





**Brighton & Hove
City Council**

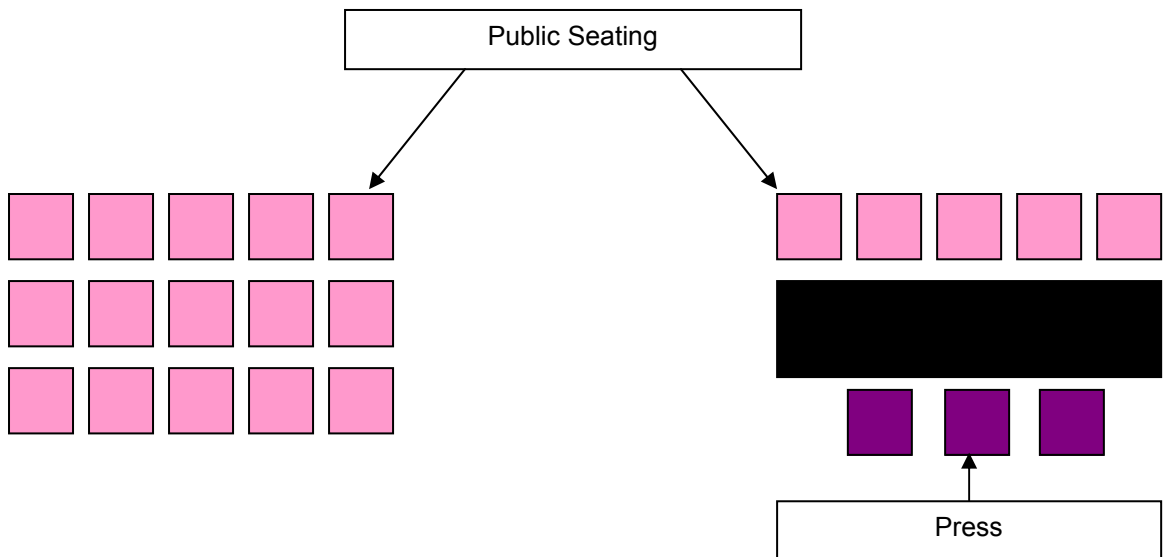
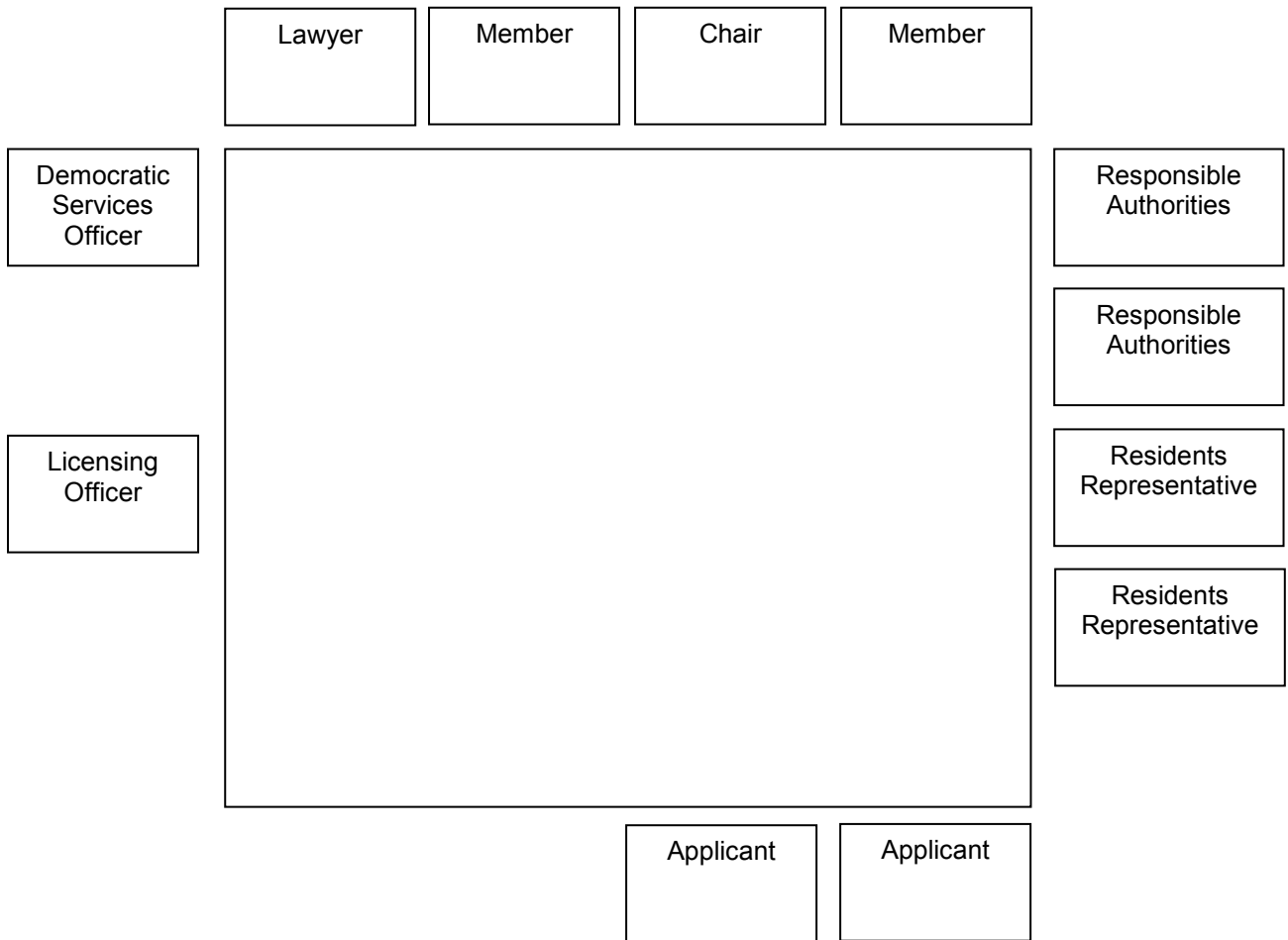
Licensing Panel

(Licensing Act 2003 Functions)

Title:	Licensing Panel (Licensing Act 2003 Functions)
Date:	26 January 2009
Time:	10.00am
Venue	Council Chamber, Brighton Town Hall
Members:	Councillors: Hyde, Lepper and Marsh
Contact:	Jane Clarke Democratic Services Officer 01273 291064 jane.clarke@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

93. TO APPOINT A CHAIRMAN FOR THE MEETING

94. 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.

95. SEA VIEW CONVENIENCE STORE, 41 KINGS ROAD, BRIGHTON 1 - 54

Report of the Assistant Director of Public Safety (copy attached).

Contact Officer: Sarah Ranger Tel: 29-5801
Ward Affected: Regency

96. CAPS AND SARASOTA, 5-6 WESTERN ROAD, HOVE 55 - 104

Report of the Assistant Director of Public Safety (copy attached).

Contact Officer: Jim Whitelegg Tel: 29-2143
Ward Affected: Regency

97. THE FOUNTAIN HEAD, 102 NORTH ROAD, BRIGHTON 105 - 144

Report of the Assistant Director of Public Safety (copy attached).

