





Brighton & Hove
City Council

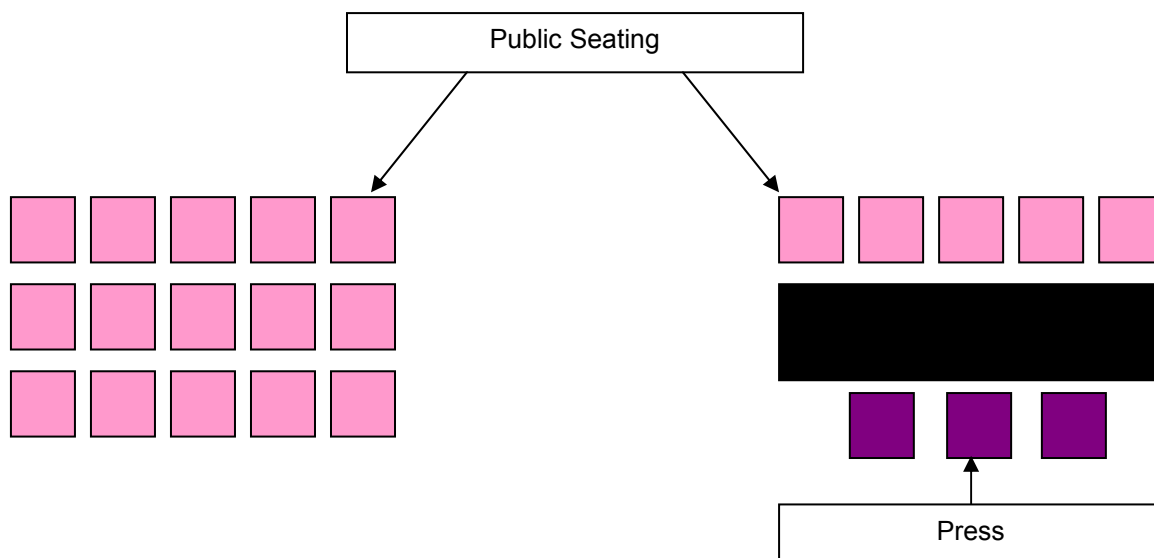
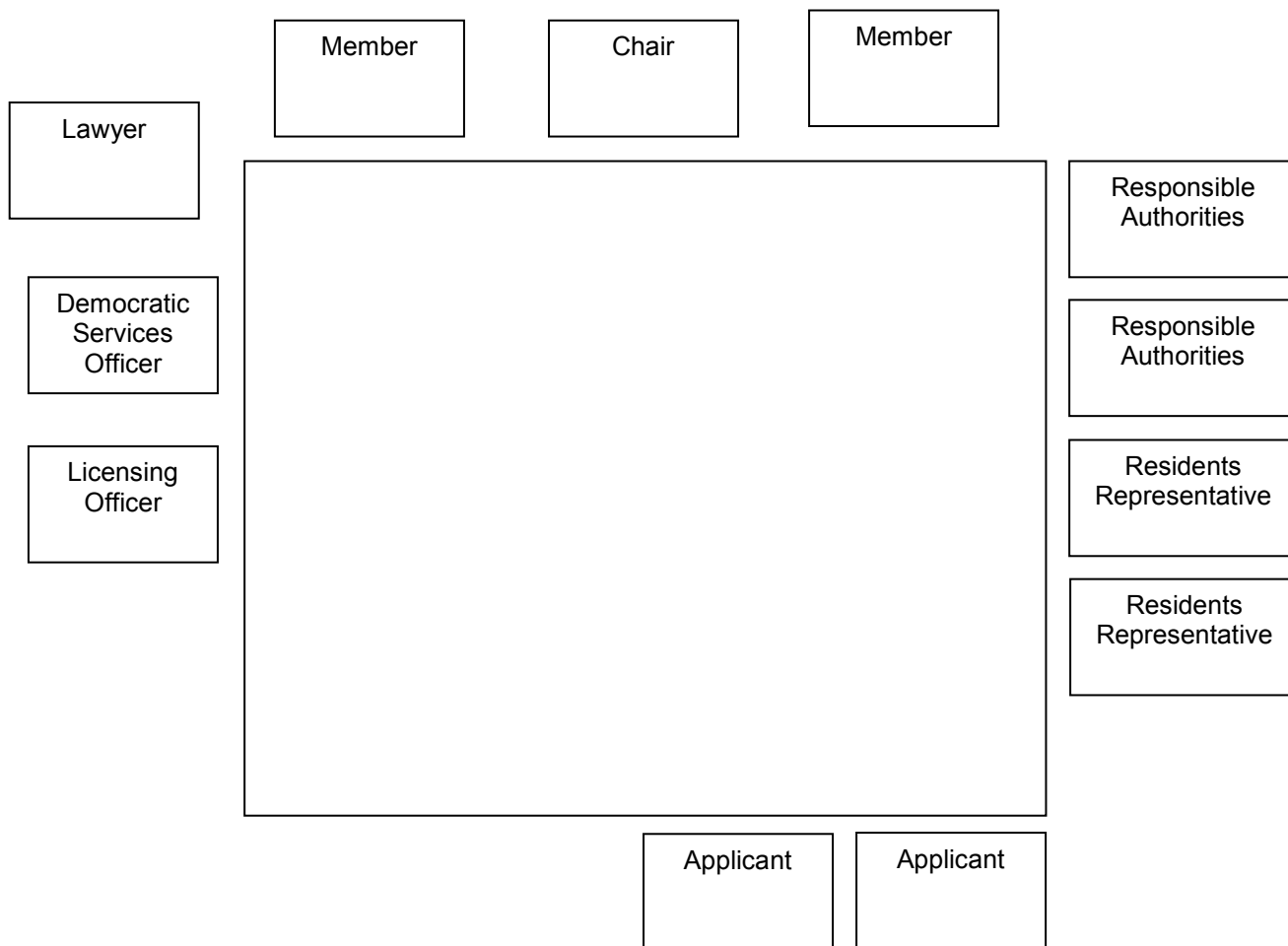
Licensing Panel

