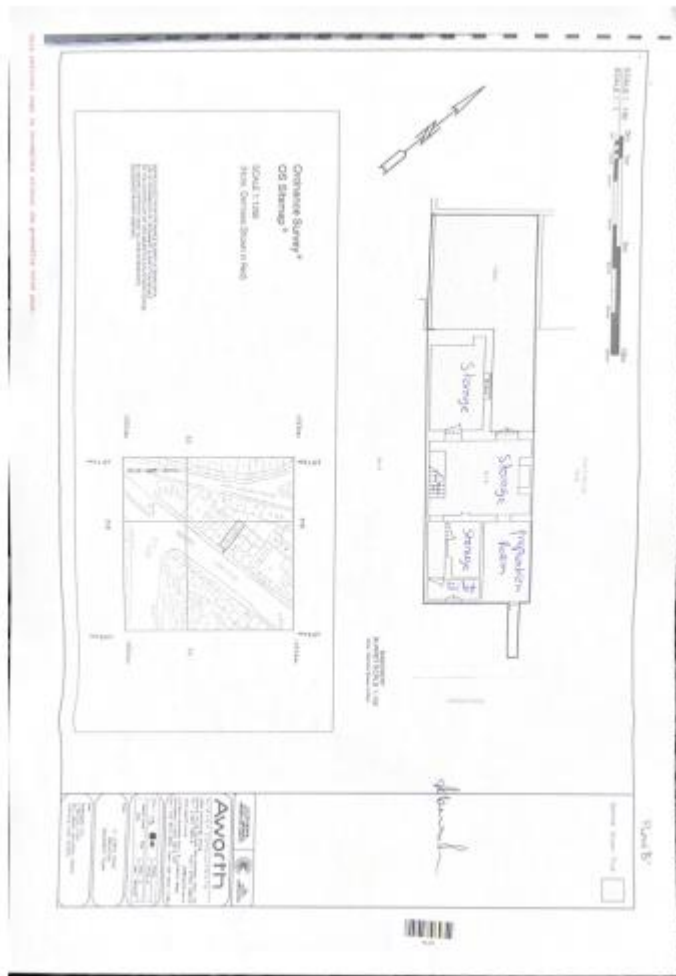
8. No children under 18 shall be admitted to the premises after 23:00 hours unless accompanied by an adult.

9. Staff will be appropriately trained to ensure knowledge with the terms and conditions of the licence.



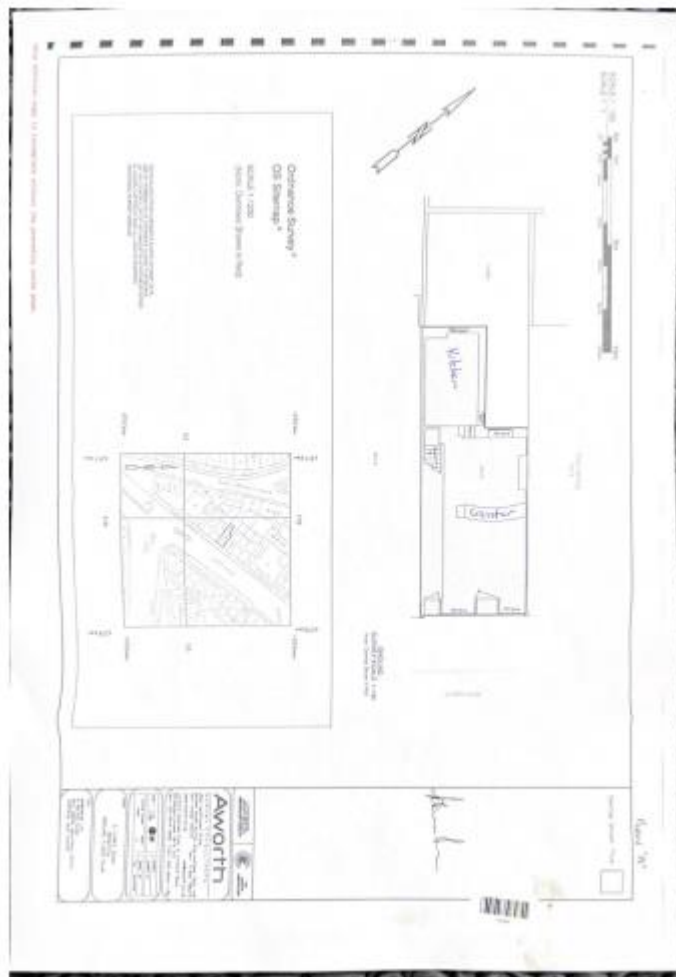
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Annex 4 – Plans





