



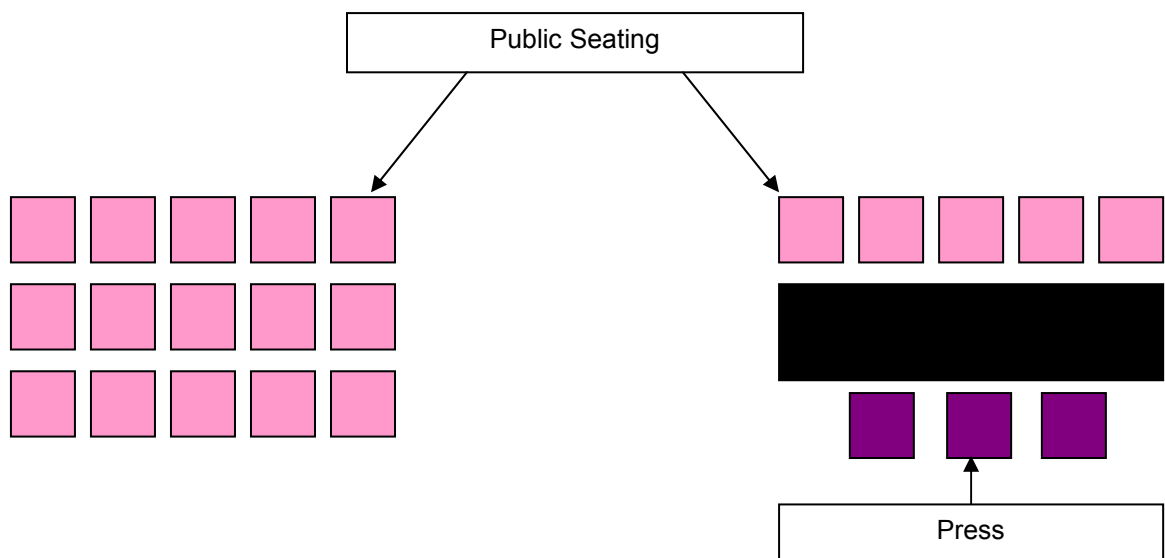
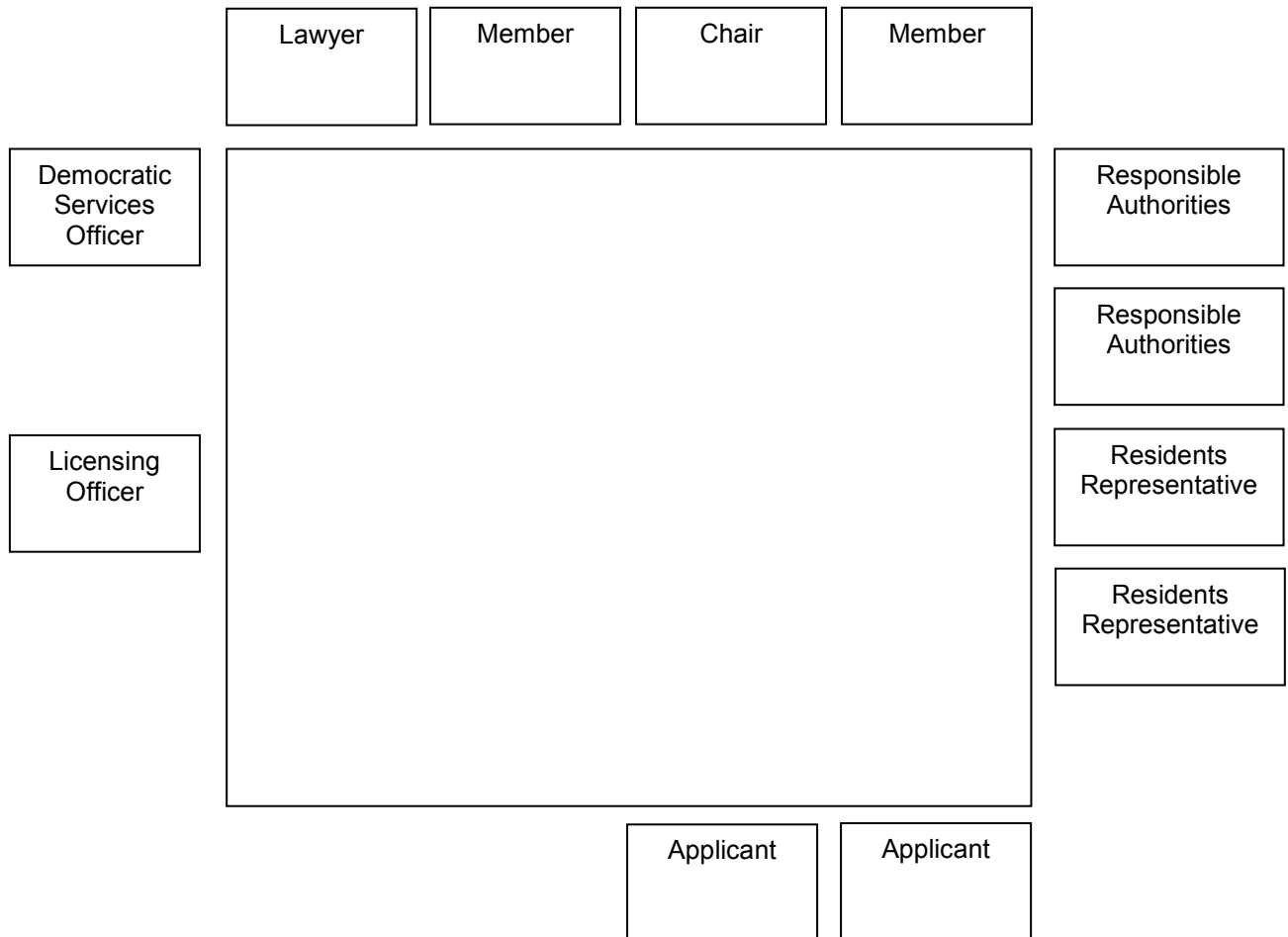
Licensing Panel