Contact Officer: Becky Keely Tel: 01273 292100
Ward Affected: St Peter's & North Laine

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

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 Jane Clarke, (01273 291064, email jane.clarke@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Friday, 16 January 2009

Licensing Panel (Licensing Act 2003 Functions)

Agenda Item 95

Brighton & Hove City Council

Subject:	Application for a New Premises Licence under the Licensing Act 2003 for Sea View Convenience Store, 41 Kings Road, Brighton, BN1 1NA		
Date of Meeting:	26th January 2009		
Report of:	Assistant Director Public Safety		
Contact Officer:	Name:	Sarah Ranger	Tel: 295801
	E-mail:	sarah.ranger@brighton-hove.gov.uk	
Wards Affected:	Regency		

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 Sea View Convenience Store.

2. RECOMMENDATIONS:

- 2.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for Sea View Convenience Store.

- 2.2 The application is for:

A New Premises Licence under the Licensing Act 2003 for

The application proposes:

Convenience Store

2.3 Summary table of existing and proposed activities

	<i>Existing</i>	<i>Proposed</i>
M Supply of Alcohol	N/A	Every Day: 00:00 – 00:00 (24 hours a day)
O Hours premises are open to public	N/A	Every Day: 00:00 – 00:00 (24 hours a day)

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 The premises falls within the Cumulative Impact Area (“the Area”) in Brighton city centre (see paragraphs Prevention of Crime and Disorder 2.4.10 – 2.4.14 and detailed plan in Appendix A).

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 Eighteen representations were received. They were received from the Police, a local Residents’ Association, local residents and local businesses.

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

4. CONSULTATION

Commentary on licensing policy

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

General

- 1.2 The licensing objectives are:-
- (a) Prevention of crime and disorder;
 - (b) Public safety;
 - (c) Prevention of public nuisance;
 - (d) Protection of children from harm.
- 1.3 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focussed on matters which are in the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity.
- 1.5 Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act
- 1.15 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act, and the conditions attached to licences, certificates and permissions will be focused on matters which are within the control of the licensee and will centre on the premises themselves and their immediate vicinity. When considering these terms and conditions the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

In respect of the prevention of crime and disorder

- 2.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority recommends that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door staff so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection.
- 2.3 It is expected that the designated premises supervisor (DPS) will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises.
- 2.4 Cumulative impact – the licensing authority may receive representations from either a responsible authority or an interested party that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with ‘need’ which relates more to the commercial demand for a particular type of premises. The issue of ‘need’ is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore does not form part of this licensing policy statement.
- 2.4.1 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.
- 2.4.2 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. This special policy was adopted for inclusion within the statement of licensing policy by Council on 13 March 2008.

- 2.4.3 This special policy will refer to a Cumulative Impact area (“the Area”) in the Brighton city centre, a detailed plan of which is attached at **Appendix A** of the Statement of Licensing Policy (SoLP).
- 2.4.4 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 normally 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.
- 2.4.5 Any variation application 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.
- 2.4.6 This special policy also applies to all new premises licences and club premises certificates, for example pubs, off-licences, restaurants and take-away establishments.
- 2.4.7 The presumption of refusal does not relieve responsible authorities or interested parties of the need to make a relevant representation. If there are no representations the licensing authority must grant the application in terms consistent with the operating schedule submitted.
- 2.4.8 Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether it is justified in departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the Cumulative Impact of the Area, it may be granted. The Impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of Cumulative Impact, a small restaurant or theatre may not.
- 2.4.9 If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved.

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

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

2.4.12 New and varied applications for premises and club premises certificates within SSAs will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. **Appendix C** of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.

2.4.13 On receipt of any application in SSAs, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in **Appendix C**. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.

2.4.14 The Licensing Authority will keep the Cumulative Impact Area and Special Stress Areas under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening; the Special Policy will be reviewed with a view to bringing the SSAs into the Cumulative Impact Area. If it is found that the above problems are receding the Special Policy may be reviewed with a view to revising the areas' boundaries.

2.5.1 Diversity of premises

This attempts to ensure that there is a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It will provide resilience against changing trends and attract a more diverse range of customers

from different age groups, different communities of interest and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This in turn may have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time, may create opportunities for violent crime and public disorder and therefore encourages mixed use venues, varying hours of business and a wider age balance.

2.5.5 Care, control and supervision of premises

The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The Police will consider the applicants, objecting to the application where appropriate. The Police will suggest crime prevention measures in relation to, for example, the internal layout of the premises, close circuit television, help points, lighting and security staff. The Police may ask for conditions which support such measures to be imposed when planning or licensing applications are granted, e.g. type of licence, capacity, opening time restrictions.

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

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

In respect of Public Safety

3.2 Conditions will be imposed in accordance with operating schedules to protect public safety including where justified:-
(a) provision of close circuit television and panic buttons.

- (b) use of shatterproof drinking vessels, bottles requiring use of toughened glass or plastic (recognised by Community Safety Strategy).
- (c) use of security personnel, such as door supervisors, licensed by the Security Industry Authority (recognised by the Community Safety Strategy).

In respect of the prevention of public nuisance

- 4.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, or as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke)
- 4.8 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre and on busy main roads. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood.

In respect of the protection of children from harm

- 5.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, the committee recommend that all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the licensing strategy group.
- 5.2 It is the committee's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any

premises unless it is necessary for the prevention of physical, moral or psychological harm to them.

5.4 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:-

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;

Strategic Integration

6.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening.

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

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: 06.01.2009

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: 05.01.2009

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 – Brighton & Hove City Council - Cumulative Impact Area.
2. Appendix B – Brighton & Hove City Council – Special Stress Areas.
3. Appendix C – Measures to be considered in SSAs.
4. Appendix D – Map of area.
5. Appendix E – Plan of Premises.
6. Appendix F – Part P of the New Premises Licence Application and supporting letter from agent concerning Cumulative Impact.