(Licensing Act 2003 Functions)

| | |
|----------|--|
| Title: | Licensing Panel (Licensing Act 2003 Functions) |
| Date: | 19 May 2015 |
| Time: | 1.00pm |
| Venue | Ante Room, Brighton Town Hall |
| Members: | Councillors: Gilbey, Marsh and Simson |
| Contact: | Ross Keatley Democratic Services Manager 01273 29-1064 ross.keatley@brighton-hove.gov.uk |

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



AGENDA

60 TO APPOINT A CHAIR FOR THE MEETING

61 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the Licensing Committee may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(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 Two of the Agenda states in its heading 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 exempt categories is available for public inspection at Brighton and Hove Town Halls.

62 APPLICATION FOR VARIATION OF A PREMISES LICENCE: ALBION KEBABS, 61 QUEEN'S ROAD, BRIGHTON 1 - 34

Report of the Director of Public Health (copy attached)

Contact Officer: Jim Whitelegg Tel: 01273 292438
Ward Affected: St Peter's & North Laine

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

NOTES: *Applicants, Agents, Representatives from Statutory Authorities and Other Interested Parties are kindly requested to wait outside before the beginning of the hearing until called in together by the clerk.*

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.

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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 Ross Keatley, (01273 29-1064, email ross.keatley@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Monday, 11 May 2015

Licensing Panel (Licensing Act 2003 Functions)

Agenda Item 62
Brighton & Hove City Council

| | | | |
|--------------------------|---|--|----------------------------|
| Subject: | Application for a Variation of a Premises Licence under the Licensing Act 2003 | | |
| Premises: | Albion Kebabs 61 Queens Road Brighton East Sussex BN1 3XD | | |
| Applicant: | Adriatic Dema | | |
| Date of Meeting: | 19 May 2015 | | |
| Report of: | Director of Public Health | | |
| Contact Officer: | Name: | Jim Whitelegg | Tel: (01273) 292438 |
| | Email: | jim.whitelegg@brighton-hove.gcsx.gov.uk | |
| Ward(s) affected: | St. Peter's And North Laine | | |

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Albion Kebabs

2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Albion Kebabs

3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a Variation of a Premises Licence under the Licensing Act 2003. The application proposes to vary permitted hours:
Sundays before Bank Holidays: 23:00 - 04:00
Monday - Thursday: 23:00 – 02:30
Friday & Saturday: 23:00 – 04:00
Sundays: 23:00 – 02:30
- 3.2 Part P of the application is detailed at Appendix A

