





**Brighton & Hove  
City Council**

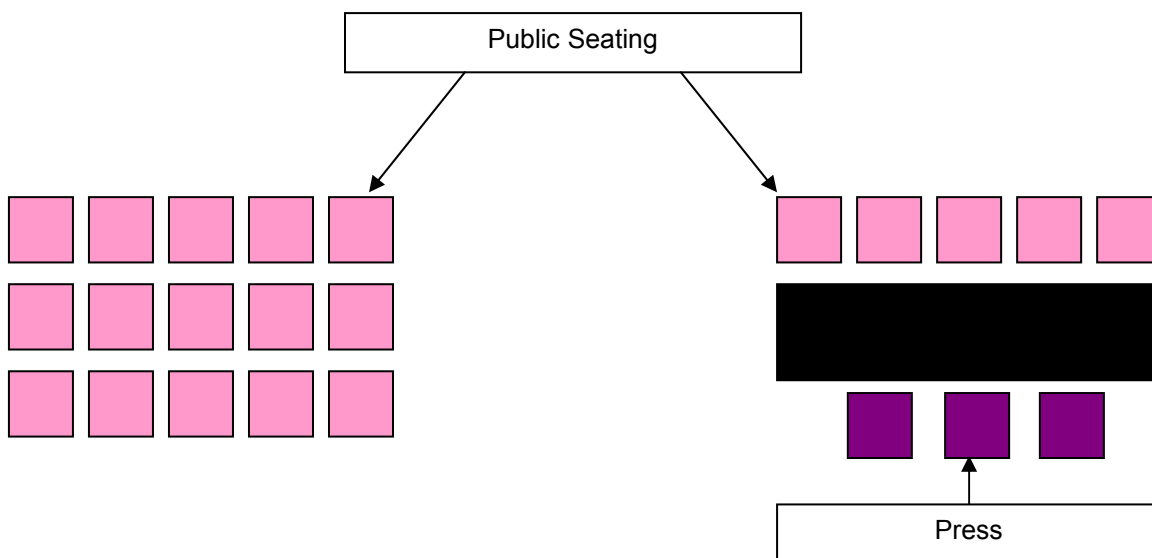
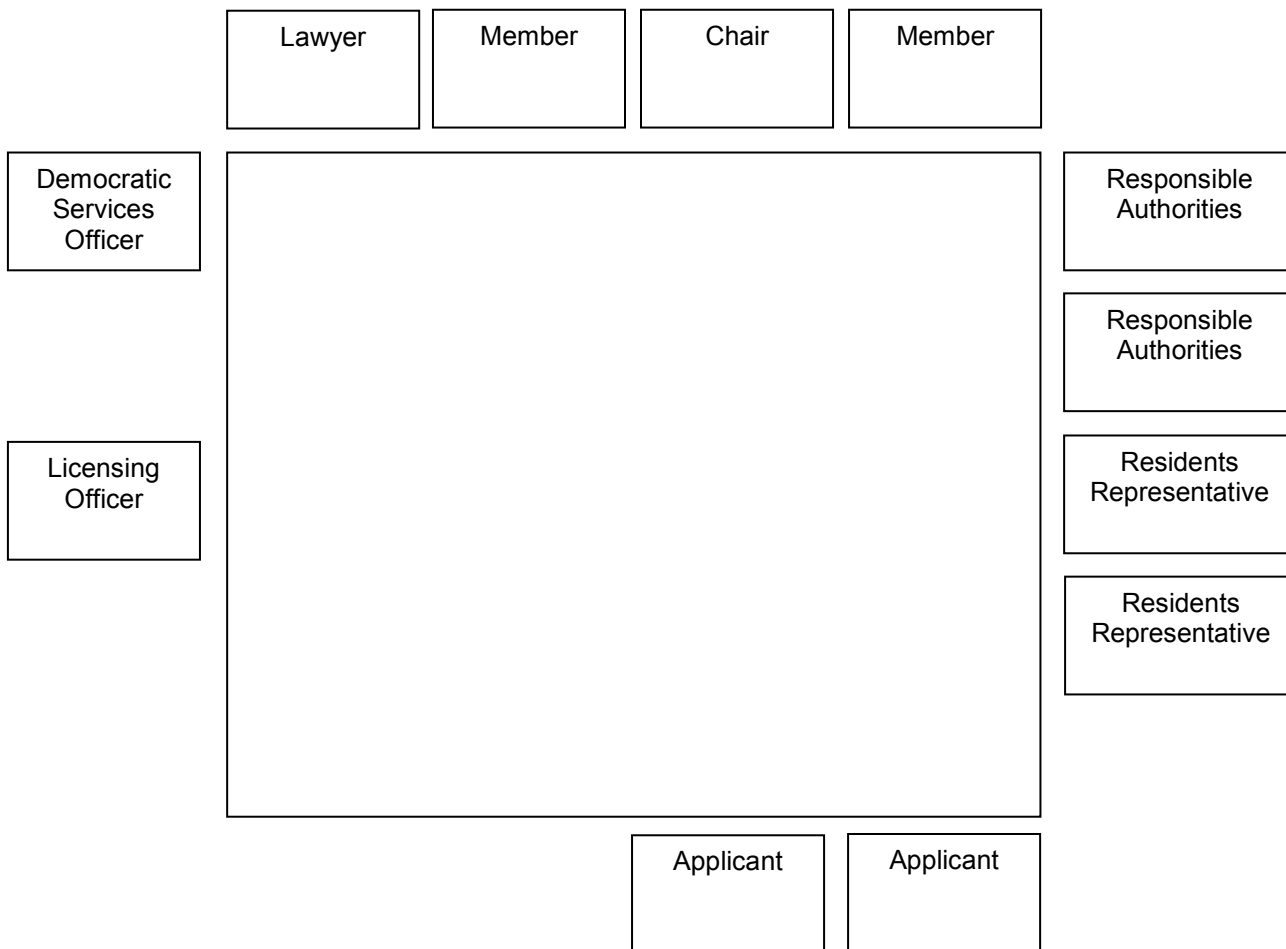
# Licensing Panel

