

Pc Licensing
REDACTED



Creative Atventures
Ltd
Pinot & Picasso
(Ground Floor) 127 Gloucester Road
Brighton
BN1 4AF

Monday 21st August 2023

Dear Residents,

I write to you on behalf of my client Creative Atventures Ltd, the applicant for the above premises licence.

We would like to thank you for taking the time to write as this assists us greatly in a number of ways, such as establishing relationships and reaching out to explain the business in a more personable manner than the application permits. Each application is based on the business model along with satisfying the licensing objectives and any bespoke points within the local licensing policy. There are often points raised by residents at this stage of an application and those concerns are always useful to know so that we can stride toward a harmonious relationship with our neighbours.

In this letter we'd like to explain a little of the background to the business and the applicants. We received 2 representations to the application including yours, the other was also from a local resident.

None of the responsible authorities have objected to this application, and conditions have been amended/agreed with the police (I'll cover more of this later). You addressed similar concerns and so we thought it easier to write to you both in the hopes that we cover off all of your points raised and any additional that may have popped up since, in the hopes that your concerns will be allayed.

Firstly, I would like to point out that my client Creative Atventures Ltd company number 14733919 is based in Chichester and should not be confused with Creative

Adventures Ltd based in Wales, they are two completely different unrelated companies.

Pinot & Picasso

Pinot & Picasso as the application states, is Australia's premier 'paint and sip' experience with over 75 venues across Australia and New Zealand. There are already three other sites in England and due to popularity, they are set to grow. The focus of each venue is the painting experience. This is above all the most important part of the business, and its main focus. Customers will be taught and guided through a painting experience with friends, family etc in a relaxed fun atmosphere, where the emphasis is entirely on art and fun. Customers must book a session, and depending on which day of the week, there may be up to 4 sessions per day. Each session can only accommodate a maximum of 40 persons due to the space at the venue, bearing in mind the size of equipment needed to host a painting tutorial where each customer has their own easel. It is highly unlikely that there will be 40 persons at each booking, but we feel it necessary to state a cap to show due diligence and assist with each licensing policy.

Whilst the application seeks to licence the premises from 10am to 11pm seven days a week, this does not mean that the venue will be open seven days a week 10am to 11pm. It will only be open when there are bookings, and if you have noted the conditions, alcohol can ONLY be served to those that have pre-booked a session. There are a great many sessions run across Pinot and Picasso venues where little or no alcohol is sold. The hours are to permit fluidity with bookings across the week.

As Pinot & Picasso (P&P) expands across the UK a number of venues will be run by franchisees and a number by P&P themselves. Regardless, ALL venues operate to the same strict ethos, and very similar operating schedules (dependent on need within the specific licensing policy). The fact that one franchisee may not have the full experience of running such a venue before matters not. The P&P team are on hand assisting and guiding 24/7.

The Directors of Creative Atventures Ltd

Tacy Riby and Amanda Hammond are based locally in Chichester with Tacy having grown up in Lancing and Worthing, so they have close connections to the community. On days when the paint and sip sessions are operating, they will be staying overnight locally to ensure they are on hand actively supervising the premises and sessions.

As a Head of Adult Education and Director of Vocational Curriculum Tacy has previously been responsible for adult and further education provision with specific duties relating to the behaviour of large numbers of staff and students (aged from 14-

99) in college campuses and community venues. As such she is experienced and familiar with ensuring adherence to codes of conduct and reducing any impact on neighbours whilst also ensuring the delivery of high quality learning experiences. Tacy and Amanda intend to bring that experience to the delivery of paint and sip sessions and as such are equipped with the experience to address any issues clearly and firmly with good customer service.

Tacy and Amanda have also spent a significant amount of time delivering art and craft based education projects in the community, for example for people with mental health and learning disabilities. Building relationships with the local community around the studio will be a clear focus for them and they are keen to meet local residents and address any concerns promptly. For example, they are already planning with local groups and services to deliver well-being and sound bath sessions supporting bereaved families, trauma service and local health professionals. These sessions will be focused on the mindfulness and respite opportunities offered by the ability to switch off and recharge during the painting sessions.

During half terms, holidays and lazy Sunday afternoons the focus will be on creating memories with families and friends including bringing children along to alcohol free sessions.

Sales Data and Pop Up Events

Pinot and Picasso Shoreditch (London) opened on 29th July with sales of 174 tickets to date (excluding the opening weekend). Sales data demonstrates an average of 2 drinks bought per person, NOT all alcoholic.