Brighton & Hove City Council



Appendix D

REP A – Licensing Authority

Emma Grant
Licensing Team
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Date: 28 April 2024
Our Ref: 2024/00796/LICPRM/EH
Phone: 01273 292100
e-mail: REDACTED

EG CON ENDS 11.05.2024 VALID PCD and PPN (A)

Dear Emma Grant

Licensing Act 2003

**Representation regarding the application for a Variation of Premises Licence
Chicks, 5 Lewes Road, Brighton, BN2 3HP - 2024/01244/LAPREV**

I refer to the application made by Checkachicken Ltd, for a variation of a Premises Licence for the provision of Late-Night Refreshment at Chicks, 5 Lewes Road, Brighton. The proposed hours on the application form are until 05:00 on Mondays to Saturdays and until 3am on Sundays. The premises are already permitted to provide late night refreshment until midnight on Sundays to Thursdays and until 01:00am on Fridays and Saturdays.

The Licensing Team, in its role as a Responsible Authority, has concerns about this application and therefore I am submitting this representation on the grounds of the Prevention of Crime and Disorder and the Prevention of Public Nuisance. This premises is also situated on Lewes Road, which sits within the Licensing Authority's Special Stress Area (SSA).

As stated in the Council's Statement of Licensing Policy (SoLP) on pages 15-17, the SSA is deemed an area of special concern in terms of the levels of crime and disorder and nuisance experienced within it. 3.2.3 of our SoLP states that new and variation applications for premises within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas.

Guidance issued under S182 of the Licensing Act 2003 states that in completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. The guidance goes on to say that applicants are expected to include positive proposals in their application on how they will manage any potential

risks. Where specific policies apply in the area (for example, SSA and matrix approach to decision making policies), applicants are also expected to demonstrate an understanding of how the policy impacts on their application, any measures they will take to mitigate the impact, and why they consider the application should be an exception to the policy.

On looking at the application form, the applicant has referred to the use of CCTV and contracting a third-party security firm but has not referred to the (SoLP) and does not recognise the location of the Premises being in the Special Stress Area. They also have not demonstrated exceptional circumstances to depart from our policy or how the grant of a late-night refreshment licence would not impact on the existing issues of the area.

The Council's SoLP includes a Matrix approach for licensing decisions with provisions for a terminal hour for all classes of licensed premises in a particular area. The Matrix Model recognises the diverse operation and different risks presented by different classes of licensed premises. The SoLP provides a vision of what the Licensing Authority would like to see within its area and gives an indication of likelihood of success or otherwise to investors and local businesses making applications. Each application is still considered on its individual merit and there is discretion to depart from the Matrix approach policy in exceptional circumstances.

The decision-making Matrix on page 18 of the Council's SoLP clearly shows that late night takeaways in the Special Stress area should have a maximum terminal hour of midnight and the premises are already to provide late night refreshment until that terminal hour on Sundays to Thursdays and until 01:00am on Fridays and Saturdays. This application is asking for 5am on Monday to Saturdays and until 3am on Sundays. In light of these proposed hours, I would expect to see some more positive proposals to show how the application will not add to the problems faced in the area.