(Licensing Act 2003 Functions)

| | |
|----------|---|
| Title: | Licensing Panel (Licensing Act 2003 Functions) |
| Date: | 23 August 2012 |
| Time: | 10.00am |
| Venue | Committee Room 1, Brighton Town Hall |
| Members: | Councillors: Buckley, Hawtree and Simson |
| Contact: | Ross Keatley Democratic Services Officer 01273 291064 ross.keatley@brighton-hove.gov.uk |

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



AGENDA

34. 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.

35. TO APPOINT A CHAIRMAN FOR THE MEETING

36. GOURMET PIZZA KITCHEN - LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS) 1 - 38

Contact Officer: Jim Whitelegg Tel: 29-2143
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 running order of the agenda at the start of the meeting without prior notice.*

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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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 - Wednesday, 15 August 2012

Licensing Panel (Licensing Act 2003 Functions)

Agenda Item 36

Brighton & Hove City Council

| | | | |
|-------------------------|--|--|----------------------------|
| Subject: | Application for a New Premises Licence under the Licensing Act 2003 | | |
| Premises: | Gourmet Pizza Kitchen 40 Western Road Hove BN3 1JD | | |
| Applicant: | Blackheath Hotels Ltd | | |
| Date of Meeting: | 23 August 2012 | | |
| Report of: | Head of Regulatory Services | | |
| Contact Officer: | Name: | Jim Whitelegg | Tel: (01273) 292438 |
| | E-mail: | Jim.Whitelegg @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 New Premises Licence under the Licensing Act 2003 for Gourmet Pizza Kitchen.

2. RECOMMENDATIONS:

- 2.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for Gourmet Pizza Kitchen.

2.2.1 The application is for:

A New Premises Licence under the Licensing Act 2003.

The application proposes:

A corner cafe in the busy shopping area of Hove currently being refurbished by the applicants

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

2.3 Summary table of proposed activities

| | Proposed |
|--|--|
| M Supply of Alcohol | On and Off the Premises Every Day 08.00 – 23.00 Off sales are delivery only between 11.00 and 22.45 |
| O Hours premises are open to public | Every Day 08.00 – 23.30 |

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Cumulative Impact: The premises falls within the Cumulative Impact Area (“The Area”) (see paragraphs Prevention of Crime and Disorder 2.6 – 2.6.15 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 Six representations were received. They were received from Resident’s Associations, a local Councillor and Sussex Police.

3.2.3 Representations received had concerns relating to Prevention of Crime and Disorder, Cumulative Impact, Public Safety, 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 location of the premises is attached at Appendix G.

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 area.
- 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 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 other persons 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. The first Special Policy and Cumulative Impact Zone (CIZ) and Special Stress Areas (SSA’s) were adopted in March 2008. Since that date, the licensing authority has kept the CIZ and SSA’s under review with the proviso that 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 SSA's into the CIZ.

At Licensing Committee on 10th February 2011, committee called for a report on the review of the licensing policy following consultation with ward Councillors and the Police, reviewing evidence, having regard to resident concerns with a view to possible inclusion of special stress areas in the CIZ. The merits of a matrix approach to licensing decisions would also be explored. On the 23rd June 2011 the Licensing Committee received a report and authorised officers to initiate consultation regarding a review of the CIZ.

2.6.3 On the 15th December 2011 Full Council resolved to expand the CIZ and the special stress area. The new CIZ covers 1.5% of the administrative area of Brighton & Hove City Council.

2.6.4 This special policy will refer to a Cumulative Impact Zone ("the CIZ") in the Brighton city centre, a detailed plan of which is attached at Appendix C from the Statement of Licensing Policy (SoLP).

2.6.5 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.

2.6.6 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.

2.6.7 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.

2.6.8 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.

2.6.9 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, pub or theatre may be considered exceptional circumstances. In relation to this, the licensing authority considers it is more proportionate to look favourably upon a pub wanting to open until 11pm or a restaurant until 12 midnight as it has emerged from all the evidence and consultation responses that these type of premises operating within these hours are unlikely to add to cumulative impact in the area. 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.

2.6.10 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.

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

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. A "matrix" approach to licensing decisions has been adopted and is set out below.

