

Licensing Panel (Licensing Act 2003 Functions)

Date: **5 June 2024**

Time: **10.00am**

Venue **Virtual**

Members: Lyons, Nann and Pickett

Contact: **Niall Breen**
Democratic Services Apprentice
01273 291354
niall.breen@brighton-hove.gov.uk

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

3 ITALIAN GOOD CAFE LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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Contact Officer: Corinne Hardcastle
Ward Affected: Westbourne & Poets' Corner

Tel: 0127329

Date of Publication - Tuesday, 28 May 2024

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Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council

Subject:	Application for a New Premises Licence under the Licensing Act 2003		
Premises:	Italian Good Café, Stoneham Park, Stoneham Road, Hove		
Applicant:	Mr. Massimiliano Cristarelli		
Date of Meeting:	5 June 2024		
Report of:	Executive Director of City Services		
Contact Officer:	Name:	Sarah Cornell	Tel: (01273) 295801
	Email:	Sarah.cornell@brighton-hove.gov.uk	
Ward(s) affected:	Westbourne & Poets' Corner		

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for Italian Good Café.

2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for Italian Good Café.

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a New Premises Licence under the Licensing Act 2003. The application proposes: ***“The business will operate as a cafe bar with service by dine in, including at the outside tables and chairs, customer collection and home deliveries. The business is located in a purpose built building within Stoneham Park. The building has two floors and a mezzanine floor.”***
- 3.2 Section 18 (Operating Schedule) of the application is detailed at Appendix A and the plan is attached at Appendix B.
- 3.3 Summary table of proposed activities.

	Proposed
Supply of Alcohol	Every Day: 11:00 – 20:00 On the premises
Hours premises are open to public	Every Day: 09:00 – 20:30

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

Representations received

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

3.6 3 representations were received. They were received from local residents.

3.7 Representations received had concerns relating to Prevention of Crime and Disorder, and Protection of Children from Harm.

3.8 Full details of the representations and Sussex Police agreed conditions 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.

3.3.3 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.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).

7 Protection of Children from Harm

The following details and measures are intended to address the need for the protection of children from harm; this includes emotional and physical harm which may be associated with licensed premises and certificated club premises (for example the exposure too early to strong language and sexual expletives, eg in the context of film exhibitions or where adult entertainment is provided). It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions (unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely).

7.1.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the Licensing Strategy Group (eg passport, photo driving licence or pass card).

7.1.2 It is the licensing authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of emotional or psychological harm to them. Each application will be considered on its own merit but particular areas that will give rise to concern in respect of children are to be found in section 7.1.4 below.

7.1.3 To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures:-

- a) Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street
- b) Police and trading standards should implement test purchasing to reduce sales to under 18s in on and off sales licensed premises
- c) Further take-up of proof of age schemes will be promoted

d) In-house, mystery shopper type schemes operated by local businesses will be supported

e) Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to be DBS checked

7.1.4 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking.
- with a known association with drug taking or dealing.
- where there is a strong element of gambling on the premises.
- where entertainment of an adult or sexual nature is commonly provided.
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

Options may include:

- limitations on the hours when children may be present.
- age limitations (below 18).
- limitations or exclusions when certain activities are taking place.
- requirements for an accompanying adult.
- full exclusion of people under 18.

7.1.7 Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing. Sussex Police and BCRP undertake work concerning proxy purchases and counterfeit ID as part of the partnership support work with Community Safety and Trading Standards.

7.1.8 Trading standards have a programme of business support including training for local businesses to avoid under-age sales.

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: 24/05/24

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: 17/05/24

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 18 (Operating Schedule) of the Application

2. Appendix B – Plan of Premises
3. Appendix C – Representations and agreement of conditions with Sussex Police
4. Appendix D – Map of area