On 20 April 2024, I visited the premises and carried out a full licensing inspection. Following this inspection, on 25 April 2024, I emailed the premises licence holder advising of the breaches of the current premises licence found at the time of this inspection. Further to my visit, I note that on 21 April 2024 at 01:15 Sussex Police visited the premises. The premises was open and trading past its permitted hours. A copy of my email is attached as Appendix A.

It is my opinion, granting this application is likely to add to the additional burdens and problems in the Special Stress area. The Licensing Team act as guardians of the Council's SoLP and I make this representation on behalf the Licensing Authority as I believe the application made is contrary to our policy and taking into consideration the breaches witnessed, I therefore invite the panel to refuse the application.

Yours sincerely

REDACTED

Donna Lynsdale

Licensing Officer
Licensing Team

(REP A – Licensing Authority) Appendix A – Email to PLH outlining Breaches.

EG CON ENDS 11.05.2024 VALID PCD and PPN (A)

From: Donna Lynsdale
Sent: Thursday, April 25, 2024 1:40 PM
To: REDACTED
Cc: Brighton.Licensing@sussex.police.uk
Subject: Chicks, 5 Lewes Road, Brighton BN2 3HP - 2024/00910/LICPRM/EH
Importance: High

Dear

Licensing Act 2003 – Breach of Conditions
Chicks, 5 Lewes Road, Brighton BN2 3HP
Premises Licence Number: 1445/3/2023/00157/LAPREN

I am writing to you in your capacity as the Premises Licence Holder (PLH) for the above premises.

On Saturday, 20 April 2024 at 00:23, accompanied by my colleagues from Police Licensing, we visited your premises and carried out a full licensing inspection.

Below are our findings and details of breaches of your premises licence conditions:

Annex 3 – Conditions attached after a hearing by the licensing authority 7 March 2023:

Prevention of Crime and Disorder:

2. (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) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to 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.

At the time of our visit, we were unable to check the CCTV as the member of staff was unable to operate the system. I note that you have now provided photos of the CCTV.

3. On Friday and Saturday nights the seating in the shop will be put out of use by midnight to limit time spent in the premises.

At the time of our visit all the tables and chairs were available to be used. This was demonstrated as a customer was sitting at one of the tables. This is a contravenes the above condition.

4. All delivery vehicles must use the designated loading bays in the vicinity of the premises and not stop on the Lewes Road in front of the premises.

On arrival and throughout our visit delivery drivers were parking directly outside the premises on the pavement. Neither of your staff attempted to tell them to use the permitted parking area. This is a contravenes the above condition.

9. Staff will be appropriately trained to ensure knowledge with the terms and conditions of the licence.

Your staff were unaware of the need to put the seating out of use condition and not attempting to move delivery drivers parked in correctly which evidence they are not aware of the conditions on the premises licence.

Further to our visit, I note that on 21 April 2024 at 01:15 officers visited your premises. They advised that the premises was open and preparing food. A delivery rider was inside waiting to pick up an order and another arrived whilst the officers were outside observing.

Your premises licence states:

Times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Friday-Saturday 23:00 - 01:00 Indoors

Sunday-Thursday 23:00 - 00:00 Indoors

The opening hours of the premises

| | | | |
|-----------------|---------------|---------|---|
| Friday-Saturday | 11:00 - 01:00 | Indoors | |
| Sunday-Thursday | 11:00 - 00:00 | Indoors | - |

I see that you have submitted a variation application to extend your trading hours. Following submitting your application you enquired whether you were allowed to stay open to the proposed opening hours until the application was decided.

The above is very disappointing, as you were told you must continue to operate at your current times until the application had been processed and then only for the times if it is granted. You were reminded there is a consultation period of 28 days where anyone can make a representation.