Matrix approach for licensing decisions in a Statement of Licensing Policy

| | Cumulative Impact Area | Special Stress Area and London Road | Mixed Commercial and Residential Areas (streets containing shopping parades) | Residential Area (mainly residences in street) | Marina |
|--|-------------------------------|--|---|---|------------------|
| Restaurant | Yes (midnight) | Yes (2am) | Yes | Yes (11.30pm) | Yes |
| Late Night Takeaways | No | Yes (midnight) | Yes (midnight) | Yes (midnight) | Yes |
| Night Club | No | No | Yes (3am) | No | Yes |
| Pub | Yes (11pm) | Yes (11pm) | Yes (3am) | Yes (11pm, midnight Friday and Saturday) | Yes |
| HVVD (Super pub) | No | No | No | No | Yes |
| Non-alcohol lead (e.g. Theatre) | Yes (favourable) | Yes (favourable) | Yes (favourable) | Yes | Yes |
| Off-licence | No | No | No | Yes (8pm) | Local shops only |
| Members Club | Yes (<100) | Yes (<100) | Yes | Yes (11pm and midnight Friday and Saturday) | Yes |

Notes on matrix

Subject to the following, the policy, as represented in the matrix, would be strictly adhered to

- 1) Each application would be considered on individual merit
- 2) Departure from policy is expected only in exceptional circumstances
- 3) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix
- 4) Exceptional circumstances may include: close consultation with Sussex Police and the Licensing Authority, meeting requirements of responsible

authorities, an appropriate corporate social responsibility policy, community contribution to off set impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts), BCRP membership

5) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre

6) Shatterproof drinking receptacles will normally be required by licence condition in alcohol led establishments in the city centre

7) Outdoor events will be supported where arranged through the council's event planning process

8) Favourable consideration will be given to residential need

9) Favourable consideration will be given to local businesses properly engaged with the local licensing authority and responsible authorities

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.

2.7.13 Any enforcement checks will include outside drinking areas, looking particularly at noise, and customer smoking areas.

In respect of Public Safety

- 3.1 Club owners and promoters will be expected to have regard to “Safer Clubbing: guidance for licensing authorities, club managers and promoters”. The licensing authority will seek to ensure that licensed premises are designed and run in a way which maximises the safety of customers and staff. In order to minimise disputes and the necessity for hearings, it would be sensible for applicants to consult with all responsible authorities when operating schedules are being prepared.
- 3.2 Normally in the city centre, pubs and clubs will be expected to operate using polycarbonate or toughened/shatterproof glass.
- 3.3 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 should normally be required unless applicants can show exceptional reasons (recognised by Community Safety Strategy).
 - (c) use of 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
- 3.4 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, provision of dedicated taxi phones etc.
- 3.5 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.

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 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. The Licensing Authority has adopted a matrix approach to licensing decisions (see 2.7.1)
- 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.

In respect of the protection of children from harm

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

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 (e.g. passport, photo driving licence or pass card).

5.2 It is the licensing authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of 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.

5.7 Children and Young Persons Overview and Scrutiny Council reported on Reducing Alcohol Related Harm to Children and Young People to Licensing Committee who agreed:

- 5.7.3 In determining applications and reviews, applications can only be dealt with on their individual merit. Use of schemes like Think 21 and Challenge 25 are appropriate on a case by case basis. Normally a Challenge 25 condition will be appropriate.
- 5.7.4 A clear causal link between price discounting and disorder will normally lead to the imposition of conditions prohibiting irresponsible promotions. This is now reflected in the new mandatory conditions which can be found on the licensing pages of the council's website.

5.8 Best Practice to protect children from harm

The Council passed a Notice of Motion that licensing committee recommend best practice for both on and off premises to take on board on a voluntary basis, in order to promote responsible licensing.

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences
- Signage on premises should set out legal duties
- Voluntary restriction of high strength alcohol – operating schedules may be used to limit high ABV beers and ciders
- Staff training – in addition to personal licence holders training, staff must be adequately trained for duties
- Challenge 25 would be the norm, particularly in the off licence trade
- Signage – proxy sale – deterrence

The council will support accreditation schemes, such as Best Bar None and Purple Flag, where appropriate and subject to resources.

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: 10.08.2012

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: 08.08.2012

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 – Proposed Plan of Premises
3. Appendix C – Brighton & Hove City Council – Cumulative Impact Zone
4. Appendix D – Brighton & Hove City Council – Special Stress Area
5. Appendix E – Measures to be considered in the SSA
6. Appendix F – Representations
7. Appendix G – Map of area

Documents in Members' Rooms

1. Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2011, as amended 20 December 2011.

Background Documents

1. Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2011, as amended 20 December 2011.

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)

Taking into account the cumulative impact alcohol will only be sold either as an Ancillary to a sit down meal within the premise which includes the private patio area at the front or as part of a delivery which must include at least one main meal being delivered to a genuine residential or business address, there will be no off sales of alcohol direct to the public from the premise itself

b) The prevention of crime and disorder

All delivery of off-sales including alcohol will be pre-ordered at the premise and any leaflets, promotions or adverts including any websites or other internet communications will state that the alcohol cannot be delivered without a main meal also being ordered and that it will not be delivered or left with anyone who cannot show satisfactory ID on demand

c) Public safety

The Fire Risk Assessment will be updated there are no other identified issues

d) The prevention of public nuisance

There is no regulated entertainment there are no other issue identified,

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. The only forms of ID that will be accepted are passports, driving licences with a photograph or 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 or delivery of alcohol on or from the premises shall receive 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, officers of the licensing authority and Brighton & Hove Trading Standards Service upon request. Also all staff are fully trained and understand the company's policy of non-delivery where approved ID is not available.

The premises shall at all times maintain and operate an age-restricted sales refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor at intervals not to exceed 4 weeks and feedback given to staff as relevant. This refusals recording system shall be available upon request to police staff, Licensing Authority staff and Trading Standards.