3.3 Summary table of existing and proposed activities

| | Existing | Proposed |
|---|---|--|
| L) Late Night Refreshment | Monday – Thursday 23:00 – 01:00 Friday & Saturday 23:00 – 03:00 Sunday 23:00 – 00:00 | Sunday before Bank Holidays 23:00 – 04:00 Monday – Thursday 23:00 – 02:30 Friday & Saturday 23:00 – 04:00 Sunday 23:00 – 02:30 |
| O) Hours premises are open to public | Monday – Thursday 12:00 – 01:00 Friday & Saturday 12:00 – 03:00 Sunday 12:00 – 00:00 | Sunday – Thursday 12:00 – 02:30 Friday & Saturday 12:00 – 04:00 |

3.4 Existing licence attached at Appendix B

3.5 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 Appendix C).

Representations received

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

3.7 Five representations were received. They were received from a Resident Association, local Councillors, Sussex Police and The Licensing Team.

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

3.9 Full details of the representations are attached at Appendix D. A map detailing the location of the premises is attached at Appendix E.

4. COMMENTARY ON THE LICENSING POLICY

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

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

- 2.4 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.

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 Area (SSA) were adopted in March 2008. Since that date, the licensing authority has kept the CIZ and SSA 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 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 A** 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*

2.7.6 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.

2.9 Street drinking: The area around the Level is considered high risk for street drinkers and the Licensing Authority will have regard to prevention of crime and disorder by virtue of street drinking and antisocial behaviour when considering applications in this area.

4. 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)

4.8 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.

6. 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:

Financial Implications:

- 5.1 The licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

Finance Officer Consulted Michael Bentley

Date: 30/04/15

Legal Implications:

- 5.2 The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Rebecca Sidell

Date: 30/04/15

Equalities Implications:

- 5.3 Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

Sustainability Implications:

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

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part P of the Application
2. Appendix B – Part A of Premises Licence
3. Appendix C – Brighton & Hove City Council – Cumulative Impact Zone
4. Appendix D – Representations
5. Appendix E – Map of area

Documents in Members' Rooms

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

Background Documents

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

APPENDIX A

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

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

Conditions consistent with the operating Schedule already being observed, CCTV System being maintained in good order.

b) The prevention of crime and disorder

CCTV will be monitored and maintained

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Schedule 12 Part A

Regulation 33, 34

Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2014/05976/LAPRMV

Part 1 – Premises Details

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

Albion Kebabs
61 Queens Road
Brighton
East Sussex
BN1 3XD

Telephone number 01273 888860

Licensable activities authorised by the licence

Late Night Refreshment

Times the licence authorises the carrying out of licensable activities

Late Night Refreshment

| | |
|-------------------|---------------|
| Monday - Thursday | 23:00 - 01:00 |
| Friday & Saturday | 23:00 - 03:00 |
| Sunday | 23:00 - 00:00 |

The opening hours of the premises

| | |
|-------------------|---------------|
| Monday - Thursday | 12:00 - 01:00 |
| Friday & Saturday | 12:00 - 03:00 |
| Sunday | 12:00 - 00:00 |

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

N/A

Part 2

APPENDIX B

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

Adriatic Dema
99 Donald Hall Road
Brighton
BN2 5DL

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

N/A

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

N/A

APPENDIX B

Annex 1 – Mandatory conditions - None

Annex 2 – Conditions consistent with the Operating Schedule

For the Prevention of Crime and Disorder

1. 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 entrance to the premises.

The system shall be on and recording at all times the premises licence is in operation.

- The CCTV equipment and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- CCTV footage will be stored for a minimum of 31 days.
- 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.
- Subject to Data Protection guidance and legislation, 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 into 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.