I remind you that non-compliance with conditions constitutes a breach of the Premises Licence issued under the above legislation. Please ensure that all conditions on the licence are adhered to. It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislations states that:-

(1) A Person commits an offence if –

(a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or

(b) he knowingly allows a licensable activity to be carried on.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Irrespective of the permission's and restrictions attached to any premises licence, all licensed premises are required to operate with regard to the 4 licensing objectives, which are;

- o The Prevention of Crime and Disorder
- o Public Safety
- o Prevention of Public Nuisance
- o Protection of Children from Harm

Please be aware that any enforcement action is taken in line with our Licensing Enforcement Policy. You are also reminded that at any stage, following the grant of a premises licence, a responsible authority, such as the Police, Environmental Health, or an interested party such as a resident living in the vicinity of the premises, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

As a result of the above breaches, this email acts as a **Warning**.

I need to advise that as your application is contrary to our Statement of Licensing Policy, I will be submitting a representation. I will also be including the breaches within this representation.

I also attached an invoice for the outstanding annual fee which has been sent to you previously.

Can you email back when payment has been made forwarding a copy of the receipt so we can update our licensing records? Please ensure that you quote the invoice number when you make the payment (payment details can be found on the second page of the invoice).

Failure to pay the invoice will result in your premises licence being suspended and/or the invoice being referred to a collection agency.

A copy of this email has also been sent to Police Licensing.

Please acknowledge receipt of this email and advise on actions you will be taking to address the above breaches.

When responding please reply to all in this email.

Yours sincerely

Donna Lynsdale | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing),
Safer Communities

Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T REDACTED

REP B – Police Licensing

Police Station

John Street

Brighton

BN2 0LA

Email: brighton.licensing@sussex.police.uk

Date: 07th May 2024

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

EG CON ENDS 11.05.2024 VALID PCD (B)

Dear Emma Grant,

RE: APPLICATION TO VARY PREMISES LICENCE FOR CHICKS, 5 LEWES ROAD, BRIGHTON, EAST SUSSEX, BN2 3HP UNDER THE LICENSING ACT 2003.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of a variation to the above premises licence on the grounds that it will undermine the Licensing Objectives of the prevention of crime and disorder and public nuisance. We also refer to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy, Public Health Framework for Assessing Alcohol Licensing and the results of a similar application that was submitted on 17th January 2023 and heard before a licensing panel on 07th March 2023.

This is a proposed variation to a licence in an area of the city which is subject to a special policy adopted by Brighton & Hove City Council. The premises lies in the Special Stress Area (SSA) (as defined in the BHCC Statement of Licensing Policy) and seeks the following hours and licensable activities:

Late night refreshment (Indoors):

Monday – Saturday: 23:00 – 05:00

Sunday: 23:00 – 03:00

Hours open to the public:

Monday – Saturday: 11:00 – 05:00

Sunday: 11:00 – 03:00

We feel it is worth covering off a similar application that was submitted by the same applicant on 17th January 2023. This application was seeking the following:

Late night refreshment (Indoors):

Sunday – Thursday: 23:00 – 01:00

Friday – Saturday: 23:00 – 05:00

This application went before a licensing committee on 07th March 2023 following representations against it received from Brighton & Hove City Council Licensing, Sussex Police, and a local resident. The result of the hearing which was distributed to all involved persons on 15th March 2023 determined that the panel was mindful of the location of the premises within the SSA and on the busy stretch of Lewes Road and by granting the times being applied for was likely to impact negatively on the area which suffer from relatively high level of crime and disorder and anti-social behavior. They did though recognise the applicants wish to work with the responsible authorities and so felt it appropriate to grant a licence to permit the following times with several conditions attached:

Late night refreshment (Indoors):

Sunday – Thursday: 23:00 – 00:00

Friday – Saturday: 23:00 – 01:00

This licence has now been active for just over a year. Sussex Police are submitting this representation as we feel nothing has changed within the local area and our concerns about a late-night venue being open here are the very same as they were in 2023. One of the reasons the panel gave for permitting the hours they did was because of the applicant's willingness to work with responsible authorities. With this in mind, it was very disappointing that during a licensing inspection on 20th April 2024 at 00:23 the following breaches of the premises licence, that were put on by the panel, were witnessed:

- CCTV – staff unable to demonstrate it was working and storing for at least 31 days.
- Seating not out of use by midnight on a Friday and Saturday.
- Delivery riders pulling up outside and parking on the red route both on the road and on the actual footpath. No effort by staff to move them on.
- Staff not aware of the conditions within the licence.

