





Brighton & Hove
City Council

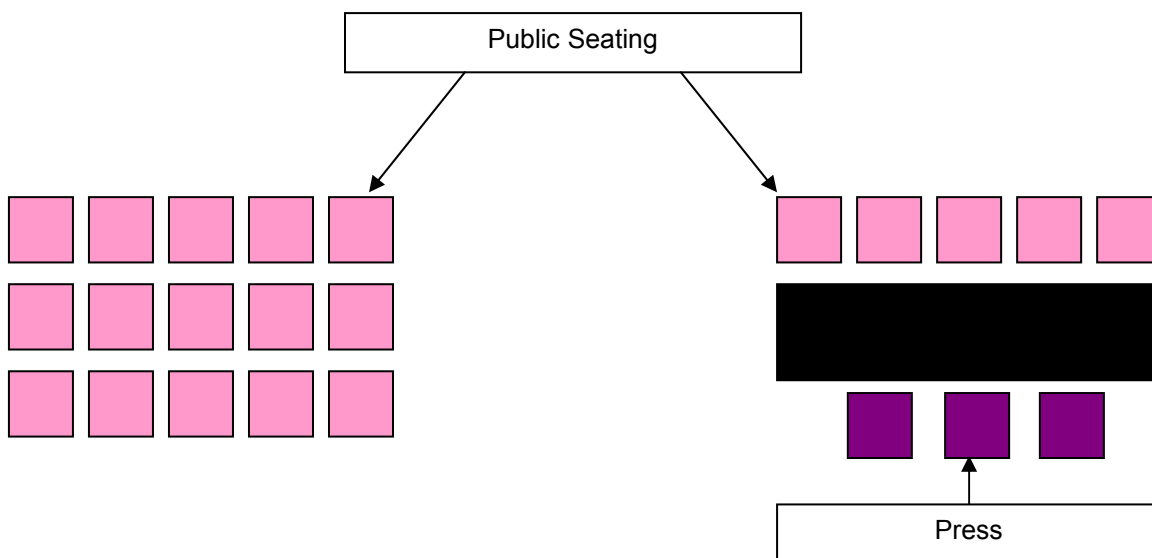
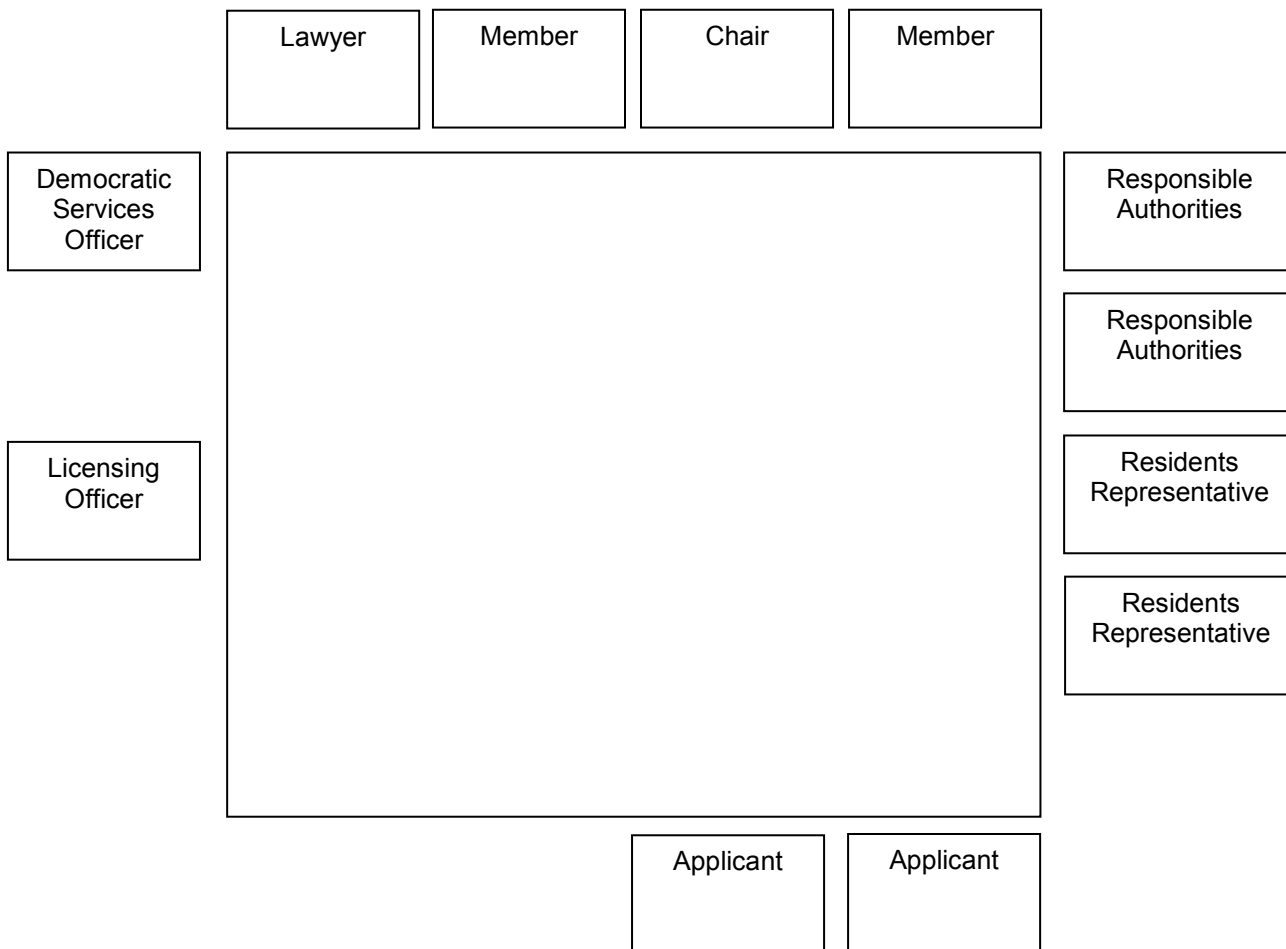
Licensing Panel

(Licensing Act 2003 Functions)

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| Title: | Licensing Panel (Licensing Act 2003 Functions) |
| Date: | 22 December 2010 |
| Time: | 2.00pm |
| Venue | Committee Room 1, Hove Town Hall |
| Members: | Councillors: Hawkes, Lepper and Simson |
| Contact: | Penny Jennings Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk |

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|---|--|
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Democratic Services: Meeting Layout



AGENDA

91. TO APPOINT A CHAIRMAN FOR THE MEETING

92. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the main Licensing Committee may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (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 2 of the Agenda states in its heading either that it is confidential or 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 categories of exempt information is available for public inspection at Brighton and Hove Town Halls.