(Licensing Act 2003 Functions)

|          |   |
|----------|---|
| Title:   | <b>Licensing Panel (Licensing Act 2003 Functions)</b>   |
| Date:    | <b>5 August 2011</b>  |
| Time:    | <b>10.00am</b>  |
| Venue    | <b>Committee Room 1, Brighton Town Hall</b>   |
| Members: | <b>Councillors:</b><br>Duncan, Marsh and Simson   |
| Contact: | <b>Penny Jennings</b><br>Democratic Services Officer<br>01273 291065<br>penny.jennings@brighton-hove.gov.uk |

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



**AGENDA**

**54. TO APPOINT A CHAIRMAN FOR THE MEETING**

**55. 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.*

**56. APPLICATION FOR NEW PREMISES LICENCE: THE COURTYARD, 20 NEW ROAD, BRIGHTON 1 - 30**

Report of the Head of Planning and Public Protection (copy attached)

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

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

## LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public.

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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](mailto:penny.jennings@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Thursday, 28 July 2011

# Licensing Panel (Licensing Act 2003 Functions)

**Agenda Item 56**  
Brighton & Hove City Council

|                         |  |   |                            |
|-------------------------|--|---|----------------------------|
| <b>Subject:</b>         | <b>Application for a New Premises Licence under the Licensing Act 2003</b> |   |                            |
| <b>Premises:</b>        | <b>The Courtyard, 20 New Road, Brighton, BN1 1UF</b>                       |   |                            |
| <b>Applicant:</b>       | <b>New Road Catering Ltd</b>   |   |                            |
| <b>Date of Meeting:</b> | <b>5 August 2011</b>   |   |                            |
| <b>Report of:</b>       | <b>Head of Planning and Public Protection</b>                              |   |                            |
| <b>Contact Officer:</b> | <b>Name:</b>   | <b>Jim Whitelegg</b>                      | <b>Tel: (01273) 292438</b> |
|                         | <b>E-mail:</b>   | <b>Jim.Whitelegg@brighton-hove.gov.uk</b> |                            |
| <b>Wards Affected:</b>  | <b>St Peter's and North Laine</b>  |   |                            |

## FOR GENERAL RELEASE

### 1. SUMMARY AND POLICY CONTEXT:

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

### 2. RECOMMENDATIONS:

- 2.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for The Courtyard.

2.2.1 The application is for:

A New Premises Licence under the Licensing Act 2003.

The application proposes:

An existing café, recently modernised to a high standard situated in the New Road pedestrian area with an outside seating area.