Additionally police officers visited the premises on 21st April at 01:15 and found it open with delivery riders arriving to collect orders. During a telephone call with the owner when we

made him aware of this, he was reminded of his permitted opening hours, and he responded that it was just a technicality.

Attached with this representation we include a copy of the full determination following the hearing of March 2023 and a copy of our breaches that was sent to the premises following our visits of last month.

Paragraph 3.2.2 of the Brighton and Hove City Council 2021 Statement of Licensing Policy states:

“This Special Stress Area (SSA) is of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it.”

Within the Public Health Framework for Assessing Alcohol Licensing, when the last report was published, this venue sat within the St Peter’s and North Laine Ward and was ranked number 1 for Police recorded alcohol related incidents and criminal damage. This ward was also ranked number 2 for sexual offences and violence, demonstrating the higher risk to the Licensing Objective of the Prevention of Crime and Disorder in this area.

To evidence further incidents within this location, based on data for the last 12 months from the date of this representation and within a 300-meter radius, amongst other incidents, 96 were for violent crime, 61 anti-social behaviour, 23 public order and 23 criminal damage. With these incidents occurring at various times of the day and night.

Whilst we acknowledge the application is not asking for the sale of alcohol, offering late night refreshments into the early hours encourages persons who may be under the influence of alcohol and or drugs and so vulnerable, to remain in the area, which has a high number of residential properties. This increases the risk of crime and disorder, anti-social behaviour and public nuisance in an area that is already evidenced to be problematic.

The decision matrix within the Council Statement of Licensing Policy under section 3.3 states that new premises or premises licence variations asking for these licensable activities and hours is a ‘No’. As we are aware this is not absolute if the applicant can show exceptional circumstances to depart from the policy. On reading the application we see no exceptional circumstances.

Within our representations we have submitted in the past we have often included several conditions should the panel be mindful of granting. We have not done so on this occasion as the applicant has demonstrated they are unable to comply with conditions already on the licence. Due to the breaches referred to above, we have now begun our stepped approach with the aim of gaining compliance of the current licence with enforcement action being taken if this is not successful.

Sussex Police are unable to support this application to extend hours which in turn increases risk and invite the Licensing Authority to seriously consider refusing this application

Yours sincerely,

REDACTED

Insp Mark Redbourn

**Operations (inc. Licensing) Chief
Inspector Brighton & Hove Division**

Sussex Police

Please address all future correspondence to Brighton & Hove Licensing Unit, Police Station, John Street, Brighton, BN2 0LA.

REP B – Police Licensing

From: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Sent: Wednesday, March 15, 2023 11:54 AM
To: Brighton Licensing <Brighton.Licensing@sussex.police.uk>
Subject: Licensing Act 2003 – Licensing Panel Hearing Notification of the Determination of Panel - Chicks, 5 Lewes Road, Brighton BN2 3HP

Dear Sir or Madam:

RE: Licensing Act 2003 – Licensing Panel Hearing Notification of the Determination of Panel.

Licensing panel hearing held virtually via Teams on Tuesday 7th March 2023 in respect of the application for a premises licence in respect of premises known as Chicks, 5 Lewes Road, Brighton BN2 3HP.

The panel has read all the papers and has considered the written representations and all submissions made at the hearing. The panel has also had regard to its Statement of Licensing Policy (SoLP) and the statutory guidance.