93. 10 GREEN BOTTLES, 9 JUBILEE STREET: APPLICATION TO VARY EXISTING PREMISES LICENCE 1 - 36

Report of the Head of Environmental Health and Licensing (copy attached)

Contact Officer: Jim Whitelegg Tel: 29-2143
Ward Affected: St Peter's & North Laine;

94. JADE CHINESE RESTAURANT, 29 WESTERN ROAD : APPLICATION TO VARY EXISTING PREMISES LICENCE 37 - 104

Report of the Head of Environmental Health and Licensing (copy attached)

Contact Officer: Mark Savage-Brookes Tel: 01273 29-2100
Ward Affected: Brunswick & Adelaide;

NOTE: *There may be more than one item on this agenda, and as such the item you are interested in may not be heard until later in the day. However, the Chairman reserves the right to alter the*

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

running order of the agenda at the start of the meeting without prior notice.

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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Tuesday, 14 December 2010

Licensing Panel (Licensing Act 2003 Functions)

Agenda Item 93
Brighton & Hove City Council

| | | | |
|-------------------------|---|---|----------------------------|
| Subject: | Application for a Variation of a Premises Licence under the Licensing Act 2003 | | |
| Premises: | Ten Green Bottles, 9 Jubilee Street, BN1 1GE | | |
| Applicant: | Ten Green Bottles Ltd | | |
| Date of Meeting: | 22 December 2010 | | |
| Report of: | Head of Environmental Health and Licensing | | |
| Contact Officer: | Name: | Jim Whitelegg | Tel: (01273) 292438 |
| | E-mail: | Jim.Whitelegg@brighton-hove.gov.uk | |
| Wards Affected: | St Peter's and North Laine | | |

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

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

2. RECOMMENDATIONS:

- 2.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Ten Green Bottles.

2.2.1 The application is for:

A Variation of an already granted Premises Licence under the Licensing Act 2003.

The application proposes:

To extend the permitted hours for all licensable activities. To include live music as a licensable activity used on occasions.

2.3 Summary table of existing and proposed activities

| | Existing | Proposed |
|--|--|---|
| E Live music | | Indoors Monday – Sunday 10:00 – 23:00 Live music may on occasions and infrequently be used as a background to the presentation and theme of the event occurring on the premises such as a Spanish guitar being played while tasting Spanish wines. |
| F Recorded Music | Indoors Monday – Saturday 10:00 - 21:30 Sunday 12:00 - 19:00 | Indoors Monday – Sunday 10:00 – 23:00 Recorded music is played on occasions but generally it is considered and played as background music always through the in house amplification system. |
| M Supply of Alcohol | On and Off the Premises Monday – Saturday 11:00 - 21:30 Sunday 12:00 - 19:00 | On and Off the Premises Monday – Sunday 10:00 – 23:00 |
| O Hours premises are open to public | Monday – Saturday 11:00 - 21:30 Sunday 12:00 - 19:00 | Monday – Saturday 10:00 – 23:00 Sunday 10:00 – 23:00 |

| | |
|--|---|
| P Conditions removed as a consequence of the proposed Variation | Those reflecting the hours of operation to be replaced as proposed. |
|--|---|

2.4 Existing licence attached at Appendix B.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Special Stress Area: The premises falls within one of the Special Stress Areas. These areas are deemed areas of special concern in terms of the levels of crime, disorder, and public nuisance experienced within them. (See Prevention of Crime and Disorder 2.4.10 – 2.4.14 and Appendices C -E).

3.2.1 Representations received

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

3.2.2 Two representations were received. They were received from a Resident’s Association and a local Councillor.

3.2.3 Representations received had concerns relating to Prevention of Crime and Disorder and Public Safety, Prevention of Public Nuisance, Protection of Children from Harm.

3.2.4 A representation was received from Sussex Police which included conditions relating to Prevention of Crime and Disorder and Protection of Children from Harm. The representation was withdrawn as the applicant agreed to the conditions and amended the operating schedule accordingly.

3.2.5 Full details of the representations and agreements are attached at Appendix G. A map detailing the location of the premises is attached at Appendix H.

4. CONSULTATION

Commentary on licensing policy

4.1 The following extracts from Brighton & Hove Licensing Policy are considered relevant to this application and numbered as they appear in the policy:

General

1.2 The licensing objectives are:-

- (a) Prevention of crime and disorder;
- (b) Public safety;
- (c) Prevention of public nuisance;
- (d) Protection of children from harm.

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

1.5 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

1.15 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act, and the conditions attached to licences, certificates and permissions will be focused on matters which are within the control of the licensee and will centre on the premises themselves and their immediate vicinity. When considering these terms and conditions the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

In respect of the prevention of crime and disorder

2.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority recommends 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 staff 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.

2.3 It is expected that the designated premises supervisor (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.

2.4.10 Special Stress Areas – Appendix D of the SoLP details two areas of the Brighton city centre which border the Cumulative Impact area at Appendix C and which are deemed areas of special concern in terms of the levels of crime and disorder and public nuisance experienced within them.

2.4.11 While it is not considered appropriate at this stage to include these areas within the main impact area as such, these Special Stress Areas (SSAs) are of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced.

2.4.12 New and varied applications for premises and club premises certificates within SSAs 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 E 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.

2.4.13 On receipt of any application in SSAs, 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 E. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.

2.4.14 The Licensing Authority will keep the Cumulative Impact Area and Special Stress Areas 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 with a view to bringing the SSAs into the Cumulative Impact Area. If it is found that the above problems are receding the Special Policy may be reviewed with a view to revising the areas' boundaries.

2.5.1 Diversity of premises

This attempts to ensure that there is a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It will provide resilience against changing trends and attract a more diverse range of customers from different age groups, different communities of interest and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This in turn may 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 encourages mixed use venues, varying hours of business and a wider age balance.

2.5.5 Care, control and supervision of premises

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 will suggest crime prevention measures in relation to, for example, the internal layout of the premises, close circuit television, help points, lighting and security staff. The Police may ask for conditions which support such measures to be imposed when planning or licensing applications are granted, e.g. type of licence, capacity, opening time restrictions.

2.6 Shops, stores and supermarkets which provide alcohol for consumption off the premises: the normal scenario will be to provide for sales of alcohol at any time when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.

2.8 Enforcement issues will be considered in the light of any relevant enforcement policies and close links will be sought between all enforcing authorities, e.g. through the use of intelligence sharing and strategy groups. Such protocols may lead to the targeting of agreed high risk and problem premises whilst permitting a lighter touch approach in respect of well run premises.

In respect of Public Safety

3.2 Conditions will be imposed in accordance with operating schedules to protect public safety including where justified:-

- (a) provision of close circuit television and panic buttons.
- (b) use of shatterproof drinking vessels, bottles requiring use of toughened glass or plastic (recognised by Community Safety Strategy).
- (c) use of security personnel, such as door supervisors, licensed by the Security Industry Authority (recognised by the Community Safety Strategy).
- (d) requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.
- (e) occupant capacity conditions will be applied where appropriate.
- (f) the provision of designated and suitably trained first aiders

3.3 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 as recognised by the Community Safety Strategy and Policing Strategy. Applicants may be required to consult local transport operators and are encouraged to support the use of public transport through the provision of advice, contact details etc.