Documents in Members' Rooms

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

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, 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.
The Applicant will operate their business in a responsible manner and actively promote the Licensing Objectives at all times. The business will operate as a cafe bar with service by dine in, including at the outside tables and chairs, customer collection and home deliveries. The premises is not located within the City Council's cumulative impact zone or special policy area.
b) The prevention of crime and disorder
1) a) The premises licence holder shall ensure that a CCTV system is installed in the premises of a standard acceptable to Sussex Police. The system shall be maintained in good working order & fully operational covering all internal areas of the premises to which the public have access and the outside tables and chairs. All entry and exit points shall be covered enabling frontal identification (full head and shoulders images), of every person entering the premises in any light condition to an evidential standard. b) All staff shall be fully trained in the operation of the CCTV system including the ability to download screenshots and images for Police or Authorised Officers on request. A minimum of one such member of staff fully trained in the operation of the CCTV system shall be on duty at all times that the premises are open to the public. c) The CCTV system shall have the capability to either download footage onto a disk or memory stick. The footage of the CCTV system shall be retained for a minimum period of 31 days before re-writing itself with the correct date and time showing. Screenshots and CCTV footage shall be made available to Police or Authorised Officers immediately upon request provided that it is requested further to the prevention or detection of crime and disorder. d) If the CCTV system is faulty the premises licence holder shall notify the Licensing Authority and Police Licensing Team as soon as possible and get the fault rectified as soon as practicable. e) The premises licence holder shall ensure that a log is kept with the details & the dates of all work / repairs carried out on the CCTV system including the name and phone number of the engineer. f) On a minimum daily basis, the premises licence holder / DPS shall check that the CCTV system is operational and the date and time stamp are correctly set and on a minimum of a weekly basis, check that the CCTV system is also correctly recording images for a minimum of 31 days and that screenshots and footage can be correctly downloaded. Details of these checks shall be recorded in the appropriate section of the Incident Book. 2) The premises shall operate as a café bar where the sale of alcohol in the premises or at the outside tables & chairs shall only be made by staff to seated customers. No vertical drinking or drinking at the serveries shall be permitted. 3) No off sales shall be permitted from the premises or outside tables and chairs except in sealed containers to customers collecting a substantial order of food or for delivery to a genuine residential or business address with a substantial order of food. 4) No glasses, bottles, or drinks shall be removed from the premises or outside tables & chairs at any time except for off sales of alcohol as permitted under condition 3). 5) Only toughened glasses shall be used at the outside tables and chairs and all bottles of alcohol shall be decanted. No bottles of alcohol shall be allowed to be removed from the premises at any time. 6) The area for the outside tables and chairs shall be clearly delineated by a rope barrier or similar arrangement. 7) An Incident Book shall be kept at the premises for at least 12 months, and made available on request to Police Officers or Authorised Officers which will record the following: (a) all crimes reported to the premises, or by the premises to Police. (b) all ejections of patrons. (c) any incidents of disorder. (d) complaints received and the outcome. (e) any seizure of drugs or offensive weapons. (f) any failures or faults with the CCTV system. g) Any visits by Police or other Emergency Services. Where Police are called the CAD number shall be obtained and recorded in the Incident Book. 8) All staff shall be trained on induction and given refresher training at six monthly intervals for their role, including in the operation of the CCTV system & downloading images & the operation of Challenge 25. Training shall include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal, avoiding sales to intoxicated persons or those under the influence of illegal drugs, avoiding proxy sales, avoiding conflict, responsible alcohol retailing and safeguarding children, vulnerable people, girls & women. Written training records shall be kept for each member of staff and produced to Police or Authorised Officers on request.

Continued from previous page...

9) Relevant notices shall be prominently displayed by the entry/ exit door and behind the serveries (as appropriate) advising customers:

- a) That CCTV & Challenge 25 are in operation.
- b) Advising customers of the provisions of The Licensing Act regarding underage and proxy sales.
- c) Of the permitted hours for licensable activities, last order times & the opening times of the premises.
- d) That no drinks, bottles or glasses shall be removed from the premises or outside tables and chairs at any time. One such notice shall be placed by the exit from the outside area.
- e) That no bottles shall be taken to the outside tables and chairs.
- f) That there is a Public Spaces Protection Order in place covering all of the City Council area including Stoneham Park prohibiting the consumption of alcohol in any public place including the street and parks.
- g) That no off sales of alcohol shall be permitted from the premises except with customer collections of a substantial food order & home deliveries of a substantial food order.
- h) To respect residents and leave the premises and vicinity quietly and not to loiter outside the premises.
- i) That no more than four customers at a time shall be permitted in the smoking area outside the premises.

9) Staff shall ensure that customers do not take any bottles, glasses or drinks from the premises or outside tables and chairs (except as permitted under condition 3) when departing and monitor the frontage by CCTV to ensure customers comply.

Alcohol & Food Collections & Deliveries

10) Off sales of alcohol shall only be ordered by & collected by or delivered to a person ordering a substantive meal. Customers placing orders for delivery shall be asked to confirm that they are over 18 when placing the order. A valid residential or business address shall be provided at the time of ordering for deliveries.