The application is within the Special Stress Area (SSA) as defined in the Statement of Licensing Policy which is an area of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced with in it.

The application is for the provision of late-night refreshment both for collection and delivery from 23:00 hours to 01:00 hours Monday to Thursday and from 23:00 hours to 05:00 hours Friday and Saturday.

Relevant representations were received from Sussex Police, the Licensing Authority and on behalf of a local resident. The concerns raised related to the prevention of crime and disorder, prevention of public nuisance and cumulative impact.

The police concerns focus primarily on the location of the premises along a very busy stretch of the Lewes Road with no parking or loading permitted in front of the premises and in close proximity to the Level which has crime and disorder and anti-social behaviour issues. They are concerned that collection and deliveries in these extended hours will have a negative impact upon local residents, hinder dispersal and add to problems in the area. With the licensing authority they raise concerns that the Matrix approach within the SoLP does not support late night takeaways beyond midnight within the SSA and that there are no exceptional circumstances shown. The police asked that the application be refused as conditions would not mitigate risk. On behalf of the local resident there was concern that premises operating into the early hours could become an incident hotspot and hinder dispersal and that the measures proposed were not adequate to deal with the challenges the area presented and which his client had experienced first-hand.

The applicant said that he did pre-consult with the police and the licensing authority. He owned the premises next door, Mama Pollo. He stated that 5 Lewes road had had a late night takeaway licence from 2009 to 2021 and opened until 4am and that there were apparently no issues. He was a long-term resident of Brighton and it was in his interest to ensure that the premises would not cause problems. He maintained that that the violence the police presented related mostly to the Level and not in the immediate vicinity of his premises. His main customers would be students coming from the city going back to the university and would be served quickly. He wanted to work with the police and licensing authority and take any steps required. In answer to a question from the police he would accept a condition only to use the designated loading bays for deliveries. He planned to use his mainly his own drivers.

The panel has considered this application carefully on its merits and is mindful of the location of the premises within the SSA and on this busy stretch of the Lewes Road. the panel considers that granting a licence until 5am on Friday and Saturday and 1 am during the week is likely to impact negatively on the area which does suffer from relatively high levels of crime and disorder and anti-social behaviour as evidenced by the police, our policy and the local resident. However the panel considers that the applicant has made a strong case to enable the grant of a more limited licence. He has shown a willingness to work with the responsible authorities and accept their requirements and this is a small premises, whose customers are likely to be students on their way home. The panel considers it is appropriate to grant a licence for the provision of late-night refreshment from 23:00 hours to midnight Monday to Thursday and from 23:00 hours to 01:00 hours Friday and Saturday. The panel attach the following conditions to the licence:

1. (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) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to 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.
2. On Friday and Saturday nights the seating in the shop will be put out of use by midnight to limit time spent in the premises.
 3. All delivery vehicles must use the designated loading bays in the vicinity of the premises and not stop on the Lewes Road in front of the premises.
 4. The licence holder shall employ the services of a third-party security firm who will be available for call out during the hours of operation.
 5. There will be signage on display at the premises to remind customers that there is CCTV and security on call and to respect local residents by not congregating outside the premises and to leave quietly.
 6. An incident book or electronic log will be maintained at the premises. It shall be available upon

request to an authorised officer of the Council or police and shall record any crimes or incidents of disorder or anti-social behaviour relating to the premises.

7. No children under 18 shall be admitted to the premises after 23:00 hours unless accompanied by an adult.
8. Staff will be appropriately trained to ensure knowledge with the terms and conditions of the licence.

The panel appreciates that for Friday and Saturday nights this application falls outside the Matrix but we consider this modest extension in hours and all the conditions attached will mitigate risk and promote the licensing objectives.

The minutes of the panel will be available on the Council's website under the rubric 'Council and Democracy'.

Appeal Rights

(Section 181 and schedule 5 of the Licensing Act 2003)

1. The applicant may appeal against the decision to impose and modify conditions including reduced hours of operation.
2. A person who has made a relevant representation may appeal against grant of the licence and decision to impose conditions.