Documents in Members' Rooms

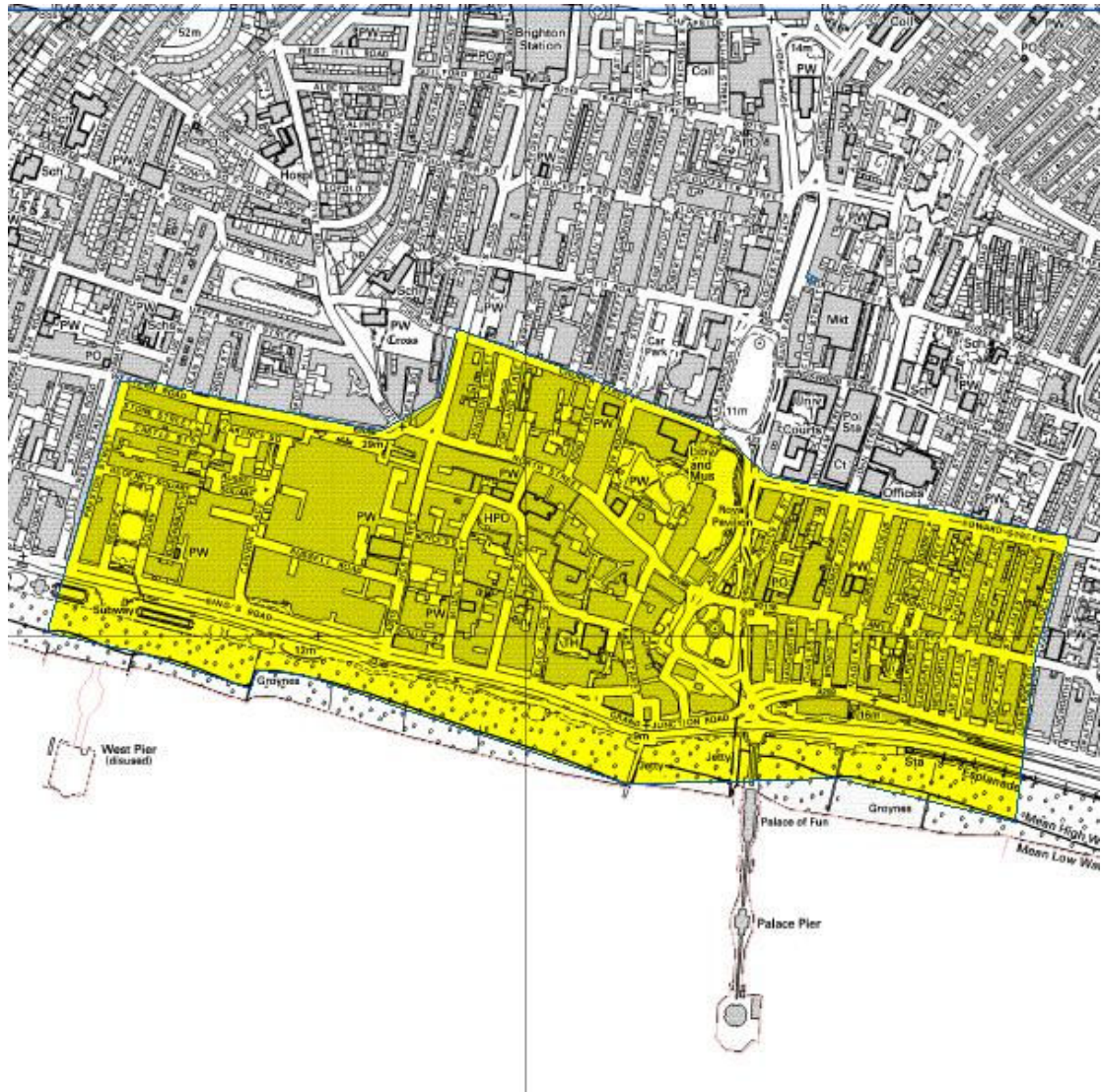
1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy.

Background Documents

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

APPENDIX A

Brighton & Hove City Council - Cumulative Impact Area

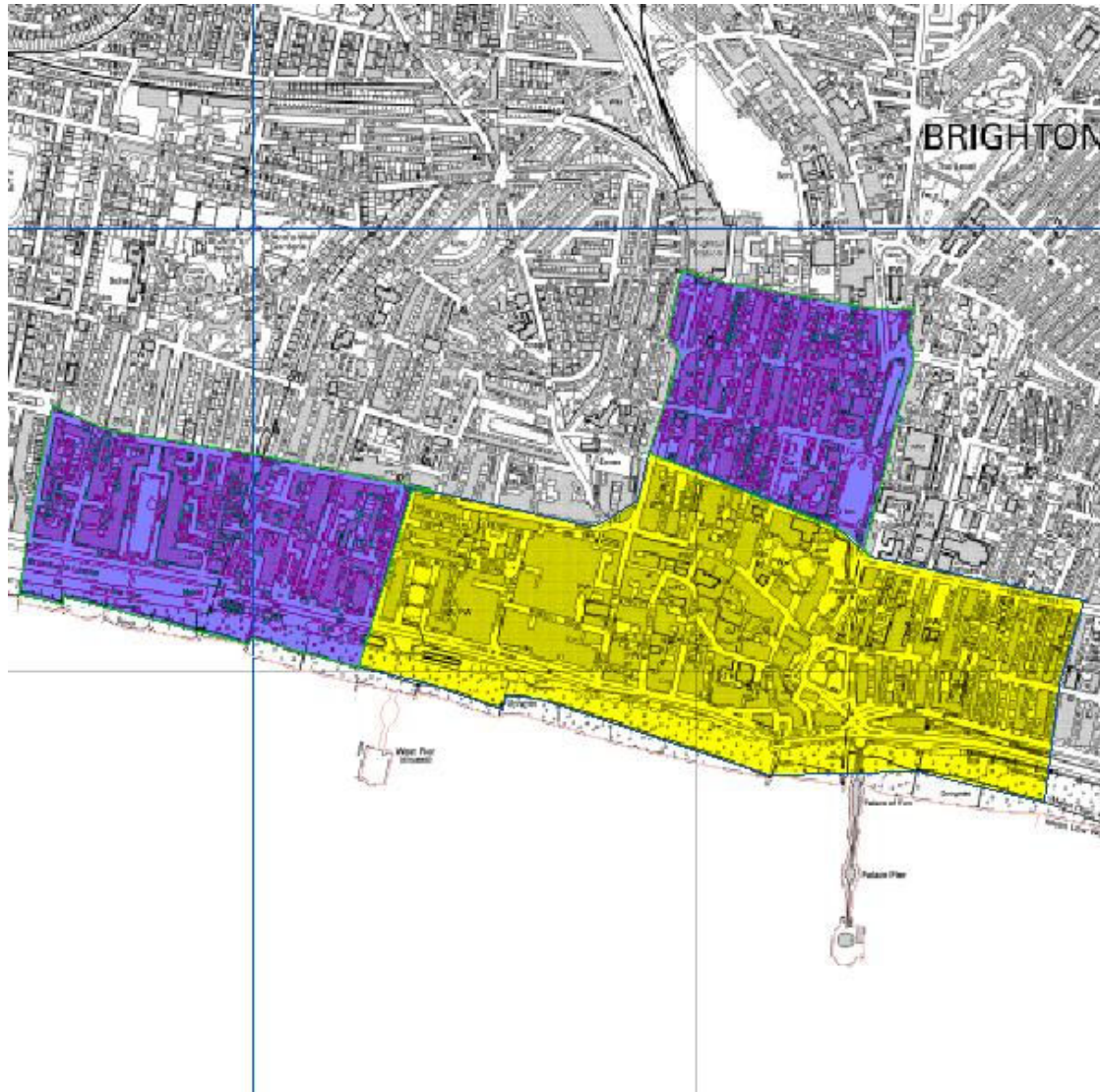


The Cumulative Impact Area comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Spring Street to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Ayr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

APPENDIX B

Brighton & Hove City Council – Special Stress Areas

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



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

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

APPENDIX C

Measures to be included for consideration in SSAs are:

Matters that would normally be expected in operating schedules -

- the adoption of a “Challenge 21” policy with acceptable proof of id as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital cctv system by liaison with, and to a standard approved by, Sussex police
- policies for dispersal of customers which may include signage regarding taxi services’ telephone numbers and advice to respect neighbours and minimize noise
- systems to ensure any SIA door staff or Mobile Support Unit personnel display appropriate badges when on duty