For Public Safety - None

For the Prevention of Public Nuisance - None

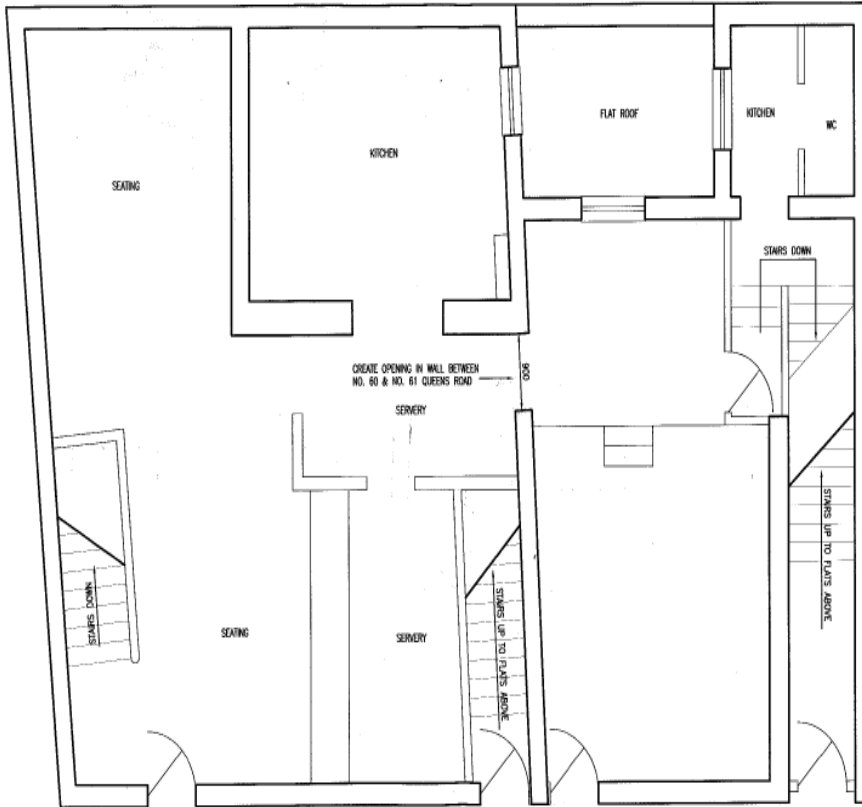
For the Protection of Children from Harm - None

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

APPENDIX B

Annex 4 – Plans

1. Do not scale from this drawing.
2. This drawing is to be read in conjunction with all other relevant construction drawings, specifications and details

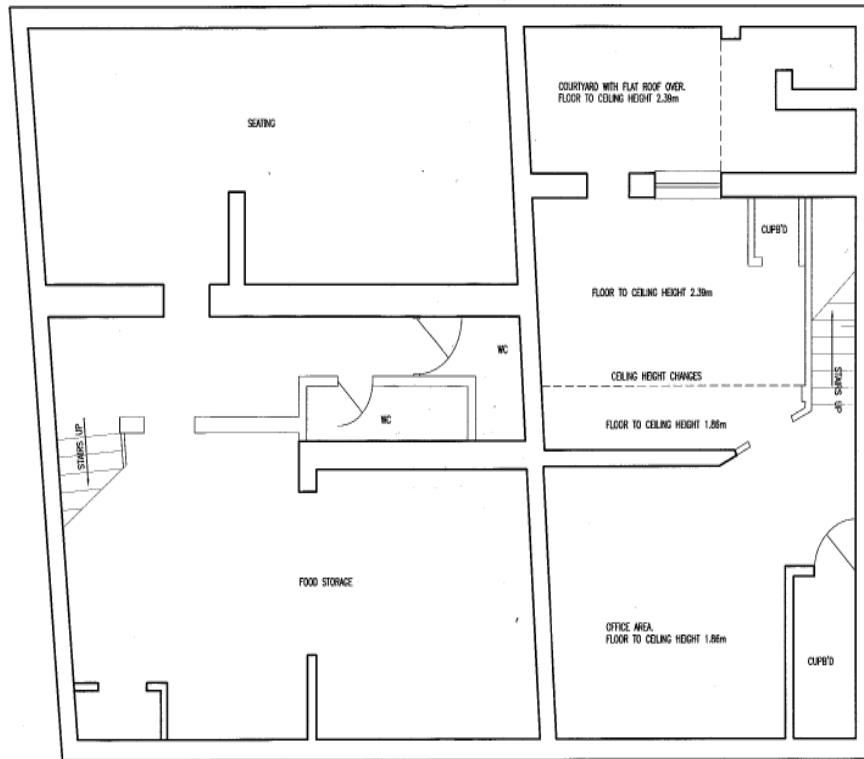


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 1 Castlefield Road, Reigate, Surrey RH12 0SA
 TEL: (01737) 244123 FAX: (01737) 244101
 email: askpitman@askpitman.co.uk