2.2.2 Part P of the application is detailed at Appendix A and the plan of the premises is attached at Appendix B.

### 2.3 Summary table of proposed activities

|  | <b>Proposed</b>   |
|--|---|
| <b>L Late Night Refreshment</b>            | Indoors<br>Every Day<br>23.00 – 24.00<br>Hot food and drinks will be served up until close at 24.00<br>On New Years Eve into New years Day until 01.00                      |
| <b>M Supply of Alcohol</b>                 | On and Off the Premises<br>Every Day<br>09.00 – 23.30<br>On New Years Eve into New Years Day until 01.00<br>Outside service will cease at 23.00 to the licensed street area |
| <b>O Hours premises are open to public</b> | Every Day<br>09.00 – 24.00  |

### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Cumulative Impact: The premises falls within the Cumulative Impact Area (“The Area”) in Brighton city centre (see paragraphs 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 local business and Sussex Police

3.2.3 Representations received had concerns relating to the Prevention of Crime and Disorder, Cumulative Impact and the Prevention of Public Nuisance.

- 3.2.5 Full details of the representations are attached at Appendix F. 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 City Council Statement of 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 focused on matters which are within 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
- 1.10.4 The licensing authority's preferred position is to ensure planning permission is in place before an application for a licence is made.

##### **In respect of the prevention of crime and disorder**

- 2.1 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.

- 2.2 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 and that staff are authorised by the DPS.
  
- 2.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
  
- 2.5 Measures put in place should support the intentions of Operation Marble (police operational order refers), 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.

### **Cumulative Impact**

- 2.6 Cumulative impact – the licensing authority may receive representations from either a responsible authority or an interested party that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with ‘need’ which relates more to the commercial demand for a particular type of premises. The issue of ‘need’ is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore does not form part of this licensing policy statement.



- 2.6.1 Special Policy - Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 2.6.2 The licensing authority after careful consideration has determined that the concentration of licensed premises in a small area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to Cumulative Impact is necessary as part of its statement of licensing policy.
- 2.6.3 This special policy will refer to a Cumulative Impact area (“the Area”) in the Brighton city centre, a detailed plan of which is attached at Appendix C from the Statement of Licensing Policy (SoLP).
- 2.6.4 The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences or club premises certificates within the Area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.
- 2.6.5 Any variation application including Minor Variations will potentially come within this special policy, including those for extensions of hours, subject always to an applicant satisfying the authority that there will be no adverse effect on Cumulative Impact.
- 2.6.6 This special policy also applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments. Off licences also come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder.
- 2.6.7 The presumption of refusal does not relieve responsible authorities or interested parties of the need to make a relevant representation. If there are no representations, the licensing authority must grant the application in terms consistent with the operating schedule submitted.
- 2.6.8 Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the Cumulative Impact of the Area, it may be granted. The

Impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of Cumulative Impact, a small restaurant or theatre may be considered exceptional circumstances. The fact that a premises will be/is exceptionally well managed with a well qualified applicant, or that there are no residential premises nearby, will not be considered exceptional.

2.6.9 If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved.

## **2.7 The Licensing Authority will support:**

2.7.1 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.

2.7.2 Favourable consideration will be given to promoting the city's cultural quarter, live entertainment in pubs, food led operations, developing LGBT and other communities of interest venues, particularly around St James's Street, promoting a family leisure area on the sea front with a more adult leisure centre at night.

### **2.7.3 Café Bars**

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.

Licensees should be aware that breach of such conditions is likely to lead to appropriate enforcement action.

#### 2.7.4 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 café bars, 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.

#### 2.7.6 Care, control and supervision of premises:

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.

2.7.7 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, e.g. type of licence, capacity, operating hours restrictions.

2.7.12 Enforcement will be achieved by the enforcement policy.

### **In respect of the prevention of public nuisance**

4.1 Planning, building control and licensing will be properly separated to avoid duplication and inefficiency. Granting of licences will not relieve applicants of the need to apply for planning permission or building control consent and there is an expectation that these issues will have been explored before licensing applications are submitted. Applicants

are recommended to obtain correct planning consents prior to applying for a licence to avoid potentially inoperative licences.

- 4.2 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke)
- 4.6 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.
- 4.7 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, on busy main roads and in the central leisure area. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood. Licensed premises in residential neighbourhoods will normally have a terminal hour no later than 2330. In mixed neighbourhoods they will normally have a terminal hour of no later than 0200 hours to counter noise disturbance to residents as informed by the health impact assessment and requested by Licensing Strategy Group.
- 4.8 While each application will always be considered on its merits, as an indication the St James's Street area and the North Laines/area will be considered residential neighbourhoods, and East Street a mixed neighbourhood.
- 4.9 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 4.10 below).