Items to which positive consideration would be given -

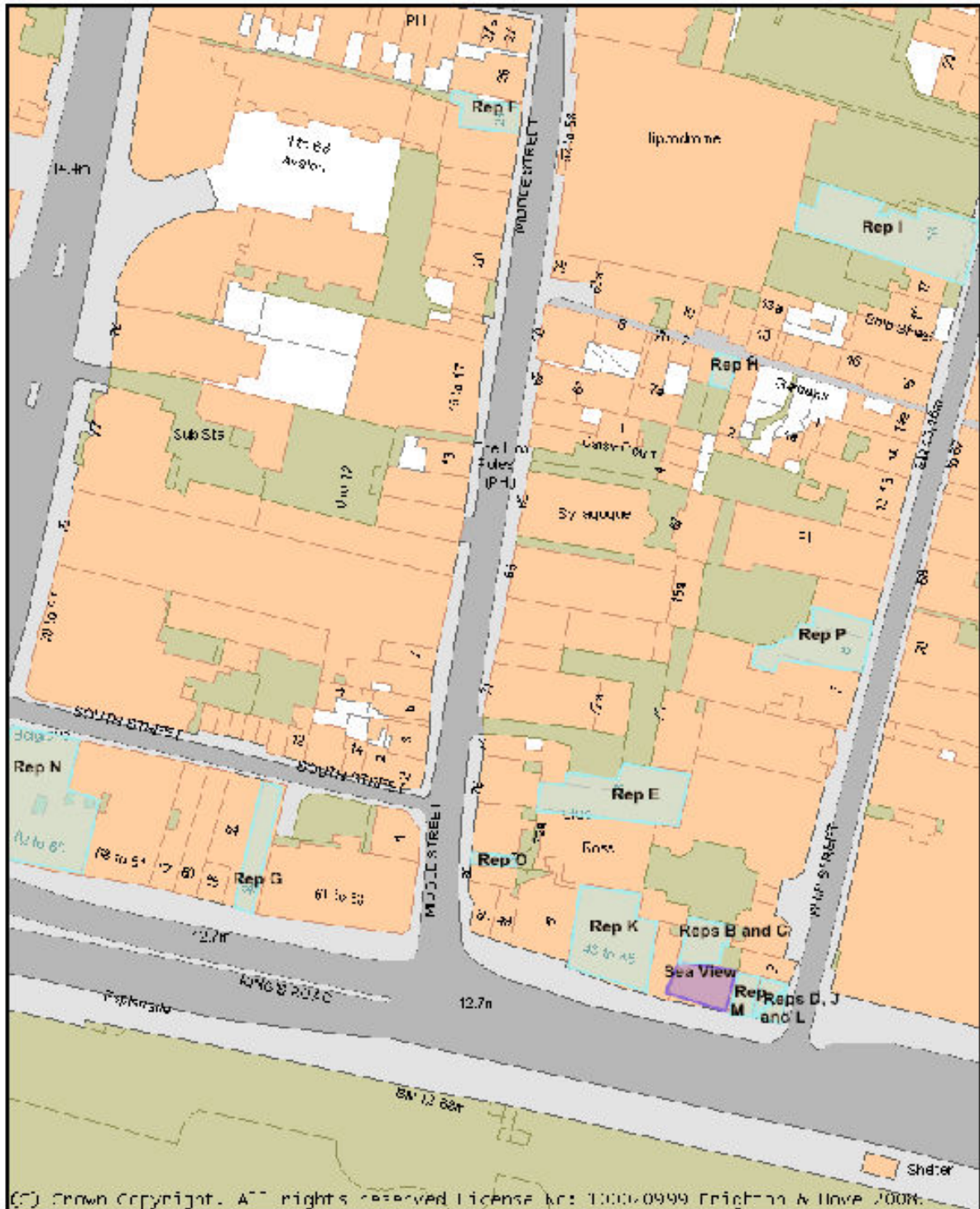
- membership of Brighton Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of ‘nightsafe’ radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators
- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Matters that might be recommended for appropriate restrictions -