- 3.4 Policy recognises that the numbers of late night revellers can lead to service delivery pinch-points, for example at city centre taxi ranks. Frustration and restlessness in queues can lead to anti-social behaviour and public disorder which can be controlled by , for example, taxi marshalling systems. Operators whose customers contribute to the night-time demand for taxis may wish to consider assisting in the provision of resources for such systems or similar schemes.
- 3.7 Prior consent will be required for: performance of stage hypnotism, fireworks and lasers. Applications should contain details prescribed by the licensing authority. Conditions may be applied to any consent.

In respect of the prevention of public nuisance

- 4.1 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, or as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke)
- 4.3 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.
- 4.4 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.
- 4.5 Staggered closing times will not be used to combat binge drinking disorder and antisocial behaviour. Zoning will be avoided. A general principle of later opening so that customers can leave for natural reasons, slowly over longer periods will be promoted, to prevent unnatural concentrations of people. The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 4.7 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.

- 4.8 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre and on busy main roads. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood.

In respect of the protection of children from harm

- 5.1 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, the committee recommend that 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.
- 5.2 It is the committee'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 physical, moral or psychological harm to them.
- 5.4 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.

5.6 Where children are expected to attend a public entertainment, appropriate adult supervision will be required to control the access and egress of children and to protect them from harm. This will normally be an adult member of staff for every 100 children. Where the entertainment is music and dancing, 2 persons, licensed by the Security Industry Authority (door supervisors) should be employed for every 100 children. Nothing in this policy shall seek to override child supervision requirements contained in other legislation or regulations. The licensing authority recognises the Children, Families and Schools section as being competent to advise on matters relating to the protection of children from harm.

Strategic Integration

- 6.5 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, 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.
- 6.7 This policy avoids duplication with other regulatory regimes wherever possible.

In respect of Live Music, Dancing and Theatre

- 7.1 This policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. The impact of licensing on regulated entertainment, particularly live music and dancing, will be monitored. Where indications are that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how such situations might be reversed.
- 7.2 The Licensing Committee represents the general interests of a community. In determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives. The Licensing authority is aware of the need to avoid measures which deter live music, dancing and theatre - such as imposing indirect costs out of proportion to the income of the licence holder and to the risks presented. Only necessary, proportionate and reasonable licensing conditions should impose any restrictions on such events.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

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: Karen Brookshaw Date: 3.12.2010

5.2 Legal Implications:

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: 3.12.2010

5.3 Equalities Implications:

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.

5.4 Sustainability Implications:

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

5.5 Crime & Disorder Implications:

Licensing policy aims to prevent crime and disorder and protect public safety.

5.6 Risk and Opportunity Management Implications:

Licensing is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.

5.7 Corporate / Citywide Implications:

The success of the city's tourism strategy requires a safe, attractive city centre to improve competitiveness. The Act may significantly change night time economy

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part P of the Application
2. Appendix B – Part A of Premises Licence
3. Appendix C – Brighton & Hove City Council – Cumulative Impact Area
4. Appendix D – Brighton & Hove City Council – Special Stress Area
5. Appendix E – Measures to be considered in SSA's
6. Appendix F – Representations and agreements
7. Appendix G – Map of area

Documents in Members' Rooms

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy

Background Documents

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council Statement on Licensing Policy.

APPENDIX A

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Following a variation of the licence all staff will be re-trained in the licensing law and the conditions on the licence.

b) The prevention of crime and disorder

c) Public safety

A review of the fire risk Assessment will be carried out taking into account the longer hours and licensable activities permitted.

d) The prevention of public nuisance

When recorded or live music is being played in preference to incidental music then the doors to the premise will be kept closed except for exit and entry.

e) The protection of children from harm

APPENDIX B

Schedule 12

Part A

Regulation 33, 34

Premises Licence

Brighton and Hove City Council

Premises Licence Number

1445/3/2010/01014/LAPREN

Part 1 – Premises Details

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

Ten Green Bottles Wine Shop And Tasting Rooms
9 Jubilee Street
Brighton
BN1 1GE

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

Performance of Recorded Music Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Performance of Recorded Music

Monday – Saturday: 10:00 - 21:30

Sunday : 12:00 - 19:00

Sale by Retail of Alcohol

Monday – Saturday: 11:00 - 21:30

Sunday : 12:00 - 19:00

The opening hours of the premises

Monday – Saturday: 11:00 - 21:30

Sunday: 12:00 - 19:00

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

Alcohol is supplied for consumption both on and off the Premises.

Part 2

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

Ten Green Bottles Ltd

Highdown Lime Kiln Lane

Uplyme

Lyme Regis

Dorset

DT7 3XG

E-Mail: info@tengreenbottles.com

Phone: 07968 502668

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

Registered Business Number: 07171786

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

Simon Broad

6 Kingfisher Rise

East Grinstead

West Sussex

RH19 4TE

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Party Reference: PA0963

Licensing Authority: Mid Sussex District Council

Annex 1 - Mandatory conditions

S 19; mandatory conditions where licence authorises supply of alcohol

- no supply of alcohol may be made under the premises licence
 - (a) at a time when there is no designated premises supervisor in respect of the premises, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount

available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Mandatory Conditions 4 & 5 come into effect from 1st October 2010:

4.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that–

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Annex 2 – Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder

1. Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. 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 for the police without difficulty or delay.

2. Containers, wheelie bins etc containing empty glass bottles for recycling etc left outside of the building will be locked or otherwise properly secured to ensure that members of the public cannot gain access to the glass bottles. Employees will not leave exposed glass bottles outside of the premises.

3. No beers, lagers or ciders with an ABV exceeding 6% will be sold (any product with an ABV up to 5.9% is acceptable).

4. The sale of alcohol served to customers inside the premises will be by waiter/waitress service only to persons seated at tables.

5. Customers will not be permitted to take alcohol outside to consume.

Public safety: N/A

Prevention of Public Nuisance:

6. Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of the local residents and to leave the premises and area quietly.

Protection of Children from harm

7. 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 only forms of ID that will be accepted are passports, driving licences with a photograph or Portman Group, Citizen Card or Validate proof of age cards bearing the 'PASS' mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence or conditions attaching to it.

8. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.

9. All staff members engaged, or to be engaged, in selling alcohol on the premises shall received the following training in age-restricted sales:

- Induction training which must be completed, and fully documented, prior to the sale of alcohol by the staff

member; and refresher training thereafter at intervals of no less than 8 weeks.

- All age-restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, the Licensing Authority (Council licensing) and Brighton & Hove Trading Standards Service upon request.

10. The premises shall at all times maintain and operate an age-restricted sales refusals book which shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feed back given to staff as relevant.. This refusals book shall be available upon request to police staff, Local Authority staff and Trading Standards.