#### **4.10 Smoking Advice**

Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be

intrusive. An effective smoking management plan will help prevent neighbours being disturbed.

- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence you may find it necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks, and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for rapid police response and alert other venues where customers and staff are endangered.
- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.

- Use CCTV to manage outside areas.

4.11 Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

### **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, 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.

6.6 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.

6.8 Other regulatory regimes

This policy avoids duplication with other regulatory regimes wherever possible.

## **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: 19.07.2011

### **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: 19.07.2011

### **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 – Plan of Premises
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.



## APPENDIX A

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

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

An established business run by the operating companies owners ensuring that good training is in place especially in relation to licensing law, conditions on the licence, especially underage sales and refusals of service.  
Training will be carried out at induction and thereafter at regular intervals of no more than every 6 months.  
All training will be recorded and records made available to the officers of the licensing authority including Trading Standards and to Sussex police.

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

A single ground floor area with good supervision and staffed by up to 8 members of staff at busy times serving a wide range of good food, seating normally about 50 but possibly up to 70 together with the outside area operated under the street licence.  
The whole premise to operate under the stated Café Bar conditions of the licensing policy of persons being seated at tables and served by waiter/waitress inside and outside  
The outside area to cease having service to it by 2300 and only used as a smoking area from then to close.

**c) Public safety**

This premises has recently been fitted out to high modern standards and a new fire risk assessment will be carried out and training as required given to all staff.

**d) The prevention of public nuisance**

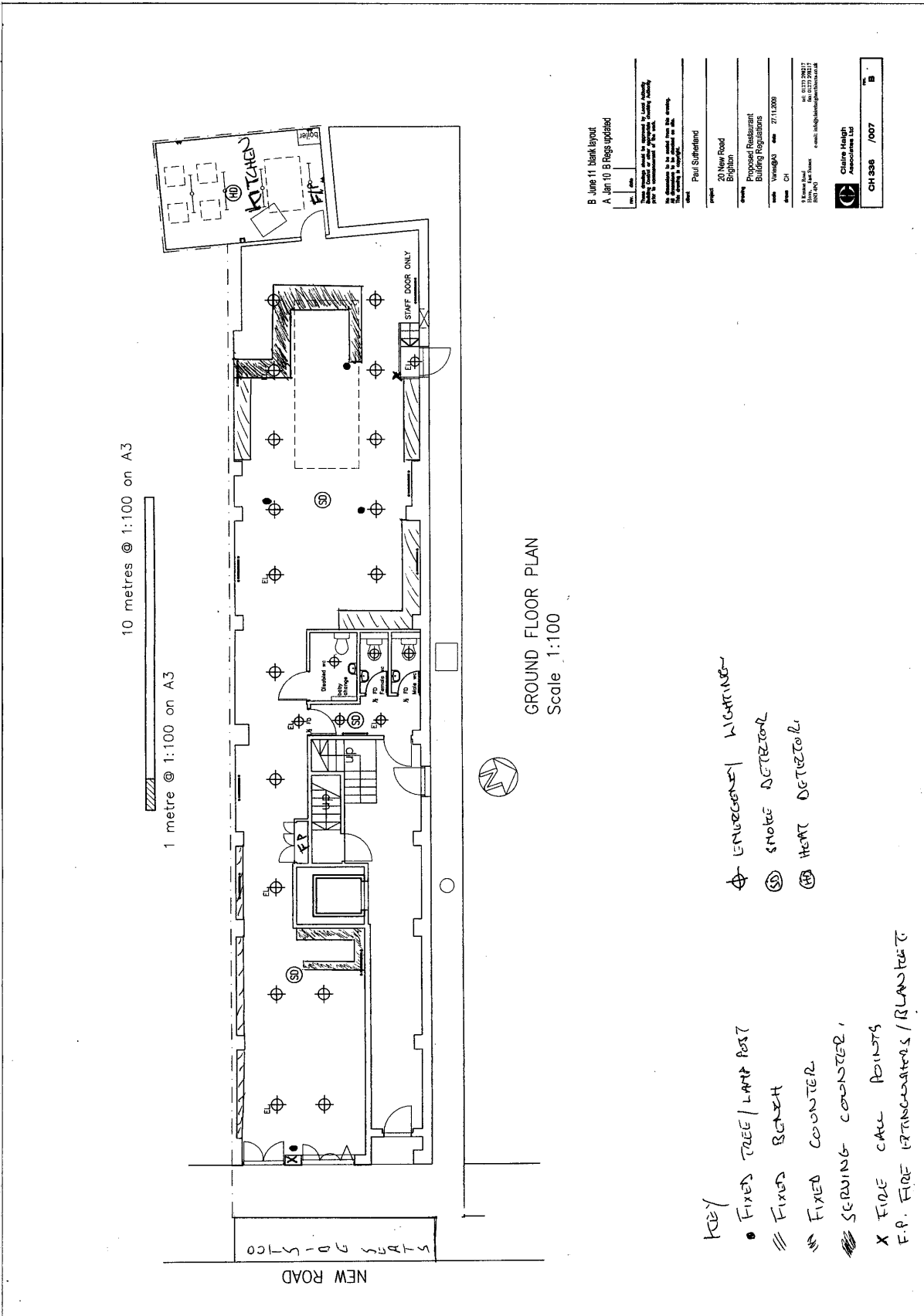
There is no regulated entertainment,  
The outside area will be monitored at all times by staff  
No drinks or food will be served outside after 2300, the area will only be used as a smoking area from then until close