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

APPENDIX D

Sea View Convenience Store, 41 Kings Road, Brighton, BN1 1NA



Date: 06/01/2009 03:38:31

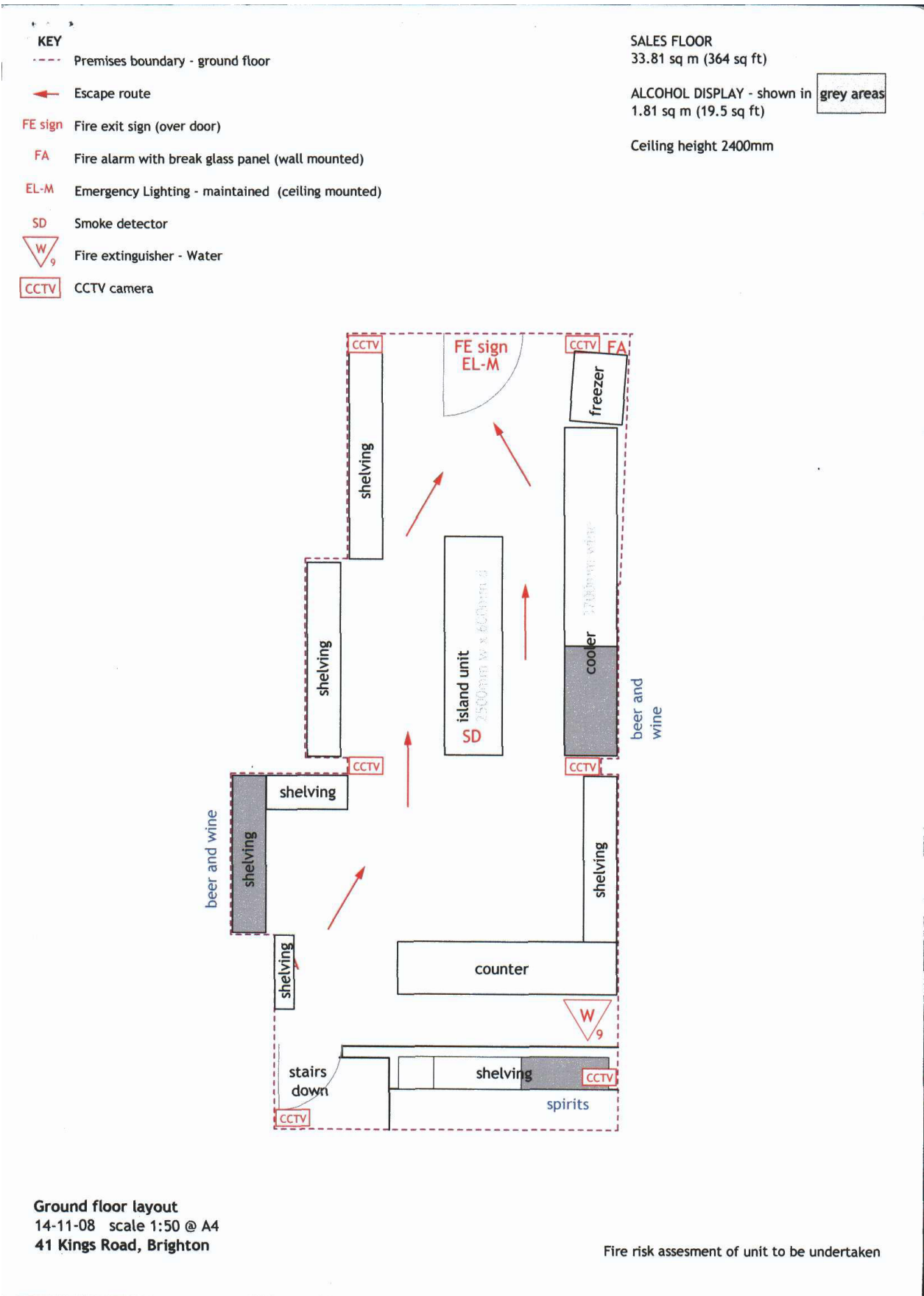
Scale 1:1000



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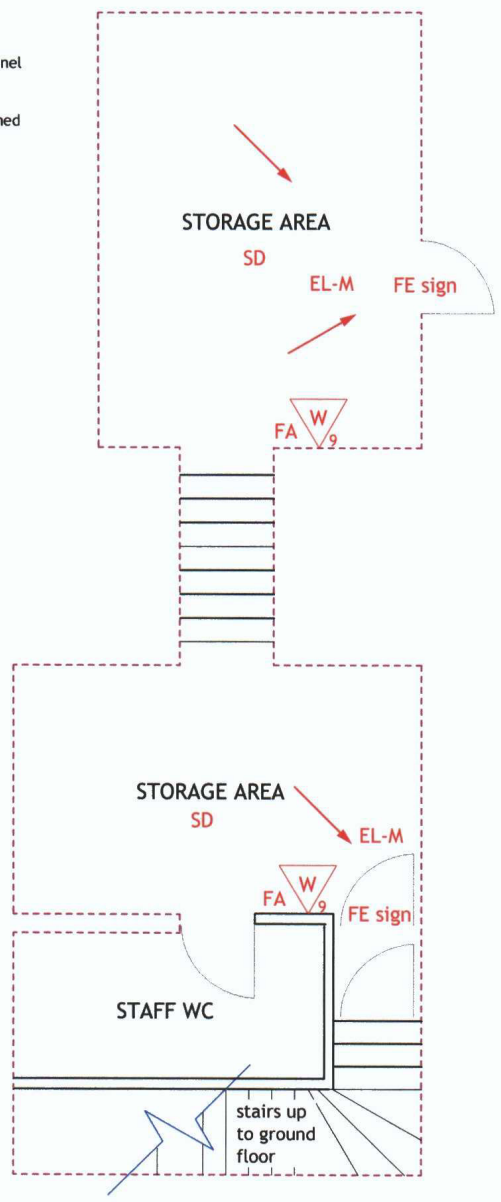


APPENDIX E



- KEY**
- - - Premises boundary - basement
 - ← Escape route
 - FE sign** Fire exit sign (over door)
 - FA** Fire alarm with break glass panel (wall mounted)
 - EL-M** Emergency Lighting - maintained (ceiling mounted)
 - SD** Smoke detector
 - W₉** Fire extinguisher - Water
 - CCTV** CCTV camera

STORAGE AREA
 261.48sq m (24.9 sq ft)
 Ceiling height 2150mm



THE STORAGE AREA SHOWN IS AS PERMITTED BY THE FIRE OFFICER

All doors shown on the basement plan are fire doors.

A fire risk assesment of unit is to be undertaken

Basement layout
 14-11-08 scale 1:50 @ A4
 41 Kings Road, Brighton

APPENDIX F

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)

TO KEEP A SAFE ENVIRONMENT WITH THE USE OF CCTV AND SECURITY COVER, AND TO PROTECT CHILDREN FROM HARM BY STORING ALCOHOL OUT OF THEIR REACH AND COVERING UP ANY ADULT MATERIAL

b) The prevention of crime and disorder

CCTV THROUGHOUT STORE
AT PEAK TIMES, MAY INVOLVE DOOR SUPERVISORS FROM WASHINGTON STATE SECURITY LTD.

c) Public safety

ID CHECKING AS STANDARD PROCEDURE
CCTV THROUGHOUT STORE

d) The prevention of public nuisance

SECURITY CONTACTS
CCTV

e) The protection of children from harm

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Our Ref: ES/39266/SHAKIR

Emma Snell Ext 246
emma@engleharts.co.uk

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

Tuesday, 09 December 2008

Dear Sirs

RE: Sea View Convenience Store

We act for the applicant in this matter.

Please find enclosed a document referring to the Cumulative Impact Policy adopted by Brighton & Hove City Council. We failed to include this in our application sent to you on 25 November 2008 but wish for it to be added to our application now. We understand from a telephone call to you on 28 November that this would not be a problem.

We have also sent copies of this document to all relevant authorities.

Yours faithfully

ENGLEHARTS SOLICITORS
Enc.

Partners: David Englehart Redmond Nari
Consultant Solicitor: Brendan Noonan
Head of Private Client: Jacqueline D'Hazzard
Conveyancer: Josie Flint

Solicitors: Kent Reynolds Rachel Gerber Pravin Jugdaohsingh Jamela Collins Mark Scott
Legal Executive: Peter Harris
Licensing Executive: Emma Snell

Regulated by the Solicitors Regulation Authority

Application for a premises licence to be granted -
Applicant – **Nagy Shakir**
Premises – **Sea View Convenience Store, 41 Kings Road, Brighton, BN1 1NA**

11 DEC 2008

We wish to include this document in our application for a new premises licence. Safety & Licensing

We have been informed that we did not refer to the Brighton & Hove City Council's Cumulative Impact Policy in our application and we understand that this is now a requirement.

We apologise for our earlier omission and hope that this document will satisfy this requirement.

Cumulative Impact Policy

Our client is aware of this Policy and has read the literature available on the BHCC website. Our client is also aware that the area his premises is situated is a Special Stress Area. Our client has been improving and preparing the premises to be a 24 hour convenience store that includes the sale of alcohol.

Our client has incorporated the following to enable him to promote the four objectives in the BHCC licensing guidelines and consider the Cumulative Impact Policy:

1. Our client has installed CCTV in six different points within the store.
2. Our client has built shelving and boxed coolers to store beer and wine. The spirits are to be kept behind the counter at all times.
3. There is no alcohol stored at the front of the store.
4. Our client is prepared to enter into a contract with a Security Firm (he is in talks with Washington State Security Limited) to enable him to have door supervisors at peak times during the night.
5. Our client is happy to adopt the "Challenge 21" policy and will obtain machines which also detect fraudulent ID cards.
6. All purchases of alcohol will be put into brown paper bags for consumption away from the premises
7. Our client will adopt the use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated.
8. Policies for dispersal of customers will also be adopted to include signage regarding taxi services and advice to respect neighbours and minimise noise.

Our client will also consider the following items –

1. Membership of Brighton Crime Reduction Partnership, Neighbourhood Watch or similar schemes;
2. Use of 'night safe' radio system or similar accredited scheme;
3. Regular training and reminders for staff in respect of licensing legislation, policies and procedures, records of which will be recorded and available for inspection.

Our client feels that his premises will not add to the cumulative impact already being experienced because he is prepared to incorporate all the above, consider further conditions if necessary and work alongside the Council, Police and Residence to promote the licensing objectives as well as run his business to make a living.