11) A maximum of eight (8) cans / bottles of beer and or two (2) bottles of wine shall be delivered to any address per order.

12) Alcohol for delivery shall only be delivered to the residential or business address given at the time of order. No alcohol shall be delivered to any person in a park, street, vehicle or open place.

13) Home deliveries of alcohol shall only be made by delivery companies with an age verification policy in place, a copy of which shall be provided to the premises licence holder or by the restaurant's own trained drivers.

14) Drivers or riders shall be asked to turn off their engines and wait in the premises between orders. All drivers / riders making deliveries shall turn off their engines, not play loud music & keep noise to a minimum outside the premises and at delivery addresses.

c) Public safety

A Fire Risk Assessment and Emergency Plan shall be prepared and regularly reviewed. All staff shall receive appropriate fire safety training and refresher training.

d) The prevention of public nuisance

1) Relevant notices shall be clearly displayed by the entry / exit door and behind the serveries as appropriate. (See Box B Condition 9 for full details.)

2) Management and staff shall proactively monitor customer behaviour outside the premises both by monitoring the CCTV system & physical checks and ensure that customers do not remove glasses, bottles or alcoholic drinks from the premises or from the outside tables and chairs.

3) The outside of the premises shall be kept tidy at all times and shall be swept at close.

4) No deliveries shall be received or removal of rubbish especially glass take place between 20.00 and 09.00 daily.

e) The protection of children from harm

1) Relevant notices shall be clearly displayed by the entry / exit door and behind the serveries as appropriate. (See Box B Condition 9 for full details.)

2) The Challenge 25 proof of age policy shall be operated and only a photographic driving licence, a valid passport, a valid UK Armed Forces photographic identity card or a Home Office approved proof of age card with the PASS hologram on it shall be accepted as proof of age.

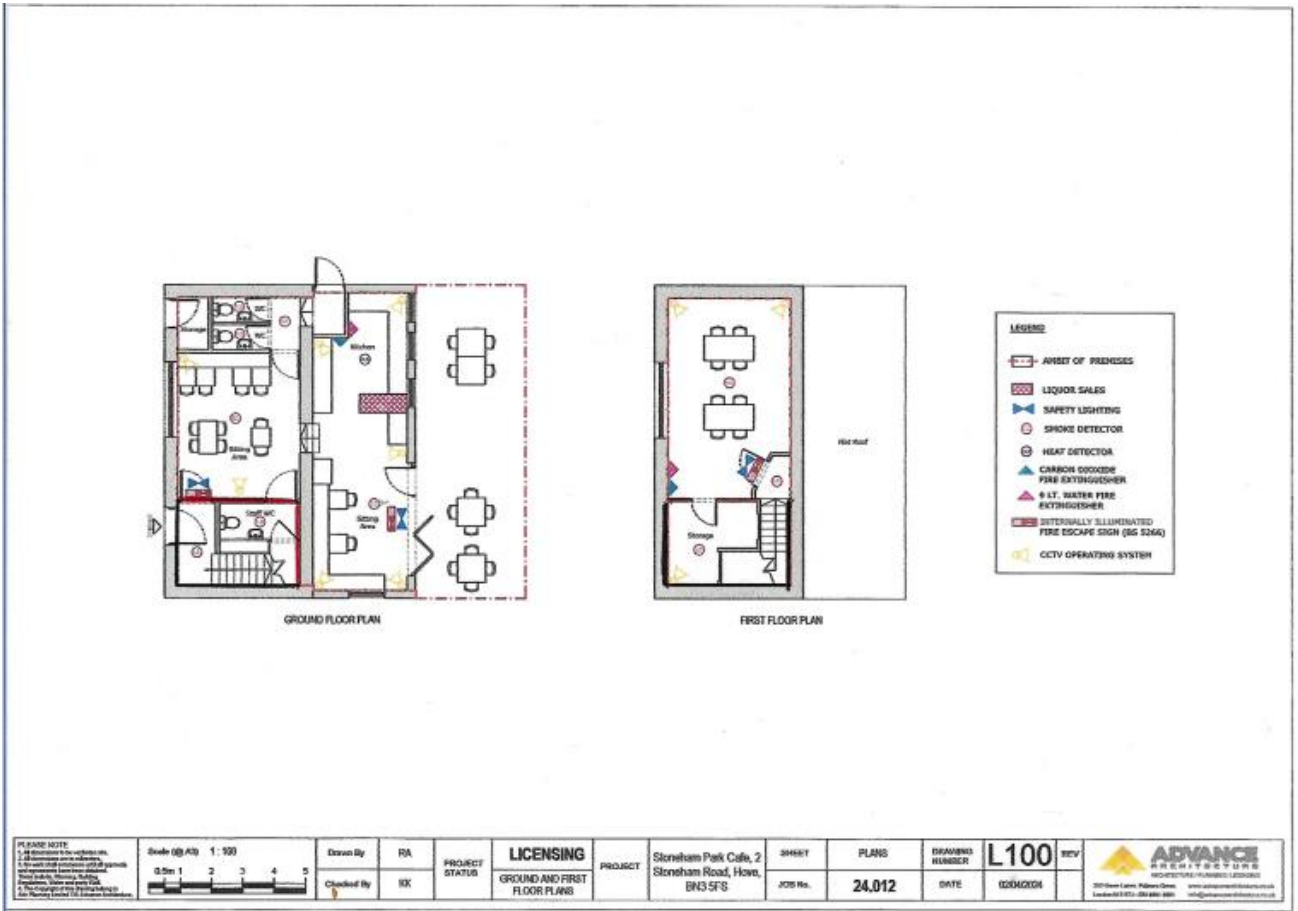
3) Refusals of the sale of alcohol shall be recorded in the appropriate section of the Incident Book.