On the 20th of August Pinot and Picasso Brighton opened a pop up event at Yellow Wave Beach Sports, there were 20 customers in attendance. P&P Brighton were not responsible for the alcohol sales but were able to note that the average remained the same here too.

Generally, guests purchase a drink on arrival and another in the 'drying' break. Approx. 60% of these drinks are alcoholic.

General

With a clear focus on the paint experience ensuring all customers create a memorable experience - with the sip element - whether alcoholic or non-alcoholic being a supporting part not the main focus.

The venue will be stocked with a minimal range of alcoholic products. There will be 4 options of wine (red, white, rose and Prosecco), a craft beer and 2 pre-made cocktails, alongside non/low alcoholic drinks, soft drinks and snacks.

Representations

“There are already four alcohol-licensed premises at either end of Cheltenham Place, which is excessive for this confined area in relation to residents and other businesses - a fifth definitely tip this over for what is supposed to be a residential conservation area”.

The venues you refer to are alcohol led. As has been stated, P&P is in no way alcohol led, it is merely supplementary to the art class and depending on the event, alcohol will not always be available.

“The traffic on Cheltenham Place of intoxicated people is already high, generating anti-social behaviour, crime and disorder and public nuisance, impacting negatively on residents”.

This is the sort of issue that is useful to know to new operators, it also assists to ensure safety of the customers and of the staff. However, the manner in which P&P is operated and managed has never led to any issues like mentioned here. With the experience and strength of management coming into the premises with the two directors it is not something we think will ever be a concern and certainly do not expect to add to the current issues you mention.

“Drug-dealing has increased (taking place in plain sight) just over the last six months, as also other crimes such as burglary and attempted break-ins”.

Again, something useful to know and for the new operators to be aware of. Drugs are not an issue at any of the P&P venues, nor have they ever been. Drugs are not something that is associated with this type of venue.

“Littering (broken bottles and glass, fast food wrappers etc.) is an everyday problem”.

Drinks cannot be taken outside of the venue, there is no outside space or off-sales. Littering will not be an issue.

“The business says that it is going to offer classes of painting with a glass of wine. Assuming that this will work on the same model as painting pottery cafes but only for adults, they will be looking to attract groups of hens and stags in particular. The likelihood of over drinking and consequent public nuisance is therefore substantial”.

P&P do not actively seek to attract such parties. However, based on experience, the venue will attract such, but these mainly take place during the day as part of organised pre-wedding activities. The sessions are organised and delivered to create a memorable experience for all members of the wedding party - whatever their age and as such are not focused on drinking but more on creating family memories. In

our experience P&P is not a destination venue for such events, more of an afternoon activity before heading out to dinner or other venues.

“I am also concerned that this is a defecto wine bar. I ask that the application be judged on this basis rather than an entertainment centre”.

P&P is an art studio. There are a number of conditions offered and agreed with the police that ensure that this venue cannot turn into such.

Operating Schedule

The below operating schedule was submitted with the application. The operating schedule forms the ‘rules and regulations’ by which the premises operates under the applied for licence. As has been previously stated, P&P operate similar operating schedules across their premises with slight variations to accommodate the varying different licensing policies across the country. In some areas the responsible authorities ask to vary the proposed conditions, or to align them with those that are operated by other venues in within the authority. This is exactly what has happened here in Brighton & Hove with the local police, it does not mean that we ‘missed’ anything in our application. The police were satisfied that the proposed schedule did indeed restrict the venue but asked for variation on some points and to add one condition specific to Brighton & Hove - incidentally this ‘new’ condition they asked to be added would have been incorporated within the policies and procedures of the premises. The applicants agreed without hesitation to the proposed amendments. I have highlighted the amended conditions below in italics and noted the new conditions added by the police.

We hope that by reviewing this information and the final operating schedule that your concerns in your rep have been dealt with enough for you to be satisfied that this venue will not add to any issues you have raised.

Should you wish to discuss the application in person please contact me on the number/email below. Furthermore, should you wish to meet the directors to discuss the application, this can also be arranged. There is a further event to be held at Yellow Wave Beach Sports on Bank Holiday Monday the 28th of August at 2pm. If you would like to come to that event and see what P&P events are like you’d be most welcome, please let us know.

Kind Regards
Peter

Peter Conisbee Q.Inst.Pa Licensing Consultant REDACTED

Operating Schedule

General

1.