Annex 3 – Conditions attached after a hearing by the licensing authority – N/A

Annex 4 – Plans

Electrical cupboards by www.firstsafetysigns.co.uk:

"FIRE DOOR KEEP SHUT" X 1



Electrical meters, fused board areas:

"CAUTION ELECTRIC SHOCK" X 1



Fire protection (<http://www.fireprotectiononline.co.uk>):

CHROME 6 LTR FOAM EXTINGUISHER X3

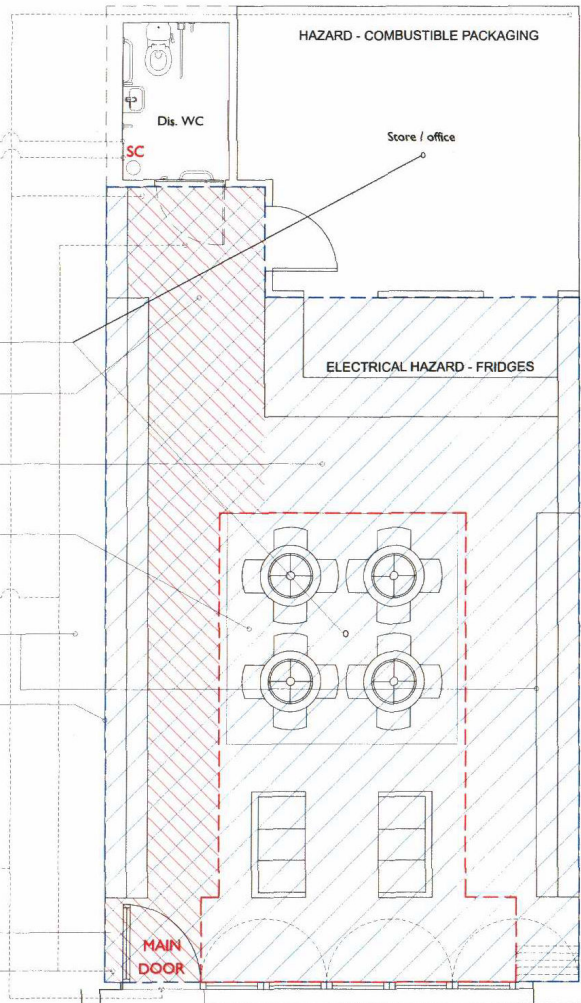


Above ground exit routes:

ILLUMINATED "FIRE EXIT" RUNNING MAN SIGNS X 2



SMOKE ALARMS
 CLEAR PASSAGE FOR FIRE ESCAPE
 HATCHED RED
 AREA AFFECTED BY LICENSABLE
 ACTIVITY HATCHED BLUE
 A4 USE CLASS AREA
 OUTLINED IN RED
 FIXED SHELVING FOR
 WINE BOTTLES
 A1 USE CLASS AREA
 OUTLINED IN BLUE
 FIRE ALARM PANEL
 LINKED TO MAIN BUILDING
 BREAK GLASS ALARM



Only figured dimensions are to be used. All dimensions to be checked on site.

Please note: Refer to 'type' of drawing below; planning drawings should only be treated as such.

NOTES FOR SUSSEX FIRE SERVICE

The door marked 'main door' on the plan is used for both purposes and will be kept secured and unlocked when public staff are on the premises. The main door is also the escape door and main point of access/egress to/from the facility. The plan indicates an exit and directional exit sign which is illuminated. Emergency lighting is linked to the mains and conforms with the Building Regulations. Fire fighting equipment is located in one position as 'unattended' fire extinguishers as indicated on the plan. All party walls or 'compartment walls' are of a construction giving a fire resistance of at least 1/2 hour. The doors indicated SC on the plan are fitted with a positive self closing device and cupboards being kept locked shut when not in use.

LICENSING DRAWING

A 10.11 SUSSEX FIRE SERVICE NOTES LIA RUA

REVISION



Liam Russell Architects
 ARCHITECTS AND DEVELOPERS

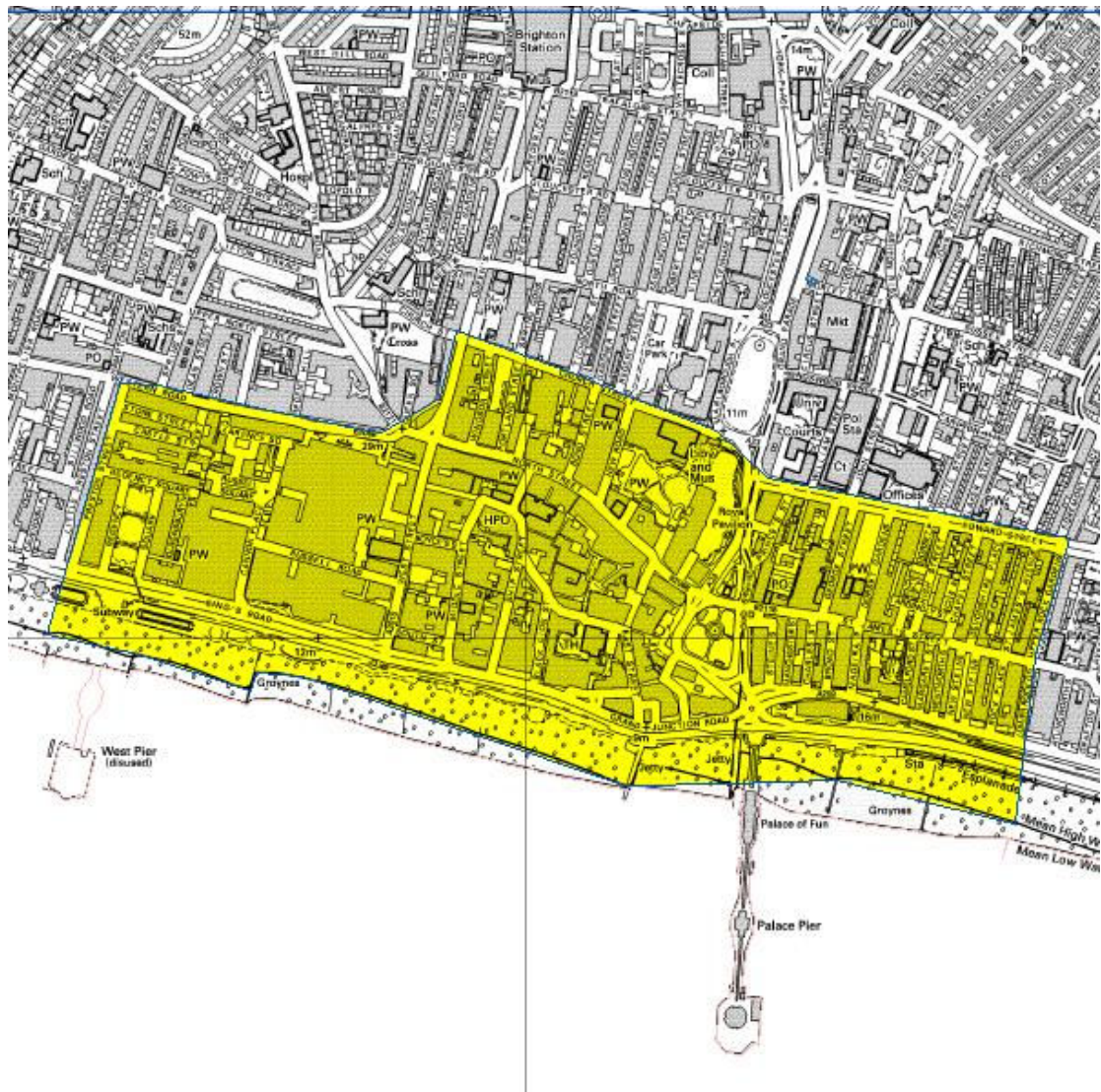
Head Office: Goring-on-Thames, Oxfordshire, UK
 Tel: 01235 831100 Fax: 01235 831101
 100 High Street, Brighton, East Sussex, UK
 Tel: 01273 333000 Fax: 01273 333001