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Licensing Panel (Licensing Act 2003 Functions)

Agenda Item 96

Brighton & Hove City Council

Subject:	Application for a Variation of a Premises Licence under the Licensing Act 2003 for Caps & Sarasota, 5 - 6 Western Road, Hove, BN3 1AE		
Date of Meeting:	26th January 2009		
Report of:	Assistant Director Public Safety		
Contact Officer:	Name:	Jim Whitelegg	Tel: 292143
	E-mail:	jim.whitelegg@brighton-hove.gov.uk	
Wards Affected:	Regency		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Caps & Sarasota

2. RECOMMENDATIONS:

- 2.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Caps & Sarasota

- 2.2 The application is for:

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

The variations proposes:

Currently a basement night club style premise and ground floor serving alcohol and some refreshments the proposal is to change the hours on both floors by extending them to 02:00 on all days of the week with closure at 02:30 and to permit some late night refreshments and other regulated entertainment on the ground floor as well, as is current in the basement. The two floors to be run as separate venues for customers.

2.3 Summary table of existing and proposed activities

	<i>Existing</i>	<i>Proposed</i>
E Live music	Basement Monday – Saturday: 12:00 - 02:00 Sunday: 12:00 - 22:30	Basement and Ground Floor Every Day: 10:00 – 02:00
F Recorded Music	Basement Monday – Saturday (excluding Boxing Day): 12:00 - 02:00 Sunday: 12:00 - 22:30	Basement and Ground Floor Every Day: 10:00 – 02:00
G Performance of Dance	Basement Monday – Saturday: 12:00 - 02:00 Sunday: 12:00 - 22:30	Basement and Ground Floor Every Day: 10:00 – 02:00
H Anything of a similar description within E, F, or G	Basement Monday – Saturday: 12:00 - 02:00 Sunday: 12:00 - 22:30	Basement and Ground Floor Every Day: 10:00 – 02:00
I Provision of facilities for making music	Basement Monday – Saturday: 12:00 - 02:00 Sunday: 12:00 - 22:30	Basement and Ground Floor Every Day: 10:00 – 02:00
J Provision of facilities for dancing	Basement Monday – Saturday: 12:00 - 02:00 Sunday: 12:00 - 22:30	Basement and Ground Floor Every Day: 10:00 – 02:00
K Provision of facilities for entertainment of a similar description to that falling with in I or J	Basement Monday – Saturday: 12:00 - 02:00 Sunday: 12:00 - 22:30	To remain the same.
L Late Night Refreshment	N/A	Indoors- Ground Floor only Only on the ground floor and consisting of light hot snacks from a microwave or hot drinks Every Day: 23:00 – 02:30

<p>M Supply of Alcohol</p>	<p>Alcohol is supplied for consumption both on and off the Premises</p> <p>Monday – Saturday: 10:00 - 23:00 (10:00 – 00:00 – Ground Floor only)</p> <p>Sunday: 12:00 - 22:30 (12:00 – 23:30 – Ground Floor only)</p> <p>Christmas Day: 12:00 - 22:30 (12:00 – 23:30 – Ground Floor only)</p> <p>Good Friday: 12:00 - 22:30 (12:00 – 23:30 – Ground Floor only)</p> <p>New Year's Eve: 10:00 - 00:00</p> <p>New Year's Day: 00:00 - 23:00 (00:00 – 00:00 – Ground floor only.)</p> <p>Basement</p> <p>Monday – Wednesday: 12:00 – 01:00</p> <p>Thursday – Saturday: 12:00 – 02:00</p>	<p>On the Premises:</p> <p>Every Day: 10:00 – 02:00 Drinks will not be allowed outside on the front private area after 24:00.</p>
<p>O Hours premises are open to public</p>	<p>Unknown</p>	<p>Every Day: 10:00 – 02:30</p>
<p>P Conditions removed as a consequence of the proposed Variation</p>	<p>Any conditions embedded in the current licence and carried over at Transition from the old Justices Licence, orders and certificates and any carried over from the old Public Entertainment Licence.</p> <p>Any of the current conditions contained in the operating schedule restricting the hours in order that they be replaced with the new proposed ones of 10:00 02:00 daily with the premise remaining open until 02:30.</p>	

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

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

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 Ten representations were received. They were received from local residents, a local business, two local Residents' Associations, and the Environmental Protection team.

3.2.3 Representations received had concerns relating to Prevention of Crime and Disorder, Special Stress Area, Public Safety, and Prevention of Public Nuisance.

3.2.4 A representation was received from the Police which included conditions relating to the Prevention of Crime and Disorder. Their representation was withdrawn as the applicant agreed to the conditions and amended the operating schedule accordingly. (See Appendix F)

4. CONSULTATION

Commentary on licensing policy

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

General

1.2 The licensing objectives are:-

- (a) Prevention of crime and disorder;
- (b) Public safety;

- (c) Prevention of public nuisance;
- (d) Protection of children from harm.

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

1.5 Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act

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

In respect of the prevention of crime and disorder

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

- 2.4.11 While it is not considered appropriate at this stage to include these areas within the main impact area as such, these Special Stress Areas (SSAs) are of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced.
- 2.4.12 New and varied applications for premises and club premises certificates within SSAs will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. **Appendix C** of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.
- 2.4.13 On receipt of any application in SSAs, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in **Appendix C**. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.
- 2.4.14 The Licensing Authority will keep the Cumulative Impact Area and Special Stress Areas under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening; the Special Policy will be reviewed with a view to bringing the SSAs into the Cumulative Impact Area. If it is found that the above problems are receding the Special Policy may be reviewed with a view to revising the areas' boundaries.

2.5.1 Diversity of premises

This attempts to ensure that there is a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It will provide resilience against changing trends and attract a more diverse range of customers from different age groups, different communities of interest and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This in turn may have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time, may create opportunities for

violent crime and public disorder and therefore encourages mixed use venues, varying hours of business and a wider age balance.

2.5.2 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 these conditions is likely to lead to proceedings for revocation of the licence.

2.5.3 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 will 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.

2.5.4 Geographical spread

Spreading the siting of large venues (those with a capacity in excess of 250 people) across the city reduces the problems of dispersing large numbers of people leaving premises in close proximity at the same time. Taxi and bus queues can be flash points for public disorder and violence. A good geographical spread coupled with increased taxi ranks and bus stops near venues reduces waiting time and the potential for crime and disorder.

2.5.5 Care, control and supervision of premises

The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside.

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

- 2.7 High volume vertical drinking establishments (HVVD's) may, where necessary and appropriate, have conditions attached relating to: a prescribed capacity, the ratio of chairs and tables to be provided for customers based on capacity and the presence of SIA registered security teams.
- 2.8 Enforcement issues will be considered in the light of any relevant enforcement policies and close links will be sought between all enforcing authorities, e.g. through the use of intelligence sharing and strategy groups. Such protocols may lead to the targeting of agreed high risk and problem premises whilst permitting a lighter touch approach in respect of well run premises.

In respect of Public Safety

- 3.1 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 Conditions will be imposed in accordance with operating schedules to protect public safety including where justified:-
 - (a) provision of close circuit television and panic buttons.
 - (b) use of shatterproof drinking vessels, bottles requiring use of toughened glass or plastic (recognised by Community Safety Strategy).
 - (c) use of security personnel, such as door supervisors, licensed by the Security Industry Authority (recognised by the Community Safety Strategy).

- (d) requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.
- (e) occupant capacity conditions will be applied where appropriate.
- (f) the provision of designated and suitably trained first aiders.

3.3 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers as recognised by the Community Safety Strategy and Policing Strategy. Applicants may be required to consult local transport operators and are encouraged to support the use of public transport through the provision of advice, contact details etc.