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

The premises will adopt a 'Challenge 25' policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID as proof of their age. The only ID that will be accepted are passports and UK driving licences with a photograph or Portman group proof of age cards bearing the 'PASS' mark hologram. The list of approved ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the actual licence  
A refusal register will be maintained by the staff and all cases of refusing service for age related sales and other offences will be recorded. The register will be inspected by the DPS regularly and signed at least once a month to say it has, and will be available for inspection by officers of



APPENDIX B



GROUND FLOOR PLAN  
Scale 1:100

- KEY
- FIXED TREE/LAMP POST
  - /// FIXED BENCH
  - ≡ FIXED COUNTER
  - ▨ SERVING COUNTER
  - X FIRE CALL POINTS
  - F.P. FIRE PATROL COUNTERS / BLANKETS

- ⊕ EMERGENCY LIGHTING
- ⊙ SMOKE DETECTOR
- ⊕ HEAT DETECTOR

B June 11 blank layout  
A Jan 10 B Regs updated

These drawings should be reviewed by Local Authority Planning Department or other appropriate Authority. The drawings to be issued from this drawing. The drawings to be issued.

author Paul Sutcliffe

project 23 New Road Brighton

client Proposed Restaurant Building Regulations

date 27.11.2008

sheet CH

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Circle Hatch Associates Ltd  
CH 338 /007



## 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

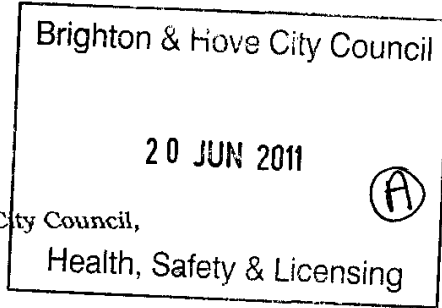


APPENDIX F

The courtyard JW con: 8/07

CI  
PCD

Licensing Officer,  
Brighton & Hove City Council,  
Bartholomews,  
BRIGHTON



Mr Dave Day,  
1 The Upper Drive,  
HOVE,  
BN3 6GR

18<sup>th</sup> June 2011

Dear Sir

RE: LICENSING APPLICATION NO 1445/3/2011/01171/LAPREN  
20 NEW ROAD BRIGHTON, BN1 1UF

I am writing to object most strongly to the above application for a full alcohol licence which I have read about on your website – however it is missing a lot of information and I am therefore assuming it is for a full licence. I am the Managing Director of the Golden Lion Group Ltd which owns the Colonnade Bar adjacent to the Theatre Royal in New Road and we have been operating this bar for over 18 years.

During that time we have seen many changes not only in the town centre but especially in New Road, particularly with the increase in outside eating and drinking areas with the many new restaurants that have opened up in the recent years. In addition there has been a large increase in social problems associated with street drinkers.

This small, semi-pedestrianised street has at least six full on-licensed venues plus at least seven restaurant/cafes, many of which seem to operate as bars. These figures do not even include the Jubilee Street area which has at least a further eight or nine licensed outlets. The prospect of yet another seems unbelievable.

New Road is in the cumulative impact area for licensing and as such would urge you to follow your own policy and refuse this application in its entirety – there can be no justification for any additional licenses in an area that is already saturated. The only outcome is a gradual decline in trade for the existing outlets which, in turn, can lead to a gradual lessening of standards.