| JOB | CHECKED |
|--|--------------|
| CHANGE OF USE FROM A1 TO A2/A4/A5 ATT. JUBILEE STREET BRIGHTON BOULEVARD | LIA |
| | URBAN |
| | LIA |
| CLIENT | DATE |
| tengreen bottles | 21.02.19 |
| | SCALE |
| | 1:100 A1 |
| DRAWING | REVISION |
| PROPOSED LICENSING DRAWING | A |
| | NUMBER |
| | 01181.PA-018 |

DO NOT COPY FROM THIS DRAWING. THIS DOCUMENT IS COPYRIGHT ©

APPENDIX C

Brighton & Hove City Council - Cumulative Impact Area



The Cumulative Impact Area comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Spring Street to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Ayr Street with the west side of Queens Road and then northward to the north-west corner of Queens Road junction with Church Street; thence along the north side of Church Street eastwards to its junction with Marlborough Place and continuing south-east across to the north-western junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Preston Street; northward to that point and along the west side of Preston Street to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Spring Street.

APPENDIX D

Brighton & Hove City Council – Special Stress Areas

The areas recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below:-



Area 1 - an area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Spring Street and along the north side of Western Road, Hove to its intersection with the west side of Holland Road; southward along the west side Holland Road to its end and then due south across the Kingsway to the mean water mark; along the mean water mark eastwards to the intersection with the boundary of the cumulative impact area and along that boundary northwards to the intersection of Western Road, Brighton with the west side of Spring Street.

Area 2 – an area bounded by and including: from a point on the west side of the Surrey Street / Terminus Road intersection adjacent to Guildford Road eastwards along the north side of Trafalgar Street to its eastern end; due east across York Place to the east side of Richmond Place; southward along the east side of Richmond Place and Grand Parade to the cumulative impact area's Edward Street boundary; westwards along the cumulative impact area's northern boundary to the north-west corner of the Church Street junction with Queens Road; north along the west sides of Queens Road and Surrey Street to the point on the west side of the Surrey Street / Terminus Road intersection adjacent to Guildford Road.

APPENDIX E

Measures to be included for consideration in SSAs are:

Matters that would normally be expected in operating schedules -

- the adoption of a "Challenge 21" policy 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
- systems to ensure any SIA door staff or Mobile Support Unit personnel display appropriate badges when on duty

Items to which positive consideration would be given -

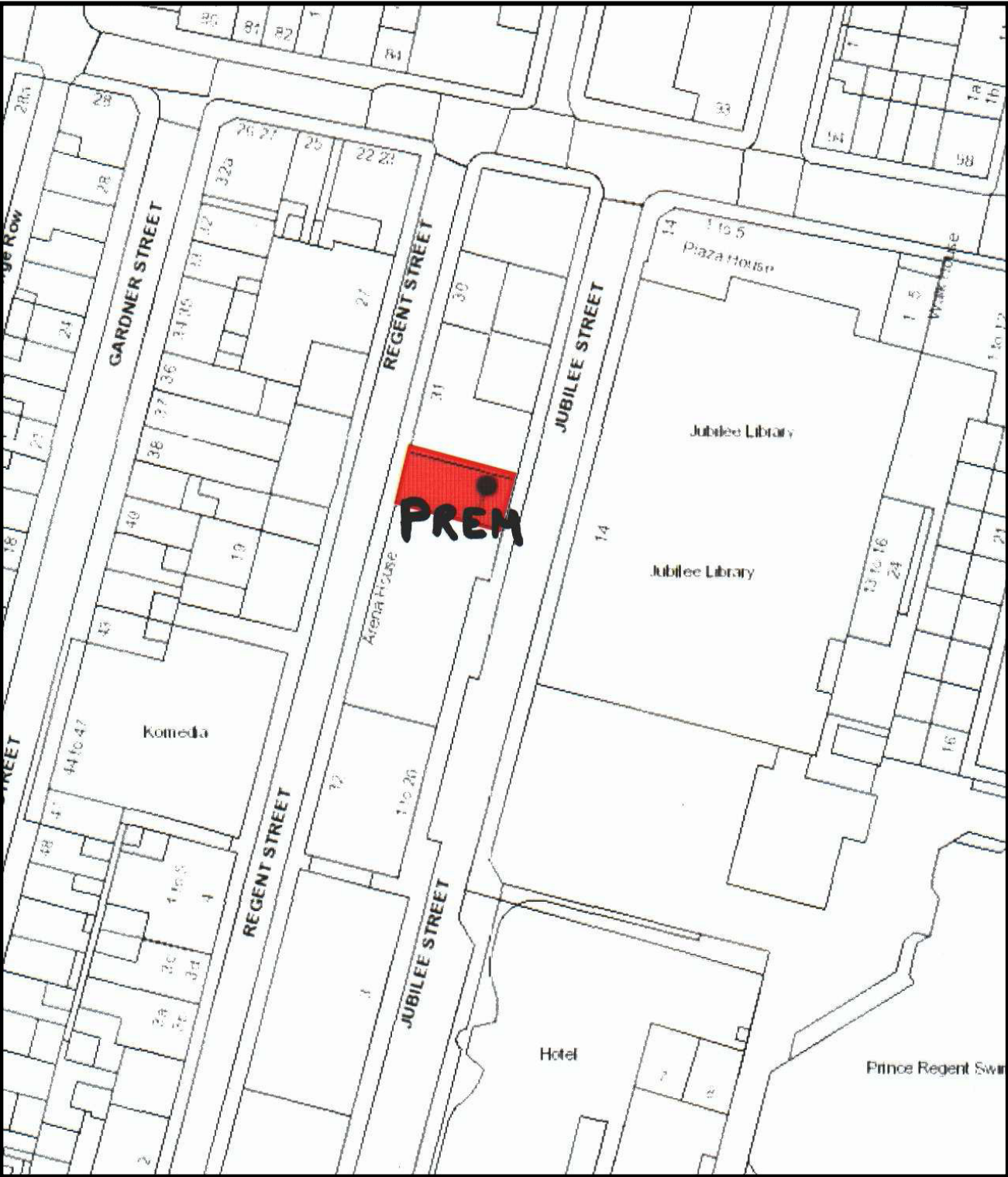
- membership of Brighton Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of 'nightsafe' radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly 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

Matters that might be recommended for appropriate restrictions -

- entry to premises by under 18s after certain times
- consumption of food and drink in smoking areas
- access to outside seating areas after certain times

Document is Restricted

APPENDIX G



Licensing Panel (Licensing Act 2003 Functions)

Agenda Item 94
Brighton & Hove City Council

| | | | |
|-------------------------|---|---|----------------------------|
| Subject: | Application for a Variation of a Premises Licence under the Licensing Act 2003 | | |
| Premises: | Jade Restaurant, 29 Western Road, BN3 1AF | | |
| Applicant: | Heng Wong | | |
| Date of Meeting: | 22 December 2010 | | |
| Report of: | Head of Environmental Health & Licensing | | |
| Contact Officer: | Name: | Mark Savage-Brookes | Tel: (01273) 292100 |
| | E-mail: | Mark.Savage-Brookes@brighton-hove.gov.uk | |
| Wards Affected: | Brunswick and Adelaide | | |

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

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

2. RECOMMENDATIONS:

- 2.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Jade Restaurant.