3.4 Policy recognises that the numbers of late night revellers can lead to service delivery pinch-points, for example at city centre taxi ranks. Frustration and restlessness in queues can lead to anti-social behaviour and public disorder which can be controlled by , for example, taxi marshalling systems. Operators whose customers contribute to the night-time demand for taxis may wish to consider assisting in the provision of resources for such systems or similar schemes.

In respect of the prevention of public nuisance

4.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, or as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke)

4.4 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

4.5 Staggered closing times will not be used to combat binge drinking disorder and antisocial behaviour. Zoning will be avoided. A general principle of later opening so that customers can leave for natural reasons, slowly over longer periods will be

promoted, to prevent unnatural concentrations of people. The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

- 4.7 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.
- 4.8 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre and on busy main roads. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood.

Strategic Integration

- 6.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening.
- 6.7 This policy avoids duplication with other regulatory regimes wherever possible.

In respect of Live music, Dancing and Theatre

- 7.1 This policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. The impact of licensing on regulated entertainment, particularly live music and dancing, will be monitored. Where indications are that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how such situations might be reversed.
- 7.2 The Licensing Committee represents the general interests of a community. In determining what conditions should be attached

to licences and certificates as a matter of necessity for the promotion of the licensing objectives. The Licensing authority is aware of the need to avoid measures which deter live music, dancing and theatre - such as imposing indirect costs out of proportion to the income of the licence holder and to the risks presented. Only necessary, proportionate and reasonable licensing conditions should impose any restrictions on such events.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

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

Finance Officer Consulted: Karen Brookshaw Date: 06.01.2009

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: 06.01.2009

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 – Brighton & Hove City Council - Cumulative Impact Area.
2. Appendix B – Brighton & Hove City Council – Special Stress Areas.
3. Appendix C – Measures to be considered in SSA's.
4. Appendix D – Part P of Premises Licence Variation Application and application covering letter.
5. Appendix E – New plan of premises.
6. Appendix F - Map of the area.
7. Appendix G – Agreement between applicant and the Police.
8. Appendix H – Part A of Premises Licence.

Documents in Members' Rooms

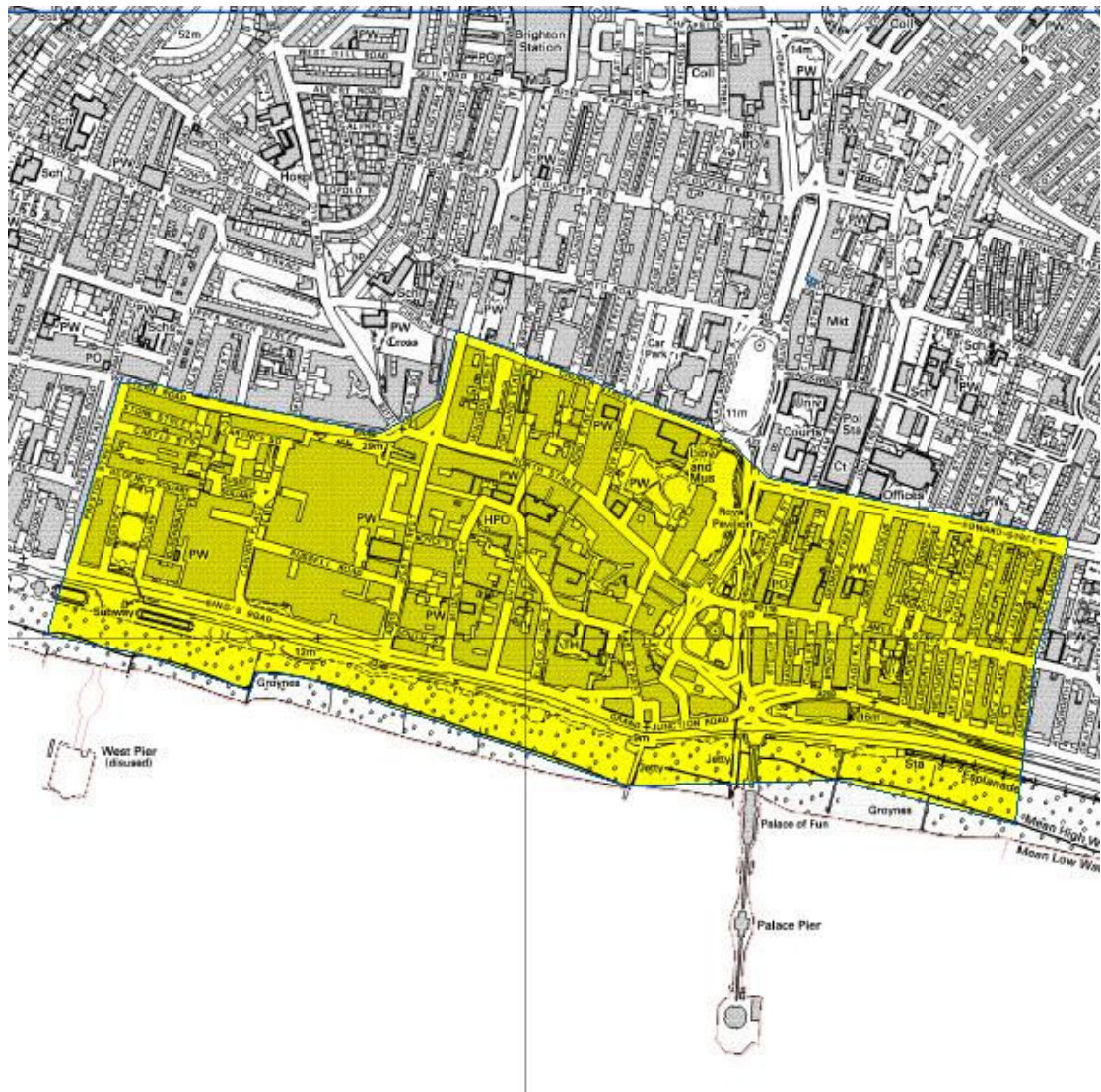
1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy