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|---------------------------------|--------------------------------------|---------------|--------------|
| PROJECT | DRAWING TITLE | DATE | DESIGN BY |
| 60 - 61 QUEENS ROAD BRIGHTON | PROPOSED ALTERATIONS GROUND FLOOR | NOVEMBER 2001 | P. PITMAN |
| SCALE | JOB NUMBER | REVISION | FORM NO. 102 |
| 1:50 | SK4 | - | A3 |

APPENDIX B

1. Do not scale from this drawing.
2. This drawing is to be read in conjunction with all other relevant construction drawings, specifications and details



Pitman CONSULTING
 Engineers - Land Surveyors - Planning Supervisors
 1 Castlefield Road, Reigate, Surrey RH2 0SA
 TEL: (01737) 244123 FAX: (01737) 244101
 email: askpitman@askpitman.co.uk

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|---------------------------------|--|--|--|---------------|--|--------------|--|
| PROJECT | | DRAWING TITLE | | DATE | | DRAWN BY | |
| 60 - 61 QUEENS ROAD BRIGHTON | | EXISTING FLOOR PLANS LOWER GROUND FLOOR | | NOVEMBER 2001 | | P. PITMAN | |
| SCALE | | JOB NUMBER | | REVISION | | DRAWING SIZE | |
| 1:50 | | SK1 | | - | | A3 | |

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

Licensing Department
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton BN1 1JP

8 April 2015

JW CON ENDS 23.04.15 VALID PPN, PCD & CI (A)

Dear Sir/Madam

**1445/3/2015/01508/LAPREV 61 Queens Road
Extension of hours to 02.30 Mon-Thur; 04.00 Fri-Sat; 04.00
and Sundays before a Bank Holiday**

The Association is objecting to the above Variation on the grounds of the prevention of crime and disorder, and public nuisance.

The above premises, which lies within a Cumulative Impact Zone (CIZ), adjoins the North Laine Conservation Area which is also within a CIZ.

We feel that providing late night refreshments for the extra hours above would exacerbate the problems that the North Laine and Queens Road area suffers from. Since the introduction of flexible opening hours in 2003 residents have had to put up with increased levels of noise and litter during the day and late at night, plus increased levels of anti-social behaviour and vandalism all of which contribute to a poorer quality of life for residents in our area, as well as the Queens Road area, and Station.

Sussex Police have received numerous complaints from North Laine residents about noise and anti social behaviour from patrons of the late night economy.

The premise's licence allows them to open to 03.00 every Friday and Saturday. We feel that these times are late enough.

Importantly, we consider that it is crucial to maintain the principle of the CIZ.

Yours faithfully

Sandy Crowhurst and Roy Skam
Joint Coordinators for NLCA Licensing

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

8th April 2015

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

JW CON ENDS 24.04.15 VALID PPN,PCD & CIZ (B)

Dear Mr Whitelegg,

RE: APPLICATION FOR VARIATION OF THE PREMISES LICENCE FOR ALBION KEBABS, 61 QUEENS ROAD, BRIGHTON, BN1 3XD, UNDER THE LICENSING ACT 2003. 1445/3/2015/01508/LAPREV.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above variation application on the grounds of cumulative impact, the prevention of crime and disorder and public nuisance.

Sussex Police oppose the application received on 26th March 2015 by Burnand Brazier Tisdall on behalf of the Premises Licence Holder, Mr Adriatic Dema.

This application is to extend the existing hours for the provision of late night refreshment and opening hours as follows:

| | |
|--|--|
| Existing Hours: | This variation application: |
| Mon - Thurs currently 23:00 to 01:00 hours | application seeks an additional 1.5 to 02:30 |
| Fri & Sat currently 23:00 to 03:00 hour to | application seeks an additional 1 04:00 |
| Sunday currently 23:00 to 24:00 hours | application seeks an additional 2.5 to 02.30, 04:00 (an additional 4 hours)on a Bank Holiday |

The basis for Sussex Police's opposition to this application is that the granting of the 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 negative cumulative impact.

The premises in respect of which the application is made is situated within the Brighton & Hove City Council cumulative impact area. 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".

The application makes no reference to cumulative impact and the City's Statement of Licensing Policy. The decision making matrix on page 15 of the Council Statement of Licensing Policy states that no permissions will normally be granted for late night refreshment in the cumulative impact area. The notes accompanying the matrix state that this policy should only be departed from in exceptional circumstances.