All appeals must be made to Magistrate's Court, Edward Street, Brighton, within 21 days of deemed delivery of this letter. A fee is payable upon lodging an appeal. Delivery will be deemed to have been effected on the second working day after posting.

Yours faithfully

Head of Safer Communities

Police Station

John Street

Brighton

BN2 0LA

Email: brighton.licensing@sussex.pnn.police.uk

REP B – Police Licensing

Police Station

John Street

Brighton

BN2 0LA

Email: brighton.licensing@sussex.police.uk

Date: 07th May 2024

22nd April 2024

Chicks

5 Lewes Road Brighton

BN2 0LA

Dear RDACTED

RE: Chicks, 5 Lewes Road, Brighton, BN2 3HP – PREMISES LICENCE BREACHES

Our records show that you are the Premises Licence Holder and I write with reference to the above premises where Police conducted a visit with a colleague from Brighton & Hove City Council on 20th April 2024 at 00:23. The reason for the visit was to conduct a full licensing inspection.

As part of the licensing check I would like to highlight the following:

Annex 3 – Conditions attached after a hearing by the licensing authority 7 March 2023

2. (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) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to 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.

We were unable to check the CCTV as the person on site was unable to operate it.

3. On Friday and Saturday nights the seating in the shop will be put out of use by midnight to limit time spent in the premises.

The seating was not put out of use. There was male using it while we were present.

4. All delivery vehicles must use the designated loading bays in the vicinity of the premises and not stop on the Lewes Road in front of the premises.

On arrival and during our visit delivery drivers were parking outside on the pavement of road outside the premises with no attempt by your staff to tell them to move them to a permitted parking area.

9. Staff will be appropriately trained to ensure knowledge with the terms and conditions of the licence.

Staff present were unaware of the need to put the seating out of use condition and not attempting to move delivery drivers parked in correctly which evidence they are not aware of the conditions on the premises licence.

The legislations states that: -

(1) A person commits an offence if –

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or*
- (b) he knowingly allows a licensable activity to be carried on.*

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine, or to both.

The highlighted breaches above constitute an offence of carrying on licensable activity otherwise than under and in accordance with an authorisation and this letter acts as a **WARNING**.

Following this Police Licensing will conduct a follow up visit and I must advise you that any further breaches may result in enforcement action being taken.

If there are any matters within this letter that you wish to discuss, then please do not hesitate to contact us via the email address above.

Yours sincerely,

REDACTED

c.c Brighton & Hove City Council Licensing Team – via email

c.c chicksperiperi@hotmail.com – via email

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

Subject: RE: Chicks, 5 Lewes Road, Brighton, BN2 3HP – PREMISES LICENCE BREACHES

Dear REDACTED

Further to my email below I have been advised of a further check that was made at the premises on 21st April at 01:15. Officers that visited noticed that the venue was open and preparing food. A delivery rider was inside waiting to pick up an order and another arrived while officers were outside observing.

On entry to the premises staff advised officers that they were only conducting takeaway orders. I must advise you that as per your premises licence conditions:

Times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Friday-Saturday 23:00 - 01:00 Indoors

Sunday-Thursday 23:00 - 00:00 Indoors

The opening hours of the premises

Friday-Saturday 11:00 - 01:00 Indoors

Sunday-Thursday 11:00 - 00:00 Indoors -

As you will see from the above timings, you were trading beyond these hours and so in breach of the premises licence.

On top of the breaches we found on Friday night during our visit, we will be submitting this as evidence within our representation against your licence application to extend your hours that you have submitted.

Any further breaches are now highly likely to result in enforcement action being taken which will possibly include calling a review of your premises licence.

Kind Regards

Police Licensing Officer



**Brighton & Hove Licensing Unit : John Street,
Brighton Telephone: REDACTED**