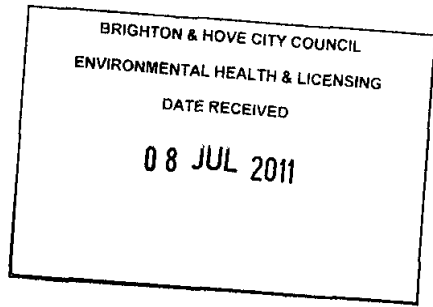
I look forward to hearing from you and would like to be kept informed of the date of the hearing for this application so I may attend in person.

Kind regards

DAVE DAY

CI  
PCD  
PPN

JW con: 8.7.11



(B)

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

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

Email: david.bateup@sussex.pnn.police.uk

8<sup>th</sup> July 2011

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

Dear Sirs,

**SUSSEX POLICE REPRESENTATION AGAINST THE APPLICATION FOR A PREMISES LICENCE FOR THE COURTYARD, 20 NEW ROAD, BRIGHTON, BN1 1UF.**

Sussex Police oppose the application dated 9<sup>th</sup> June 2011 for a premises licence by Mr Doug Simmonds on behalf of New Road Catering Ltd. The basis for this opposition is that the grant of a variation for these premises will not promote the licensing objectives, particularly the prevention of crime and disorder and the prevention of public nuisance, but instead, will give rise to potential negative cumulative impact.

The premises in respect of which the application is made are situated within the Brighton & Hove City Council cumulative impact area. This is a mixed use area which currently suffers from high levels of anti social behaviour and disorder. The area is frequented by street drinkers, and already attracts associated problems such as begging.

The concentration of licensed premises within an area of the City causes problems of anti social behaviour, crime and disorder and public nuisance. In consequence of this, after due consultation and consideration, on 13<sup>th</sup> March 2008 the Licensing

Authority resolved that it was both appropriate and necessary to adopt a special policy in relation to cumulative impact. The special policy was reviewed as part of the third statement of licensing policy last year, and was adopted by a full Council on 16<sup>th</sup> December 2010, coming into effect in January of this year.

Paragraph 2.6.4 of the Council 2011 Statement of Licensing Policy states that "The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licenses or club premises certificates with the Area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact".

Paragraph 13.29 of the Secretary of State's Guidance to the Licensing Act 2003 provides:

"The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licenses...that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives".

The grant of a new premises licence to these premises would provide a further venue supplying alcohol, within an area already so sufficiently heavily populated with licensed premises that crime, disorder and public nuisance have reached problem levels.

Contrary to the Secretary of State's Guidance, the applicant fails to demonstrate in its operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. The application makes no reference to cumulative impact whatsoever, and nothing in the application or the operating schedule either rebuts the presumption of refusal contained within Paragraph 2.6.4 of the Licensing Authority's statement of licensing Policy, or provides any reason for the Licensing Authority to depart from its special policy.

In view of the above, the Licensing Authority is invited to refuse the application.

Should the Committee be so minded to grant the application however, then Sussex Police ask for the following amended and revised conditions to be added to the licence:

The hours for the supply of alcohol to be amended to 09:00 to 23:00 seven days a week.

The opening hours to be amended to 09:00 to 23:30 seven days a week (thus allowing half an hour drinking up time).

The hours for the provision of late night refreshment to be deleted in their entirety as we would suggest that late night refreshment should cease in line with the hours for the supply of alcohol at 23:00.

There will be no 'off sales' supplied from the premises - on sales only.

### **The prevention of crime and disorder**

Alcohol will be served by waiter/waitress service to persons seated at tables and consumed at such tables both inside and outside of the premises.

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.

The opening hours as per part O of the application will be an express condition of the licence although this condition shall not be construed as imposing any requirement on the premises licence holder to trade the totality of those hours.

Patrons will not be permitted to leave the premises at any time with drinks in open containers (including bottles) to consume whilst smoking or associating with smokers beyond the confines of the licensed area of the premises.

It is noted that despite the fact that the applicant is applying for both on and off sales, there are no conditions offered whatsoever in relation to staff training. Therefore if the Committee is so minded to grant a new licence, then we would also request the following condition on the licence:

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 not to exceed 8 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.

Yours faithfully,

Graham Bartlett  
Chief Superintendent  
Divisional Commander  
Brighton & Hove Division





APPENDIX G