Sussex Police have received numerous complaints from residents in the area of noise and anti social behaviour from patrons of the late night economy in the North Laines once they leave licensed premises.

The Brighton Police Licensing Unit has had involvement with Albion Kebabs and Mr Adriatic Dema in the last six months, and Mr Dema had a meeting with us at our request in December to discuss problems at the premises late at night. An alleged

serious sexual assault took place inside the premises in October 2014 at approximately 02:42 in the morning when the premises was still open and trading, despite the fact that the permitted hours for late night refreshment ended at 01:00. Sussex Police are unable to disclose further information on this matter because of sub judice rules at this stage as a criminal investigation is still ongoing.

When Police met with Mr Dema in December 2014 to discuss concerns about the running and management of the venue, Mr Dema admitted that the CCTV system inside the shop had not been working since February 2014, in breach of the CCTV condition on the premises licence.

In addition the premises were found to be trading beyond its permitted hours on the 18th October 2014 at 03:45 when the permitted hours for late night refreshment finished at 03:00.

It is the view of Sussex Police that the applicant fails to demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Sussex Police contend that nothing in the application or the operating 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 this application.

Yours faithfully,

Nev Kemp
Chief Superintendent
Divisional Commander
Brighton & Hove Division

From: Jim Whitelegg
Sent: 21 April 2015 12:41
To: EHL Safety
Subject: 1445/3/2015/01508/LAPREV representation - protect

Valid PCD & PPN

Jim Whitelegg
Senior Environmental Health Officer
2nd Floor, Bartholomew Hse, Bartholomew Square, Brighton, BN1 1JP
[Brighton & Hove City Council](#)

From: Ian Davey
Sent: 21 April 2015 10:19
To: EHL Safety
Cc: Pete West; Lizzie Deane; 'David.Bateup'
Subject: 1445/3/2015/01508/LAPREV representation

JW CON ENDS 24.04.15 VALID (C)

Dear EHL

As ward councillor I would like to make a representation against the application to extend the opening hours of these premises.

Residents in the city centre already suffer from late night noise and disturbance and the granting of additional hours to these premises would potentially add cumulatively to the current problems. I consider that extra late night hours would undermine the Licensing objectives particularly around crime and disorder and public nuisance.

I request on behalf of local residents that this application is rejected.

Regards
Ian Davey
Green Party Councillor for St Peters & North Laine Ward
Deputy Leader and Lead Member on Transport
Brighton & Hove City Council

Mr Whitelegg
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Date: 21st April 2015
Our Ref: 2015/02788/LICREP
Phone:
Fax
e-mail:

JW CON ENDS 23.04.15 VALID PCD, PPN & CIZ (D)

Dear Mr Whitelegg,

**Licensing Act 2003 – Licensing Authority representation against the application for a variation of a premises licence (ref: 2015/01508/LAPREV)
Re: Albion Kebabs, 61 Queens Road, Brighton, BN1 3XD**

I refer to the application made by Mr Adriatic Dema, for a variation to the existing Premises Licence held for 61 Queens Road. The applicant wishes to extend the hours for which Late Night Refreshment can be served.

I have concerns about this application and make a representation on the grounds of the prevention of crime and disorder and the prevention of public nuisance. The premises is situated on Queen's Road, which sits within the Licensing Authority's Cumulative Impact Area (CIA).

This premises falls within the heart of the CIA. The Council introduced a special policy to address cumulative impact on the 13th March 2008 and following further consultation the cumulative impact area (CIA) was expanded in December 2011. The special policy was set up because the Licensing Authority determined that the concentration of licensed premises and the subsequent numbers of people drawn into the city centre is causing exceptional problems of crime and disorder and public nuisance. The special policy will only be overridden in exceptional circumstances. New applications and variations to existing licences should normally be refused following relevant representations. This presumption of refusal can be rebutted by the applicant if they can show that their application will have no negative cumulative impact on licensing objectives including prevention of crime and disorder and public nuisance. 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.

The premises is also located in the electoral ward St. Peter's and North Laine, which according to our Public Health Framework for Assessing Alcohol Licensing is ranked the worst out of 21 wards for Criminal Damage and Police recorded alcohol related incidents. This ward was also ranked the worst for A&E attendances between 20:00 hours and 05:00 hours due to assault and third worst for Sexual Offences.