(a) An incident and refusals log will be maintained by the premises showing a detailed note of incidents and refusals that occur in the premises. This can be in electronic or written format. The log will be inspected and signed off by the DPS (or a person with delegated authority) at intervals of no more than four (4) weeks.

(b) The logbook should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.

(c) Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.

(d) Any refusals made for alcohol service e.g., underage, will be recorded and feedback given to staff as relevant. The log will be kept for a minimum of twenty four (24) months.

2. The premises licence holder or nominated representative shall keep and maintain all right to work documents for all staff members. Right to work documents shall be kept at the premises and produced to authorised officers of the Council or the Police upon request. Right to work documents must be retained at the premises for a minimum of 12 months after employment has ceased.
3. A recognised member of the premises management must attend all police/council licensing forums/meetings when invited.
4. *Authorised staff employed by Sussex Police shall have free access to all parts of the licensed premises at all times licensable activity is taking place or when open to members of the public, for the purpose of inspection to ensure compliance with the terms and conditions of the premises licence and to ensure the promotion of the licensing objectives.*

5. *The sale of alcohol will be supplementary to the art classes and only to attendees of a pre-booked class/session.*
6. *Vertical drinking may take place when forming part of a pre-booked painting class/session. All attendees will have pre booked their session and be in possession of a ticket or be named on a guest list.*
7. *Food will be available during all pre-booked classes/sessions.*

Crime and Disorder

8. Subject to GDPR guidance and legislation:

(a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrances/exits to the premises as well as any outside space. The system shall be on and recording at all times the premises licence is in operation.

(b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.

(c) CCTV footage will be stored for a minimum of 31 days

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

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

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

(g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

(h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be

expected to install a replacement hard drive or a temporary replacement drive as soon as practicable

9. Signage stating that CCTV is in operation at the premises will be clearly displayed at the premises.
10. The use of CCTV at the premises will be registered with the Information Commissioners officer (ICO)
11. The number of persons permitted within the premises during licensable events will not exceed 40 persons (excluding staff)
12. No “miniature” bottles of spirits of 50ml or less shall be sold or supplied at the premises.
13. No alcoholic goods will ever be purchased or taken from persons calling to the premises. All alcohol products shall be purchased from outlets registered with HMRC’s Alcohol Wholesale Registration Scheme. Invoices for all purchases of alcohol products shall be retained on the premises for 12 months and produced to authorised officers of the council and the Police upon request. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol products.
14. Ultra-violet light will be available at the premises and will be used for the purpose of checking the UK Duty Stamps on spirits as soon as practicable after purchase. The premises licence holder shall notify the Council's Trading Standards team and HMRC as of any spirits that do not fluoresce under ultra-violet light and the bottles shall be removed from display and stored separately for collection by Council officers.

Public Safety

15. A first aid box will be available at the premises at all times.
16. A fire safety risk assessment will be completed as per government guidelines on an annual basis (**Regulatory Reform (Fire Safety) Order 2005**) And produced to authorised officers of the Council, the Police and the Fire Service upon request.

17. All exit routes and public areas shall be kept unobstructed, shall have non-slippery and even surfaces, shall be free of trip hazards and shall be clearly signed.

18. The edges of treads and steps to be conspicuous.

Prevention of Public Nuisance

19. The premises shall prominently display signage informing customers to leave the premises quietly and to respect the neighbours.

20. A dispersal policy will be in existence which shall, so far as is possible, ensure that minimum disturbance or nuisance is caused to neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour.

21. The removal of rubbish to outside the premises will not take place between the hours of 9pm and 7am

22. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.

23. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.

24. In order to minimise the amount of time any waste remains on the public highway in readiness for collection, the Licensee will ensure the timeframe within which it may expect its waste carrier to collect is adhered to.

25. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and

glasses emanating from the premises. A final check should be made at close of business.

26. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.

Protection of Children from Harm

27.

(a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

**The lawful selling of age restricted products*

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

(b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 12 weeks, with the date and time of the verbal reinforcement/refresher training documented.

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

9. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID, biometric residence permit cards or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.

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

11. A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the DPS with the date such authorisation commences. (New Condition)

From: Redacted

Date: Friday, 25 August 2023 at 10:51

To: Redacted

Cc: Emily Fountain <Emily.Fountain@brighton-hove.gov.uk>, EHL Licensing <EHL.Licensing@brighton-hove.gov.uk>

Subject: Re: Pinot & Picasso - Premises Licence Application

Hi Peter,

Thank you for your email and the accompanying documentation. I am greatly reassured on many fronts but retain some concerns relating to the conditions agreed between P&P and the police.