Alcohol delivery service

The alcohol delivery service will be ancillary to the provision of takeaway food. All alcohol deliveries must be accompanied by an order for food, the food contingent of the delivery being a minimum of £6.50. Deliveries may only be made to a genuine residential address and open business addresses, and not parks, the beach, street corners, bus stops, camp sites etc.

All forms of advertising and promotional literature detailing the delivery service (including internet sites and flyers/leaflets) will clearly and predominantly prominently state that alcohol will only be delivered to the person aged 18 or over.

Upon arrival at the point of delivery if the person taking delivery appears to be under the age of 25, they will be required to show an approved form of ID prior to the alcohol being handed over. Failure to show the required form of ID will result in non delivery of the alcohol

All forms of advertising and promotional literature dealing with the delivery service (including internet sites and flyers/leaflets) will clearly and prominently state that alcohol will only be delivered together with an order for food, the food contingent of the total delivery being a minimum of £6.50.

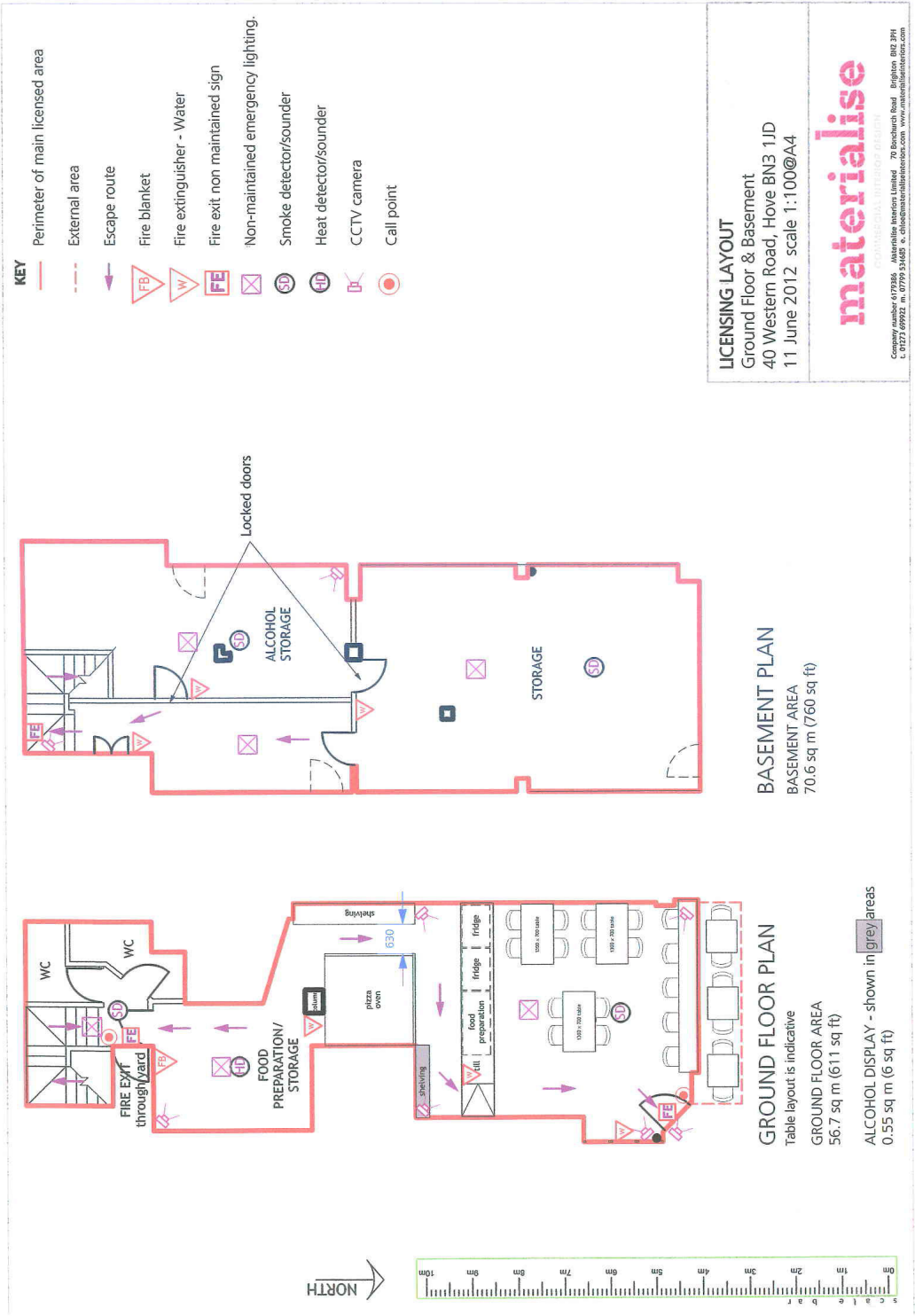
Upon receipt of an order including alcohol to be delivered, the customer is to be clearly advised that the delivery will only be made to the address given at the time of order and that if they appear to be under 25 they will be required to produce an approved form of ID which will be proof of age. Failure to provide the requested ID will result in non delivery of the alcohol.

When an order is taken for delivery to a customer, all customers will sign a delivery note which will contain:

- a. A list of individual items delivered;
- b. The delivery address;
- c. The method of payment;
- d. The name of the person ordering and receiving alcohol;
- e. The date and time of delivery;
- f. If proof of age was asked for, confirmation of the type of proof of age document presented and accepted;
- g. The name of the employee or representative of the premise who made the delivery.