- 2.2.1 The application is for:

A Variation of a Premises Licence under the Licensing Act 2003.

The application proposes:

To extend the hours of licensable activities and opening hours from 2am to 5am every day.

2.2.2 Part P of the application is detailed at Appendix A

2.3 Summary table of existing and proposed activities

| | Existing | Proposed |
|---|---------------------------------------|--|
| E Live music | Indoors Every Day 23:00 – 02:00 | Indoors Every Day 23:00 - 05:00 |
| F Recorded Music | Indoors Every Day 23:00 – 02:00 | Indoors Every Day 23:00 - 05:00 |
| I Provision of facilities for making music | Indoors Every Day 23:00 – 02:00 | Indoors Every Day 23:00 - 05:00 |
| L Late Night Refreshment | Indoors Every Day 23:00 – 02:00 | Indoors Every Day 23:00 - 05:00 |
| M Supply of Alcohol | On the Premises 12:00 – 02:00 | On the Premises Indoors Every Day 12:00 - 05:00 |
| O Hours premises are open to public | Every Day 12:00 - 2:00 | Every Day 12:00 – 05:00 |

2.4 Existing licence attached at Appendix B

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Special Stress Area: The premises falls within one of the Special Stress Areas. These areas are deemed areas of special concern in terms of the levels of crime, disorder, and public nuisance experienced within them. (See Prevention of Crime and Disorder 2.4.10 – 2.4.14 and Appendices C - E).

3.2.1 Representations received

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

3.2.2 Twenty one representations were received. They were received from local residents, Residents Associations, a local Councillor and Sussex Police.

3.2.3 Representations received had concerns relating to Prevention of Crime and Disorder, Prevention of Public Nuisance and the Protection of Children from Harm.

3.2.5 Full details of the representations are attached at Appendix F. A map detailing the addresses of the individuals who have submitted the representations and their location in relation to the premises is attached at Appendix G.

Please note that Relevant Authorities and Residents' Associations are not included.

4. CONSULTATION

Commentary on licensing policy

4.1 The following extracts from Brighton & Hove Licensing Policy are considered relevant to this application and numbered as they appear in the policy:

General

1.2 The licensing objectives are:-

- (a) Prevention of crime and disorder;
- (b) Public safety;
- (c) Prevention of public nuisance;
- (d) Protection of children from harm.

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

- 1.5 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
- 1.15 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act, and the conditions attached to licences, certificates and permissions will be focused on matters which are within the control of the licensee and will centre on the premises themselves and their immediate vicinity. When considering these terms and conditions the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

In respect of the prevention of crime and disorder

- 2.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority recommends 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 staff 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.
- 2.3 It is expected that the designated premises supervisor (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.
- 2.4.10 Special Stress Areas – Appendix B of the SoLP details two areas of the Brighton city centre which border the Cumulative Impact area at Appendix A and which are deemed areas of special concern in terms of the levels of crime and disorder and public nuisance experienced within them.

2.4.11 While it is not considered appropriate at this stage to include these areas within the main impact area as such, these Special Stress Areas (SSAs) are of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced.

2.4.12 New and varied applications for premises and club premises certificates within SSAs 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 E 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.

2.4.13 On receipt of any application in SSAs, 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 E. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.

2.4.14 The Licensing Authority will keep the Cumulative Impact Area and Special Stress Areas 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 with a view to bringing the SSAs into the Cumulative Impact Area. If it is found that the above problems are receding the Special Policy may be reviewed with a view to revising the areas' boundaries.

2.5.1 Diversity of premises

This attempts to ensure that there is a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It will provide resilience against changing trends and attract a more diverse range of customers from different age groups, different communities of interest and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This in turn may 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 encourages mixed use venues, varying hours of business and a wider age balance.

2.5.5 Care, control and supervision of premises

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 will suggest crime prevention measures in relation to, for example, the internal layout of the premises, close circuit television, help points, lighting and security staff. The Police may ask for conditions which support such measures to be imposed when planning or licensing applications are granted, e.g. type of licence, capacity, opening time restrictions.

- 2.8 Enforcement issues will be considered in the light of any relevant enforcement policies and close links will be sought between all enforcing authorities, e.g. through the use of intelligence sharing and strategy groups. Such protocols may lead to the targeting of agreed high risk and problem premises whilst permitting a lighter touch approach in respect of well run premises.

In respect of the prevention of public nuisance

- 4.1 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, or as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke)
- 4.4 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.
- 4.5 Staggered closing times will not be used to combat binge drinking disorder and antisocial behaviour. Zoning will be avoided. A general principle of later opening so that customers can leave for natural reasons, slowly over longer periods will be promoted, to prevent unnatural concentrations of people. The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 4.7 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.
- 4.8 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre and on busy main roads. Powers may be exercised to impose

conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood.

In respect of the protection of children from harm

- 5.1 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, the committee recommend that 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.
- 5.2 It is the committee'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 physical, moral or psychological harm to them.
- 5.4 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.

- 5.6 Where children are expected to attend a public entertainment, appropriate adult supervision will be required to control the access and egress of children and to protect them from harm. This will normally be an adult member of staff for every 100 children. Where the entertainment is music and dancing, 2 persons, licensed by the Security Industry Authority (door supervisors) should be employed for every 100 children. Nothing in this policy shall seek to override child supervision requirements contained in other legislation or regulations. The licensing authority recognises the Children, Families and Schools section as being competent to advise on matters relating to the protection of children from harm.

Strategic Integration

- 6.5 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, 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.
- 6.7 This policy avoids duplication with other regulatory regimes wherever possible.

In respect of Live music, Dancing and Theatre

- 7.1 This policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. The impact of licensing on regulated entertainment, particularly live music and dancing, will be monitored. Where indications are that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how such situations might be reversed.
- 7.2 The Licensing Committee represents the general interests of a community. In determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives. The Licensing authority is aware of the need to avoid measures which deter live music, dancing and theatre - such as imposing indirect costs out of proportion to the income of the licence holder and to the risks presented. Only necessary, proportionate and reasonable licensing conditions should impose any restrictions on such events.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

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: Karen Brookshaw Date: 01.12.2010

5.2 Legal Implications:

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: 01.12.2010

5.3 Equalities Implications:

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.