Alcohol only served to pre-booked guests

- How is pre-booked defined? Is this 5 minutes before, or 24 hours before? I am concerned that pre-booked could be loosely administered to allow walk-ins.

Transfer of licence

- Should P&P one day cease trading and the license is transferred. Then I request that the *'alcohol only served to pre-booked guests'* condition be written in to be transferred as part of the transferred licence. This would otherwise be an opening for the arrival of a wine bar.

"Drinks cannot be consumed outside the venue"

- Is this a condition or a statement from P&P. It needs to be a condition.
- I request that a bold and visible sign to this effect be placed near the door.

Smoking

- Do you have a suggestion of how to resolve the issue of groups of people gathering by the front door to smoke? The current proposal allows this which would be very unpleasant (and potentially noisy) for neighbours.

With best wishes,

Redacted

From: REDACTED

Sent: Friday, August 25, 2023 2:55 PM

To: REDACTED

Cc: Emily Fountain <Emily.Fountain@brighton-hove.gov.uk>; EHL Licensing <EHL.Licensing@brighton-hove.gov.uk>

Subject: Re: Pinot & Picasso - Premises Licence Application

REDACTED,

Thank you for your reply, I have responded to each query in red below.

Furthermore, the studio design has been completed and the venue will actually be limited to just 32 customers, not the originally thought 40. Please also take a look at the current website for the venue showing the types of events taking place.

The weblink is

<https://www.pinotandpicasso.uk/brighton/>

Please let me know if there are any further questions or if the answers below have satisfied your concerns.

Many thanks and kind regards

Peter Conisbee [Q.Inst.Pa](#)

Alcohol Licensing Consultant

REDACTED

www.pclicensing.co.uk

From: REDACTED

Date: Friday, 25 August 2023 at 10:51

To: REDACTED

Cc: Emily Fountain <Emily.Fountain@brighton-hove.gov.uk>, EHL Licensing <EHL.Licensing@brighton-hove.gov.uk>

Subject: Re: Pinot & Picasso - Premises Licence Application

Hi Peter,

Thank you for your email and the accompanying documentation. I am greatly reassured on many fronts but retain some concerns relating to the conditions agreed between P&P and the police.

Alcohol only served to pre-booked guests

- How is pre-booked defined? Is this 5 minutes before, or 24 hours before? I am concerned that pre-booked could be loosely administered to allow walk-ins.

All sessions must be pre-booked and paid for via the website. If a session is not fully booked in advance (sessions now limited to 32 people) customers will be able to book and pay for the session

using a QR code on the window, this is obviously dependent on spaces being available. So any potential customers cannot simply 'walk in' and take part in a session.

Transfer of licence

- Should P&P one day cease trading and the license is transferred. Then I request that the *'alcohol only served to pre-booked guests'* condition be written in to be transferred as part of the transferred licence. This would otherwise be an opening for the arrival of a wine bar.

If the licence were ever transferred, it is transferred 'as is'. If any of the current conditions on the licence do not align with their business they would need to submit a variation in order to utilise the licence. The Licensing Act states that any application to amend a premises licence that may affect the licensing objectives must be done by way of a full variation application. The process for such an application is exactly the same as applying for a new premises licence, notices displayed, consultation period etc. Even if the new licensee wanted to submit a minor variation, a notice still needs to be placed on the premises to inform the public.

It is for this reason that we apply bespoke conditions to the licence to ensure that the premises can only be what we set it out to be.

"Drinks cannot be consumed outside the venue"

- Is this a condition or a statement from P&P. It needs to be a condition.
- I request that a bold and visible sign to this effect be placed near the door.

My sincerest apologies, when transferring the requested police conditions I omitted the following by error;

'Customers will not be permitted to take drinks outside at any time'

It is a standard of P&P anyway so was always being implemented. Notices will be placed by the front door to this effect

Smoking

- Do you have a suggestion of how to resolve the issue of groups of people gathering by the front door to smoke? The current proposal allows this which would be very unpleasant (and potentially noisy) for neighbours.

Whilst we appreciate this is nuisance and unpleasant, the smoking population has diminished enormously in recent years, and as such we do not anticipate groups of smokers. However due to its diminishing popularity it can easily be dealt with by the premises. As each session is limited to a small number, it is easy to address at the start of any session to those gathered, along with other rules and safety aspects of the venue. Furthermore it can be added to the notices at the front of the venue.

With best wishes,

REDACTED