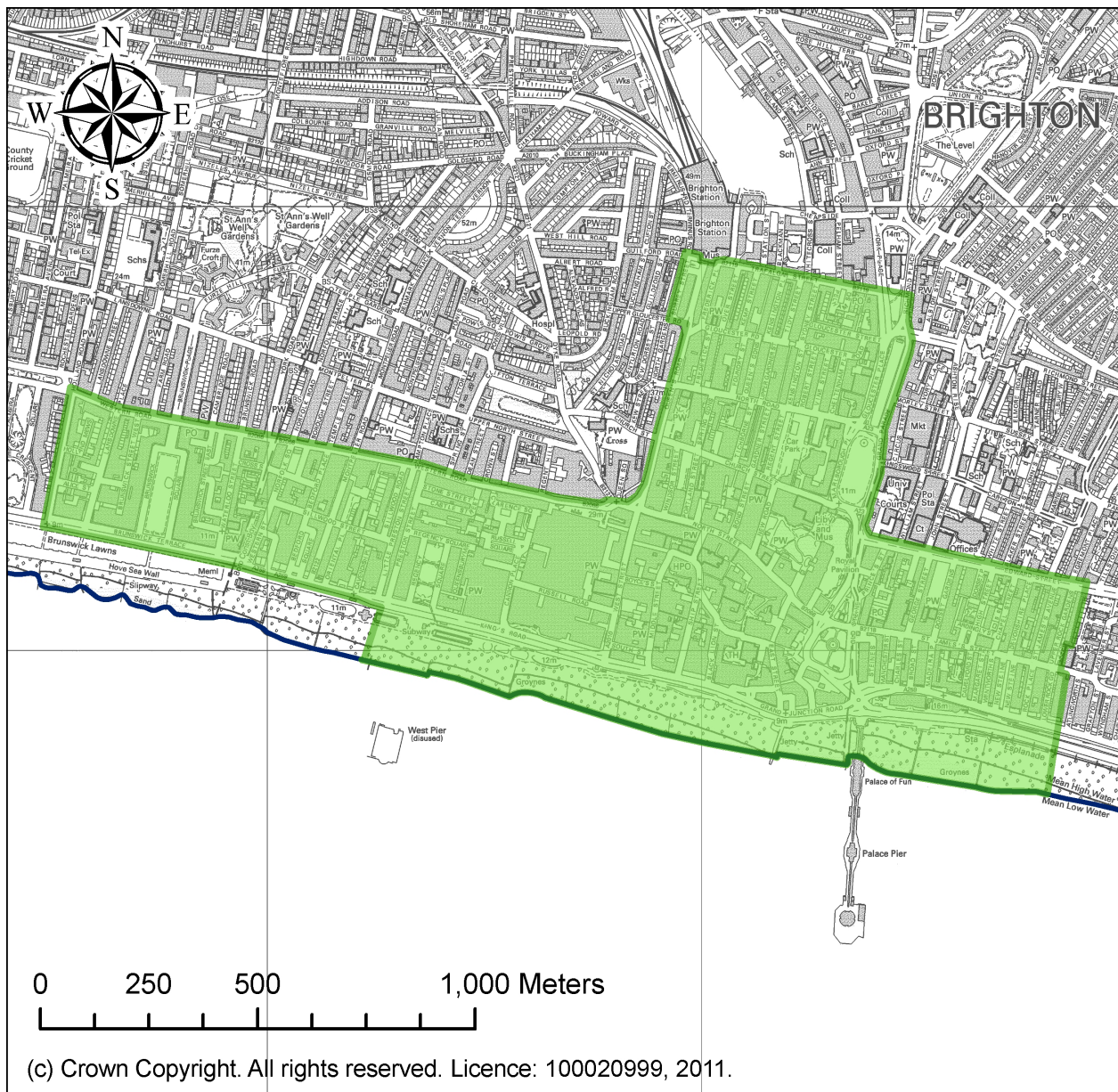
A record of sales and deliveries will be kept and made available for inspection by the Police, officers of Licensing Authority or Trading Standards for 6 months from the date of delivery or refusal of alcohol.

APPENDIX B



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 Holland Road 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 Surrey Street junction with Queens Road; thence along the north side of Trafalgar Street eastwards to its junction with York Place and continuing south-east across to Grand Parade, then south to the 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