5.4 Sustainability Implications:

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

5.5 Crime & Disorder Implications:

Licensing policy aims to prevent crime and disorder and protect public safety.

5.6 Risk and Opportunity Management Implications:

Licensing is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.

5.7 Corporate / Citywide Implications:

The success of the city's tourism strategy requires a safe, attractive city centre to improve competitiveness. The Act may significantly change night time economy

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part P of the Application
2. Appendix B – Part A of Premises Licence
3. Appendix C – Brighton & Hove City Council – Cumulative Impact Area
4. Appendix D – Brighton & Hove City Council – Special Stress Area
5. Appendix E – Measures to be considered in SSA's
6. Appendix F – Representations
7. Appendix G – Map of area

Documents in Members' Rooms

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy

Background Documents

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council Statement on Licensing Policy.



HOVE POLICE STATION



Brighton & Hove Licensing Unit
Police Station
Holland Road
HOVE
BN3 1JY

Tel: 01273 66 59 43
Fax: 01273 66 55 24

Email: licensing@bhove.police.uk

8th December 2010

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

Dear Sirs,

Application for variation of the premises licence under the Licensing Act 2003 for Jade Chinese Restaurant, 29 Western Road, Hove, BN3 1AF

Further to our representation of the 25th November 2010, the applicant has since made contact with us and has formally agreed to the conditions that we have requested.

I attach a signed agreement from the applicant to this letter.

Accordingly I confirm that subject to the attached agreed conditions being added to the new licence, Sussex Police formally withdraw their representation.

Yours faithfully,

A handwritten signature in dark ink, appearing to be 'G. Bartlett', with a large, stylized flourish at the end.

Graham Bartlett
Chief Superintendent
Divisional Commander
Brighton & Hove Division

Enc

Application for variation of the premises licence under the Licensing Act 2003 for Jade Chinese Restaurant, 29 Western Road, Hove, BN3 1AF

The prevention of crime and disorder

Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises externally and internally to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and 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. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. 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 for the police without difficulty or delay.

Between the hours of 02:00 and 05:00, on the ground floor alcohol will be served by waiter/waitress service to persons seated at tables and ancillary to a table meal only.

When the premises opens past 02:00, at least one SIA registered door supervisor will operate from the premises from 02:00 until close.

The protection of children from harm

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 only forms of ID that will be accepted are passports, driving licences with a photograph or Portman Group, Citizen Card or Validate proof of age cards bearing the 'PASS' mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence or conditions attaching to it.

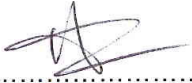
Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.

All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive the following training in age-restricted sales:

- The premises licence holder will ensure that all staff members engaged in selling alcohol on the premises shall receive induction training as to the lawful selling of age restricted products prior to the selling of such products, and verbal reinforcement/refresher training thereafter at intervals of no less than 12 weeks, with the date and time of the verbal reinforcement/refresher training documented.

- All age-restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police and Brighton & Hove Trading Standards Service upon request.

I confirm that I agree to the above new and amended conditions being added to the new varied licence.

Signed.....

Print Name..... HENRY WONG

Date..... 7.12.2010

Appendix A

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

DIGITAL CCTV WILL BE INSTALLED. ALL STAFF WILL BE TRAINED IN SALE OF ALCOHOL. PROOF OF ID WILL BE ASKED FOR. NO ONE UNDER 25 WILL BE SERVED ALCOHOL. THE KARAOKE ROOM IN THE BASEMENT WILL BE COMPLETELY SOUND-PROOF.

b) The prevention of crime and disorder

AN "SIA" REGISTERED DOOR SUPERVISOR WILL OPERATE FROM THE PREMISES FROM 02.00 UNTIL CLOSE.

c) Public safety

CCTV FOOTAGE WILL BE STORED FOR A MINIMUM OF 28 DAYS, AND 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.

d) The prevention of public nuisance

THE KARAOKE ROOM IN THE BASEMENT WILL BE COMPLETELY SOUND-PROOF.

e) The protection of children from harm

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.

APPENDIX B

**Schedule 12
Part A**

Regulation 33, 34

**Premises Licence
Brighton and Hove City Council**

Premises Licence Number

1445/3/2010/00774/LAPRMV

Part 1 – Premises Details

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

Jade Restaurant
29 Western Road
Hove
BN3 1AF

Telephone number

Where the licence is time limited the dates -

Licensable activities authorised by the licence

| | |
|---------------------------|------------------------|
| Live Music | Recorded Music |
| Making Music | Late Night Refreshment |
| Sale by Retail of Alcohol | |

Times the licence authorises the carrying out of licensable activities

Live Music – Indoors (Basement)

Every Day: 23.00 - 02.00

Recorded Music – Indoors (Basement)

Every Day: 23.00 - 02.00

Making Music – Indoors (Basement)

Every Day: 23.00 - 02.00

Late Night Refreshment

Every Day: 23.00 - 02.00

Sale by Retail of Alcohol

Every Day: 12.00 - 02.00

The opening hours of the premises

Every Day: 12.00 - 02.00

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

Alcohol is supplied for consumption on the Premises.

Part 2

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

Heng Wong

2 Northease Gardens

Hove

BN3 8PR

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

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

Soi Wai Chan

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Party Reference:

Licensing Authority:

Annex 1 – Mandatory conditions

S 19; mandatory conditions where licence authorises supply of alcohol

- no supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Mandatory Conditions 4 & 5 come into effect from 1st October 2010:

4.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Embedded Conditions:

Restaurant Licence

1. Permitted Hours

Alcohol may be sold or supplied:

- 1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to midnight.
- 2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: noon to 11:30pm
- 3) On Christmas Day: noon to 11:30pm;
- 4) On New Year's Eve, except on a Sunday, 10 a.m. to midnight;
- 5) On New Year's Eve on a Sunday, noon to 11.30 p.m.
- 6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Restrictions

The above restrictions do not prohibit during the first thirty minutes after the above hours the consumption of alcohol on the premises by persons taking meals there when the alcohol was supplied for consumption as ancillary to the meals;

Source Section 95 Licensing Act 1964

2. Recorded Music

Premises licensed for the sale and supply of alcohol may provide, at any time, regulated entertainment by the reproduction of wireless, including television broadcast and of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

Source Section 182 Licensing Act 1964

3. Late Night Refreshment

The Licence may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out above, and on New Years Eve until 5am on New Years Day.

(Justices') Licence Conditions

1. Intoxicating liquor shall not be supplied or sold or supplied on the premises otherwise than to persons taking table meals there and for the consumption by such a person as an ancillary to his meal.
2. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in then premises.

Variations to Embedded Conditions:

To extend the hours alcohol can be sold and provide late night refreshment.

Annex 2 – Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder: N/A

Public safety: N/A

Prevention of Public Nuisance:

All regulated entertainment, specially live and recorded music, must be restricted to the basement room of the premises only.

During the times that the basement room is being used for regulated entertainment, the doors in the basement must be kept closed, except for access and egress.

The premises licence holder shall ensure that no noise or vibration shall emanate from the premises be transmitted through the structure of the premises which gives gives rise to undue disturbance to local residents.