Continued from previous page...

4) All staff shall be fully trained for their role on induction and be given refresher training at minimum intervals of six months thereafter. (See Box B Condition 8 for full details.)

5) Unless an EPOS till system will be used a manual till prompt shall be displayed by each till to remind staff to check proof of age where appropriate.

Appendix B



Appendix C

REP A

From: REDACTED

Sent: Thursday, April 25, 2024 12:30 PM

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

Subject: RE: application for alcohol license Italian Good Cafe – objection

Thanks

REDACTED

From: REDACTED

Sent: Thursday, April 25, 2024 10:57 AM

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

Subject: RE: application for alcohol license Italian Good Cafe – objection

To whom it may concern

I am emailing to object to the application for alcohol licensing at the cafe in Stoneham Park, Hove.

As a resident of Poets Corner, Hove on an off for over 25 years and as a mother of two young children who frequent the park, I have serious concerns. Namely the careful oversight and management that the service of alcohol in a park would require. **I would not want to see it resulting in intoxicated adults in a children's park or, worse, antisocial behaviour.**

I go the cafe every week and the main clientele are parents and small children, I do not see that there is a need therefore to serve alcohol. Of course, there is a difference between parents having a glass of wine with a family meal and two adults drinking all afternoon but my concern is that it will not be possible for the staff at the cafe to police this adequately. The park is also set just back from Portland Road, where there are many pubs and restaurants serving alcohol so there are plenty of alternative if people wish to drink. I don't believe its a necessary for the cafe to serve alcohol.

When I was younger and living in the area, the park wasn't a place children could really go because of the **drinking and drug use that was taking place**. Obviously, the park has drastically changed since then, but I would not want to see any opportunity offered for this type of behaviour to take place again. **I do not think any licensing or opportunity should be put it place that normalises the consumption of alcohol in a children's playpark.**

I would like therefore like to **strongly object** to the granting of this application. I would appreciate a reply to this email.

Best wishes,

REDACTED

From: REDACTED

Sent: Thursday, April 25, 2024 3:31 PM

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

Subject: RE: application for alcohol license Italian Good Cafe - objection

Yes - REDACTED

On 25 Apr 2024 15:14, EHL Licensing <EHL.Licensing@brighton-hove.gov.uk> wrote:

Thank you. Can I just also confirm your surname?

Kind regards

Mr Charlie Boufrahi, Technical Support Officer, Safer Communities | Brighton & Hove City Council –
Licensing Department,

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

Tel: 01273 294429

Please note: I am currently only in the office on Monday, Thursday and Friday. Also our generic email address has now changed from EHL.safety to EHL.licensing@brighton-hove.gov.uk so please use this email from now on for generic licensing enquiries.

REP B

From: REDACTED

Sent: Wednesday, May 1, 2024 12:17 PM

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

Subject: Licence application 1445/3/2024/01273/LAPREN - Italian Good Cafe - Stoneham Park Hove

FROM:

REDACTED

Hi,

I am writing to express my concerns and oppose the licencing for alcohol at the above premises on the following grounds.