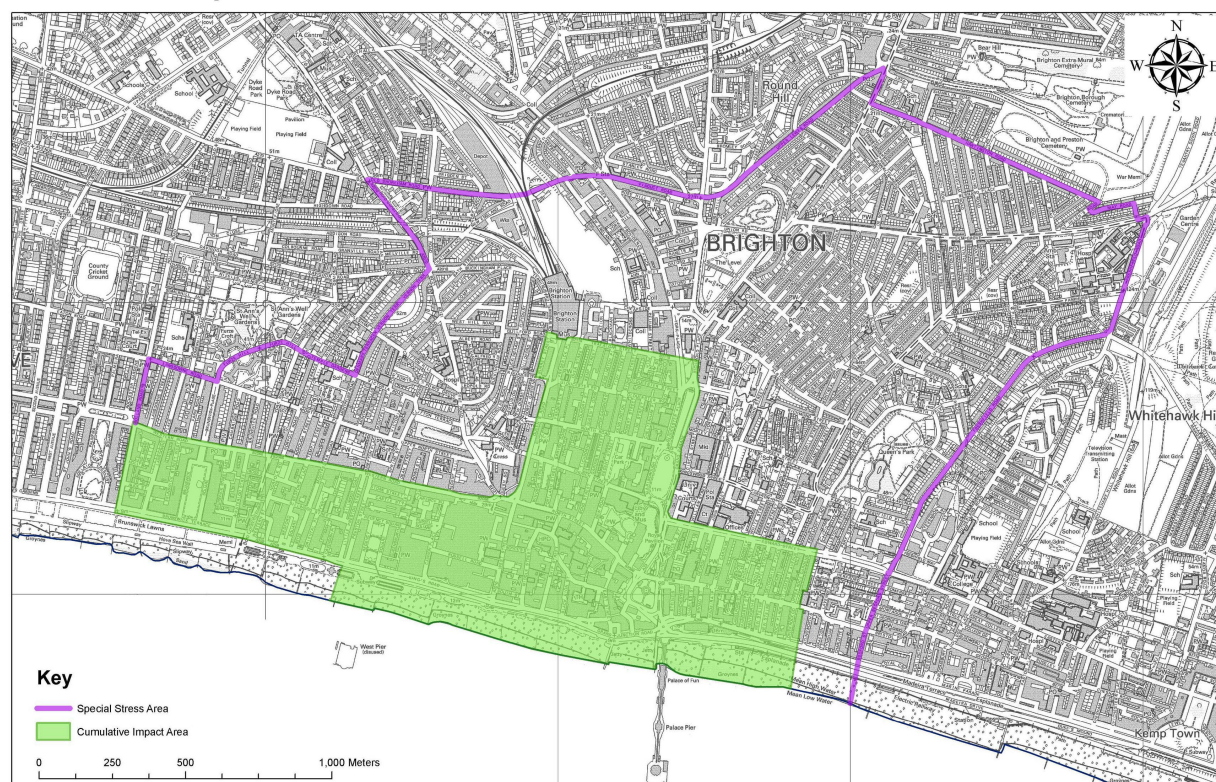
following the mean water line westward to a point due south of the west boundary of Holland Road; northward to that point and along the west side of Holland Road to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Holland Road.

APPENDIX D

Brighton & Hove City Council – Special Stress Area

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

Cumulative Impact Zone



(c) Crown Copyright. All rights reserved. Licence: 100020999, Brighton & Hove City Council. Information & Mapping, Planning & Public Protection June 2011.

The Special Stress Area - an area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Holland Road northwards to its intersection with the north side of Lansdowne Road; eastwards to the junction with Furze Hill, along the north side Furze Hill to its end and then due east along Victoria Road to it's junction with Montpelier Road (west side), north to where Montpelier Road joins Vernon Terrace then north to Seven Dials; north west along the west side of Dyke Road until the junction with the Old Shoreham Road, then East along the north side of Old Shoreham Road , north end of New England Road, across the north side of Preston Circus, eastwards along the north side of Viaduct Road, then at the junction with Ditchling Road, North East along the north side of Upper Lewes Road until the junction with Lewes Road; south along the Lewes Road to junction with Hartington Road, along the north side of Hartington Road until the junction with St. Helen's Road, south into May Road, eastwards until it's junction with Freshfield Road, then south into Upper Bedford Street, into

Bedford Street to the mean water mark south of Bedford Street, then due west until the mean water mark south of Lower Rock Gardens.

APPENDIX E

Measures to be included for consideration in SSA 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 doorstaff 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

CI
PPN

Con: 06/08/12

JW

(A)

Felicity Broder

From: East Brunswick
Sent: 18 July 2012 11:19
To: EHL Safety
Subject: Fw: 2012/02357/LAPREN - 40 Western Road Hove

Dear EHL

We object to yet another License to sell alcohol in this Cumulative Impact Zone. The idea of the CIZ was to cut down on the many reported drink related incidents in Western Road, Brunswick Town.

To sell alcohol from 0800hrs to 2300hrs will cause further Public Nuisance.

Many of the Pubs and Restaurants already cause obstruction as they are obliged to use the pavements outside their premises for smoking. Making it necessary for pedestrians to step out into the busy Western Road to get past the people obstructing the pavement. This is a Public Nuisance and will be the case with 40 Western Road I am sure.

We already have a problem with drinks being sold by the many Pubs, Restaurants and Off Sales along this stretch of the Western Road in Brunswick Town. The drinkers wonder off into the side streets often 'happy' and make a noise which disturbs the many children who live in the area. They have to get up in the morning to go to school and to loose sleep is harmful to them.

If a person needs to buy alcohol at 0800hrs they have a drink problem and if approved this will help them along the way to addiction,

then their needs drive them to crime to get the money to pay for their addiction.

To sum up we have no problem with yet another Pizza joint but please no alcohol sales.

Bill Cowell
Co Chair

23 Waterloo street
Hove

CIA
PCD
PS
PPN

JW con: 06.08.12

(B)

Representation to Licensing Application.

Name & address of premises subject to application.

2012/02357/LAPREN

Gourmet Pizza Kitchen
40 Western Road
Hove BN3 1JD

Your name & address (residence or business).

**The Friends of Palmeira and Adelaide
Residents Association**

32 Palmeira Square
Hove
BN3 2JP

The Friends of Palmeira and Adelaide are the fully Constituted Residents Association for Adelaide Crescent, Palmeira Square and Palmeira Mansions, established in 1998 with a current membership of 180, and managed by an elected committee.

Note: Whether or not your representation can be considered depends upon whether your residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on the premises or immediately outside the premises.