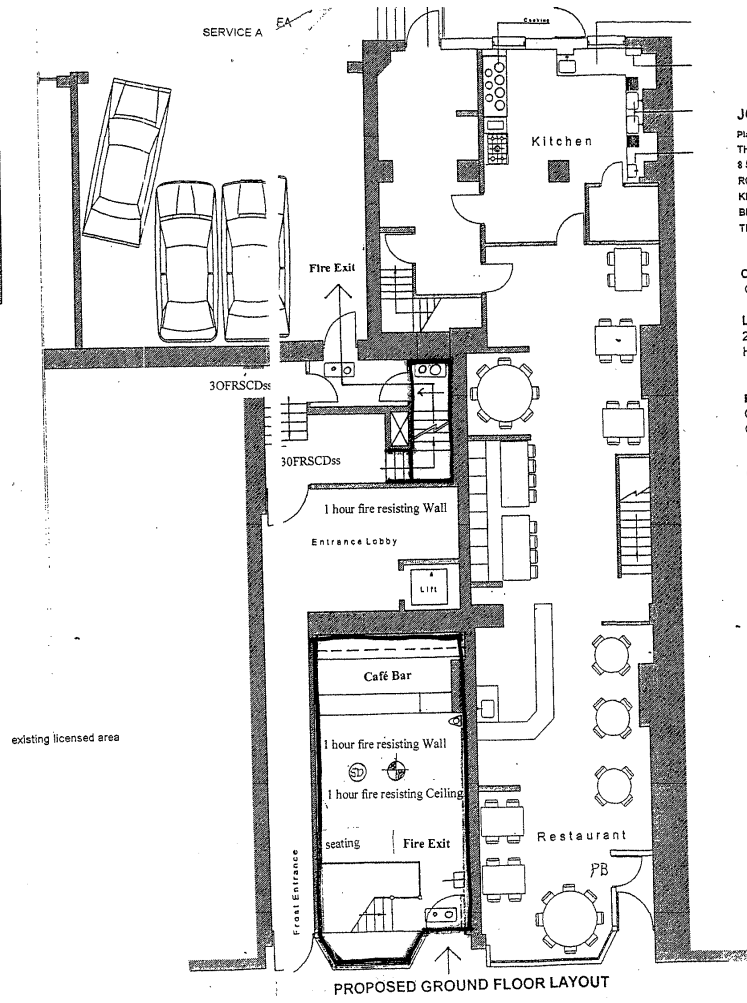
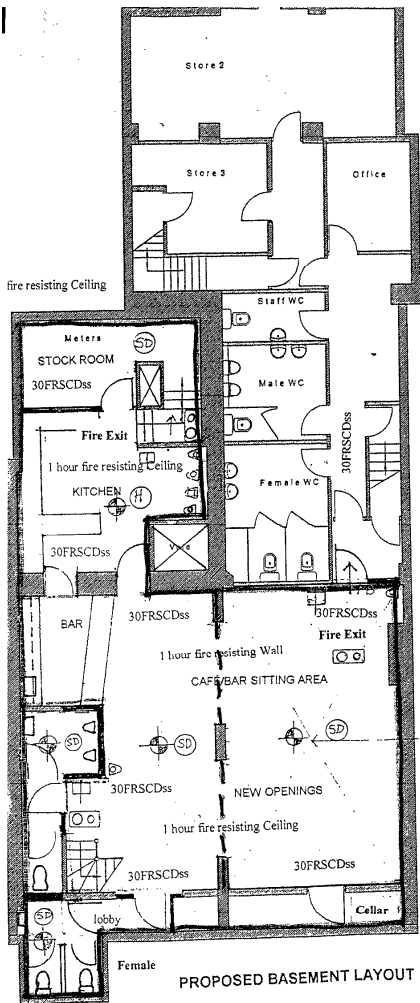
All external doors and windows will be kept closed, other than for access and egress, during regulated entertainment (amplified music and speech).

During operating hours, the premises licence holder or a nominated representative shall be available to receive and respond to nuisance-related complaints. A contact number shall be readily available upon request.

For the protection of children from harm: N/A

Annex 3 - Conditions Attached after a hearing of a Licensing Panel - NA

Annex 4 – Plans



JOHN WYNNE ASSOCIATES
 Planning & Architectural Consultants
 THE MEWS
 8 SUSSEX SQUARE
 ROCK STREET ENTRANCE
 KEMPTOWN, BRIGHTON
 BN2 1FJ
 TEL: 01273 600 459 FAX: 01273 243 881

CLIENT
 CORDOBA PROPERTIES

LOCATION
 28-29 WESTERN ROAD
 HOVE

PROJECT
 CHANGE OF USE
 OFFICE TO CAFÉ/BAR [USE CLASS A3]

DRAWING TITLE
 DIAGRAMATIC PLAN
 BASEMENT & GROUND FLOOR
 PROPOSED LAYOUT

DATE 11TH AUGUST 2004

REVISIONS

PROJECT REFERENCE J46WB

DRAWING NO. J46WB/PLJ2
SCALE 1:100

Licensing Plan

APPENDIX C

Brighton & Hove City Council - Cumulative Impact Area



The Cumulative Impact Area comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Spring Street to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Ayr Street with the west side of Queens Road and then northward to the north-west corner of Queens Road junction with Church Street; thence along the north side of Church Street eastwards to its junction with Marlborough Place and continuing south-east across to the north-western junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Preston Street; northward to that point and along the west side of Preston Street to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Spring Street

APPENDIX D

Brighton & Hove City Council – Special Stress Areas

The areas recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below:-



Area 1 - an area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Spring Street and along the north side of Western Road, Hove to its intersection with the west side of Holland Road; southward along the west side Holland Road to its end and then due south across the Kingsway to the mean water mark; along the mean water mark eastwards to the intersection with the boundary of the cumulative impact area and along that boundary northwards to the intersection of Western Road, Brighton with the west side of Spring Street.

Area 2 – an area bounded by and including: from a point on the west side of the Surrey Street / Terminus Road intersection adjacent to Guildford Road eastwards along the north side of Trafalgar Street to its eastern end; due east across York Place to the east side of Richmond Place; southward along the east side of Richmond Place and Grand Parade to the cumulative impact area's Edward Street boundary; westwards along the cumulative impact area's northern boundary to the north-west corner of the Church Street junction with Queens Road; north along the west sides of Queens Road and Surrey Street to the point on the west side of the Surrey Street / Terminus Road intersection adjacent to Guildford Road.

APPENDIX E

Measures to be included for consideration in SSAs are:

Matters that would normally be expected in operating schedules -

- the adoption of a “Challenge 21” policy 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
- systems to ensure any SIA door staff or Mobile Support Unit personnel display appropriate badges when on duty

Items to which positive consideration would be given -

- membership of Brighton Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of ‘nightsafe’ 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

Matters that might be recommended for appropriate restrictions -

- entry to premises by under 18s after certain times
- consumption of food and drink in smoking areas
- access to outside seating areas after certain times

Document is Restricted

Appendix G