1. Safeguarding of children - the daytime hours of this cafe would mean daytime drinking - albeit with food - it allows minors (the predominant users of the park) exposure to adults consuming alcohol whilst the children are at play - and should be safe. Concern - Adults in charge of minors

should not be intoxicated. An individual's decision I know but nonetheless puts the children at risk. The consumption of the alcohol is not inside the premises - but outside in the park/play area - people wandering around the rest of the park with alcohol could not be policed effectively, nor could it be controlled that only their alcohol is consumed in the area.

2. Anti-social behaviour - alcohol is a contributory factor in anti-social behaviour. This neighbourhood is already exposed to this from other activities in the area - drug taking, youths targetting each other fighting etc. Providing another tool for this to occur should not be allowed.

3. Risk of increasing crime - There is a distinct lack of security in this park especially in the evening and the PCSOs and Police cannot have a constant presence here. With alcohol on the premises it could provide 'would be' thieves a motive to target the premises for their stock. This venue has been the target of graffiti, break-ins (when there was a computer learning hub here) and arson I believe in the past - please don't permit additional motives for crime here.

All of the above would cause unnecessary additional aggravation to the local residents who have strived in their attempts to make the park and surrounding area a safe place to live and for children to play.

Many thanks for your consideration of my views.

REDACTED

REP C

From: REDACTED

Sent: Wednesday, May 1, 2024 12:21 PM

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

Subject: 1445/3/2024/01273/LAPREN Objection

Hello,

I object to proposal 1445/3/2024/01273/LAPREN to grant an alcohol license to the cafe in Stoneham Park, Hove.

The park is for children to play in. It is a small, urban park with plenty of nearby pubs and offlicenses for those who want to buy alcohol. There is no need for the consumption of alcohol within the park itself where children are playing.

This is an unnecessary risk to the welfare of the children in the park and creates an unsafe environment.

The size and layout of the park means the consumption of alcohol will be directly next to small children playing.

Address of the applicant: Stoneham Park, Hove, BN3 5HJ

My name and address: REDACTED

Please confirm to me that this email has been received and my objection successfully lodged.

Thank you,

REDACTED

Sussex Police Agreed Conditions – Received 22/05/2024

Proposed Conditions – Italian Good Coffee.

General

1. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.
2. The sale of alcohol on site shall be by waiter/waitress service for consumption by persons seated at tables and there will be no vertical drinking.
3. Substantial food shall be available at all times that alcohol is offered for sale on these premises.
4. At all times, food menus must be clearly displayed within the premises and include hot food options.
5. No glasses, bottles, or drinks shall be removed from the premises or outside tables & chairs. Only toughened glasses shall be used at the outside tables and chairs and all bottles of alcohol shall be decanted.
6. The area for the outside tables and chairs shall be clearly delineated by a rope barrier or similar arrangement.

Prevention of crime and disorder

7. Subject to GDPR guidance and legislation:
 - (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrances/exits to the premises as well as any outside space. The system shall be on and recording at all times the premises licence is in operation.
 - (b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
 - (c) CCTV footage will be stored for a minimum of 31 days

(d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.

(e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

(f) The management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Police e.g. USB) or provide footage via an online link as initiated by Police, without difficulty or delay and without charge.

(g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable. This can be via email - brighton.licensing@sussex.police.uk

(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.

8. (a) An incident and alcohol refusals log will be maintained by the premises showing a detailed note of incidents and alcohol refusals that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month.
- (b) The logbooks should be kept on the premises (either in electronic or written form) and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.
- (c) Any refusals made for alcohol service e.g. underage, will be recorded and feedback given to staff as relevant.
- (d) The logs will be kept for a minimum of twenty-four (24) months.

Public safety

-

Prevention of public nuisance

-

Protection of children from harm

9. 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, biometric residence permit cards 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.

10. Signage advertising the “Challenge 25” policy will be displayed in prominent locations in the premises.

11. (a) The Premises Licence Holder / Management shall ensure that all staff members engaged or to be engaged in selling and or serving alcohol shall receive induction training. If this training is to be conducted in electronic form, it will at a minimum also include a face-to-face discussion session. This training will take place prior to the selling and or serving of such products and will include:

*The lawful selling of age restricted products:

Including but not limited to, the requirement for the staff member conducting the transaction to ensure they do Challenge 25 checks regardless of any other staff member / door staff checks that may already have taken place.

*Refusing the sale of alcohol to a person who is drunk

(b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.

(c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

Appendix D