Please state the substance of your representation within one (or more) of the following categories (representations outside these categories cannot be considered).

The Prevention of Crime & Disorder

The addition of a further licensed outlet within the recently formed Cumulative Impact Area will in our opinion exacerbate the alcohol related crime and disorder problems across Brunswick Town. The CIA has been created in recognition of the fact that this area already has too many such premises, and to add more now would thus be working against that important decision.

Public Safety

In our opinion the location of the premises, on a narrow and busy corner which is already a hazard, would increase the danger to pedestrians. The design of the shopfront already installed without Planning Consent implies full width open access to the pavement. Drinking on the narrow pavement outside the Freemasons is already a problem, with too many obstructions and pedestrians frequently obliged to walk in the busy main road. This should not be repeated.

The Prevention of Public Nuisance

Alcohol related anti-social behaviour problems are already well known in Brunswick Town and have become significantly worse over the last decade. The CIA was introduced to address this and the controls imposed should not be compromised by the addition of any further licensed premises. The gardens of Adelaide Crescent and Palmeira Square frequently suffer from the effects of such behaviour fuelled from the licensed premises in Western Road.

The Protection of Children from harm

Pizzas are an attractive fast food for children, who are frequently sent out on their own to get them. We do not consider it appropriate to combine alcohol sales with the the sale of this kind of food.

Signed: 

Date: 19 July 2012

Name: Susan Hunter, Chairman

Please note:

1. Representations are in the public domain. Copies are sent to the applicants to allow discussions and with the notice of hearing. They are also included in Licensing Panel papers. Hearings are public.

C

CL
PPN
PCD

1450 1011

con: 6/8/12

JW

Felicity Broder

From: Ollie Sykes
Sent: 21 July 2012 10:32
To: EHL Safety
Subject: Objection to License application 1445/3/2012/02357/LAPREN

Dear EHL

I would like to register an objection to the above application concerning 40 Western Road (Gourmet Pizza, previously Brown Sugar café) and which requests a licence to sell alcohol on and off the premises from 8am to 11pm daily.

The premises is within the Cumulative Impact Area (CIA), newly extended to restrict alcohol sales and late night activity in this part of town due to existing problems of public nuisance and anti-social behaviour.

I understand that the matrix approach in the new city Licensing Policy allows for new restaurants serving alcohol to midnight within the CIA. However it does not permit new off-licences within the CIA.

I therefore object to this application on the grounds that granting it will undermine the licensing objectives of public nuisance and crime and disorder, and will contribute to the cumulative impact of alcohol availability in central Brighton and Hove.

regards

Ollie Sykes
Green Party Councillor, Brunswick and Adelaide Ward
Deputy Chair, Environment and Sustainability Committee
01273 291413

LJW

Con: 6/8/12



Sussex Police
Serving Sussex

www.sussex.police.uk | 101

Brighton Police Station



Valid ✓
CI,
CD,
PN,

Brighton & Hove Licensing Unit
4th Floor
Police Station
John Street
Brighton
BN2 0LA

Tel: 101 ext 50826
Fax: 01273 66 55 96

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

1st August 2012

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



Dear Sirs,

Re: application for a new premises licence under the Licensing Act 2003 for Gourmet Pizza Kitchen, 40 Western Road, Hove, BN3 1JD.

Sussex Police wish to make representations in respect of this variation application on the grounds of the prevention of crime and disorder, prevention of public nuisance and cumulative impact.

Sussex Police have no objection to the grant of a licence for on sales supply of alcohol in conjunction with a condition on the license as offered in the application that alcohol is sold ancillary to a sit down meal only. The application for on sales of alcohol between 08:00 and 23:00 ancillary to a meal is in accordance with the Council Statement of Licensing Policy for premises within the cumulative impact area.

It is noted that the provision of CCTV is not offered in the application. As this venue is situated on the busy Western Road and is situated inside the cumulative impact area, Sussex Police request the following condition is added to the licence for the prevention of crime and disorder:

Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System, operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The CCTV cameras and recording equipment must be of sufficient quality to work in normal lighting levels inside the premises at all times. 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 and without charge to Sussex Police. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

We also ask for the following condition for reasons of crime and disorder and prevention, public safety and prevention of public nuisance:

Customers will not be permitted to take glasses, bottles and other drinking receptacles outside of the premises onto the pavement to consume alcohol whilst smoking etc.

Sussex Police oppose the application for off sales of alcohol.

The premises are located on Western Road and within the cumulative impact area. We draw the Committee's attention to page 15 of the Council Statement of Licensing Policy, and the decision matrix. The matrix clearly states that new off licence premises licenses will not normally be granted in either the cumulative impact area or the special stress area.

This variation application seeks permission for the supply of alcohol for off sales from 11:00 to 22:45, seven days a week.

The covering letter with the application does acknowledge the cumulative impact policy and states that off sales will only be for delivery with main meals to customers at their place of work or home.

Sussex Police contend that due to the locality of these premises, this application, if granted, will contribute to cumulative impact and provide another source of alcohol in the City. It is our contention that there is no difference between an off licence and a new licensed premises that delivers alcohol. It is our contention that this would become another source of alcohol in an area already saturated with licensed premises.

Therefore the granting 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 will give rise to potential negative cumulative impact.