Guidance issued under S182 of the Licensing Act 2003 states in paragraph 8.33 that in completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. The guidance goes on to say in paragraph 8.35 that applicants

are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, CIA and matrix approach to decision making policies), applicants are also expected to demonstrate an understanding of how the policy impacts on their application, any measures they will take to mitigate the impact, and why they consider the application should be an exception to the policy.

On looking at the variation application form, it seems to me that the applicant has failed to demonstrate how they will not add to the existing 'cumulative impact' of the area or how they are a potential exception to our policy.

The Council's Statement of Licensing Policy (SoLP) includes a Matrix approach for licensing decisions with provisions for a terminal hour for all classes of licensed premises in a particular area. The Matrix Model recognises the diverse operation and different risks presented by different classes of licensed premises. It provides a vision of what the Licensing Authority would like to see within its area and gives an indication of likelihood of success or otherwise to investors and local businesses making applications. Each application is still considered on its individual merit and there is discretion to depart from the Matrix approach policy in exceptional circumstances.

This application is to vary the existing Late Night Refreshment hours of:

| | |
|-------------------|---------------|
| Monday - Thursday | 23:00 - 01:00 |
| Friday & Saturday | 23:00 - 03:00 |
| Sunday | 23:00 - 00:00 |

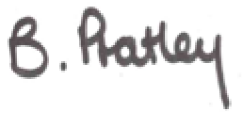
To

| | |
|-------------------|---|
| Monday - Thursday | 23:00 - 02:30 |
| Friday & Saturday | 23:00 - 04:00 |
| Sunday | 23:00 - 02:30 or 04:00 where the Sunday falls before a bank holiday Monday. |

The Matrix table clearly shows that late night takeaways in the Cumulative Impact area should be refused. Those in our Special Stress Area should have a maximum terminal hour of midnight. The variation application is for a significant extension to the existing hours; they have not had regard to the Statement of Licensing Policy in their application and have not paid special attention to the Cumulative Impact Area when drawing up their operating schedule. I would expect to see some positive proposals to show how the extension will not add to the negative cumulative impact on the licensing objectives and problems faced in the area, in this instance the applicant has not met this expectation.

It is my opinion, granting this application is likely to add to the additional burdens and problems in the cumulative impact area and I do not believe that the applicant has demonstrated that there are exceptional circumstances to justify departing from the Policy. I therefore request this application is refused in line with 2.6.5 of our Statement of Licensing Policy and the Matrix approach.

Yours sincerely



Becky Pratley
Licensing Officer
Licensing Team, Environmental Health and Licensing
Regulatory Services

Please note my working days are Monday, Tuesday and Wednesday.

From: Jim Whitelegg
Sent: 22 April 2015 09:08
To: EHL Safety
Subject: RE: 61 Queens Road: 1445/3/2015/01508/LAPREV - protect

Valid PCD, PPN & CI.

Jim Whitelegg
Senior Environmental Health Officer
2nd Floor, Bartholomew Hse, Bartholomew Square, Brighton, BN1 1JP
Brighton & Hove City Council

-----Original Message-----

From: Lizzie Deane
Sent: 21 April 2015 14:16
To: EHL Safety
Subject: 61 Queens Road: 1445/3/2015/01508/LAPREV

JW CON ENDS 23.04.15 VALID (E)

Dear Sirs,

I wish to object to this application to extend the hours for the serving of late night refreshment on the following grounds:

- the premises lies within the city's Cumulative Impact Zone.
- the Council's Statement of Licensing Policy states that no new licences should be issued for late night refreshment within the CIZ.
- Albion Kebabs already operate late at night, with opening hours that go beyond the recommended operating times for a Special Stress Area, even though it is within the CIZ.
- late night opening already poses problems for the police in terms of dispersal of late night drinkers, and antisocial behaviour.
- there are many residents living above shops in Queens Road who already suffer from late night noise and disturbance, and would be further disturbed should this licence be granted.

- granting this licence would not promote the city's licensing objectives in relation to the prevention of crime and disorder and public nuisance.

I would therefore urge the panel not to grant this licence.

Yours sincerely,

Lizzie Deane

Green Party member for St Peter's and North Laine ward

APPENDIX E