The concentration of licensed premises within this area of the City causes problems of anti-social behaviour, crime and disorder and public nuisance. Consequently, after due consultation and consideration, on 13th March 2008 the Licensing authority resolved that it was both appropriate and necessary to adopt a special policy in relation to cumulative impact.

Paragraph 2.6.5 of the Council 2011 Statement of Licensing policy (as amended 20th December 2011) states that "the special policy will only be overridden in exceptional circumstances. The effect of this special policy is that application for new premises licence or club premises certificate within the area, or variations which are likely to add to the existing cumulative impact, will be refused following relevant representation. This presumption can be rebutted by the applicant if they can show that their application will have no negative cumulative impact".

Sussex Police say that 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, and that nothing in the application or the operation schedule either rebuts the presumption of refusal contained within paragraph 2.6.5 of the Licensing Authority's statement of licensing policy, or provides any reason for the Licensing Authority to depart from its special policy.

Accordingly the Committee is invited to refuse the application for off sales.

Yours faithfully,



Graham Bartlett
Chief Superintendent
Divisional Commander
Brighton & Hove Division

(E)

Can 6/8/12

JN

Felicity Broder

From: Peter Sofroniou
Sent: 06 August 2012 15:39
To: EHL Safety
Subject: 40 Western Road

valid
CIZ
CD
PN

I am writing as Chair of Friends of Brunswick Square & Terrace, a full constituted residents' association, on behalf of our 120 members to object to the licensing application below and we urge you to reject it.

Please confirm the eligibility of our objection.
Thank you.

Peter Sofroniou
Chair, Friends of Brunswick Square & Terrace
45 Brunswick Square,
Brighton
BN3 1EE

Name & address of premises subject to application.

2012/02357/LAPREN

Gourmet Pizza Kitchen
40 Western Road
Hove BN3 1JD

Prevention of crime and disorder

As this is now a Cumulative Impact Area (CIA) we believe that to sell more alcohol in this area, particularly for OFF sales, will only add to the anti-social behaviour problems, crime and disorder which the police acknowledge already exists here. The CIA was created to address this problem and we expect the council to take this into consideration.

There are already numerous licensed premises within the CIA, which has now become saturated with alcohol outlets as the following figures demonstrate: research carried out by the five local residents' associations last December revealed 45 premises along Western Rd (including some southern side streets) with an ON license, between Little Preston St and Holland Road, plus 39 with OFF licenses.

Public nuisance

Alcohol related anti-social behaviour problems are already well known in Brunswick Town and have become significantly worse over the last few years.

We understand the applicant has advised that off sales will only be for delivery with main meals to customers at their place of work or home but we question how that will be enforced. It seems very unlikely that if a customer in the shop asks to buy a take-away pizza and an alcoholic drink, the applicant would refuse to sell them the alcohol and we urge the council to reject an OFF license.

And although, in principle, some may feel it reasonable to sell alcohol for sit-down dining on the premises – the reality is that the space for sitting down inside appears so small that it won't be feasible on this site.

Public safety

The premises are located on the corner of the very busy main thoroughfare of Western Road and Brunswick Street West, a very narrow one-way street. For a delivery lorry to unload alcohol deliveries to this location (immediately opposite The Freemasons pub which also receives regular deliveries) is likely to block the road and cause congestion and potential danger to pedestrians trying to navigate this busy stretch of pavement.

07/08/2012

(F)

Con: 6/8/12

JW

Felicity Broder

From: Juliette Hunting
Sent: 06 August 2012 11:32
To: EHL Safety
Subject: Fwd: 40 Western Rd. Hove, 2012/02357/LAPREN

Valid
CIZ
CD
PN
CH

Begin forwarded message:
Dear EHL safety,

Further to my email below, I submit these photographs of the entry to Brunswick Street West, (one way) to demonstrate the threat to safety.



west side Brunswick Street West



From: Juliette Hunting <
Date: 3 August 2012 10:24:43 BDT
To: EHL Safety <ehl.safety@brighton-hove.gov.uk>
Cc: Trisha Gaskell <
Subject: 40 Western Rd. Hove, 2012/02357/LAPREN

LARA Lansdowne Area Residents' Association,
c/o 41 Lansdowne Plae Hove BN3 1 HF 01273:770193

07/08/2012

We object to the application for the above licence on the following grounds:
Prevention of crime and disorder Prevention of public nuisance Protection of children from harm and Public safety.

This area was declared a CIZ in December 2011. This was intended to solve some of the problems of anti social behaviour and drinking which take place in Brunswick Town. The police run a special project on Fridays and Saturdays to try and keep order. The addition of another licence would further contribute to these problems, and encourage even more drinking (there is a pub just opposite) This poses a problem of crime and disorder.

These premises are situated on the corner of Brunswick Street West and Western Road, a one way street, with narrow pavements on both sides. Traffic generated by these premises (e.g. takeaway vehicles, people picking up pizzas, has nowhere to park, double yellow lines being on all streets surrounding the premises. This would cause public nuisance, and a threat to public safety. These premises are opposite the Freemasons, a public house, whose clients already spill on to the street. Pedestrians lives would be threatened.

To sell alcohol from 8.00 a.m. in an area where children walk to school (and there are more children in the area) poses a threat to their safety as would illegal parking (see above)

The availability of more alcohol would pose a threat to crime and disorder in the area, which is RESIDENTIAL with the exception of the Western Road, and a MAJOR BUS ROUTE.

We strongly object to this application on the above grounds.

Yours faithfully

Juliette Hunting, on behalf of LARA

APPENDIX G