Background Documents

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

APPENDIX A

Brighton & Hove City Council - Cumulative Impact Area

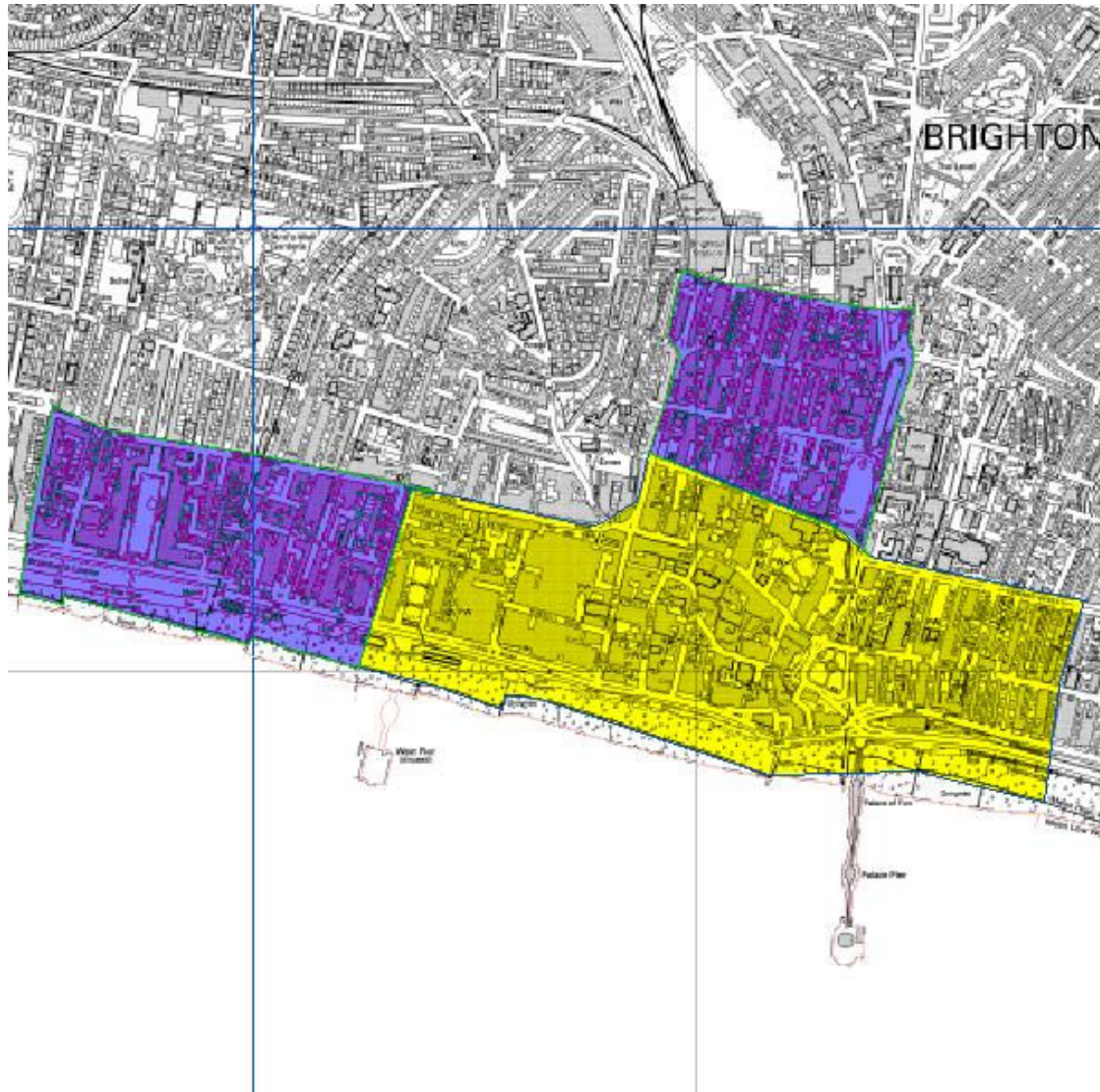


The Cumulative Impact Area comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Spring Street to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Ayr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

APPENDIX B

Brighton & Hove City Council – Special Stress Areas

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



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

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

APPENDIX C

Measures to be included for consideration in SSAs are:

Matters that would normally be expected in operating schedules -

- the adoption of a “Challenge 21” policy with acceptable proof of id as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital cctv system by liaison with, and to a standard approved by, Sussex police
- policies for dispersal of customers which may include signage regarding taxi services' telephone numbers and advice to respect neighbours and minimize noise
- systems to ensure any SIA door staff or Mobile Support Unit personnel display appropriate badges when on duty

Items to which positive consideration would be given -

- membership of Brighton Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of ‘nightsafe’ radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators
- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Matters that might be recommended for appropriate restrictions -

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

APPENDIX D

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)

The individual floors of the premise will be run as separate venue with the only entrance to the premise for the public being from the street which is the normal exit, there is a joint common emergency exit at the rear of the premise which will only be used for that purpose. As far as practicable there will be a personal licence holder either the DPS or another on duty from 2200 onwards as well at other times during the day and staff training will be carried out by the management to ensure high standards of compliance at all times.

b) The prevention of crime and disorder

At anytime the basement is open from 2000 hrs onwards there will be control of the entrance to the premise by means of Door Supervisors registered with the SIA and at any time on a Friday and Saturday and Bank Holiday Sundays that the ground floor is open there will be Door Supervisors provided registered with the SIA and on duty from 2200 onwards. At other times Door supervisors will be provided if required and in all cases the numbers to be decided following a Risk Assessment by the operator.

Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally and externally to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy and will be changed when British Summer Time starts and ends. During the hours of darkness suitable lighting will be provided to illuminate the outside area of the premise fronting Farman Street

c) Public safety

The refurbishment and rebuild of this building has included bringing installed systems up to current standards and quality.

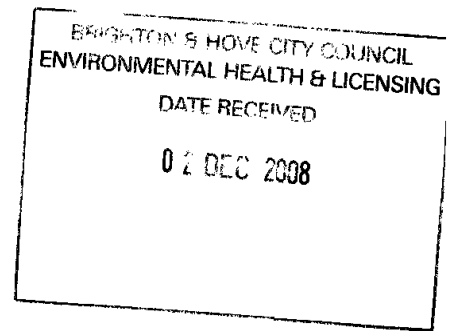
A full risk assessment will be carried out and training given with records being kept of that together with maintenance and testing

d) The prevention of public nuisance

The prevention of noise escape is a high priority governed by conditions on the planning permission granted for the operation of this premise which has been fitted to a high standard of sound insulation in its re-build. Whenever other than background music is played on the ground floor then the front doors will be kept shut except for exit and entry and management will carry out frequent patrols around the outside of the premise to check for any noise escape.

e) The protection of children from harm

The premises will adopt a policy whereby any person attempting to buy alcohol who appears to be under 21 will be asked for photographic ID to prove their age. The only ID that will be accepted are passports, driving licenses with a photograph or Portman Group, Citizen Card or Validate proof of age cards bearing the 'PASS' mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the actual licence.
Children under the age of 16 will not be admitted to the premise after 2400 hours



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My ref. CAP/111/08/LA

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

28/11/08

Dear Sir,

Variation to premise licence, Caps, 5-6 Western Road, Hove, BN3 1AE

Please find enclosed application for a variation of an existing premise licence, the fee and plans.

The variation is to extend the hours during which licensable activities are allowed especially on the ground floor.

This premise used to operate under the old Justices system and was granted a provisional licence by both the council and the Justices for the like of this application prior to November 2003 however because of planning difficulties; it never converted the provisional licences.

Its original licence was converted at Transition and has continued to hold a new style licence. However the premise has remained closed but is now reaching the stage where it is ready to open.

Due to planning requirements the two floors must operate as separated areas, hence in the future the Basement will be known as 'Caps' and will operate as is allowed at present. The ground floor bar is to be known as 'Sarasota' and customers wishing to go from one to the other will have no common way between the two but leave one and then enter the other with payment if required.

While separating the two floors as far as the customer usage goes the other purpose of the variation is to extend the hours on both floors to 0200 in the morning on all days of the week (currently its 0200 on the basement and midnight on the ground floor) and allow

Directors Doug Simmonds MBE JP & Sue Simmonds
Doug Simmonds & Cliff Collings Consultancy are trading names of 'Doug Simmonds Ltd'
Registered Address, 'Bank House' Southwick Square, Southwick, West Sussex, BN42 4FN
Registered in England No. 6446419.

Sale of Alcohol, Regulated Entertainment and some limited Late Night Refreshments until that time on the ground floor.

Planning regulations require substantial sound insulation on the building which has been completely modernised to current standards and there is a condition under planning to ensure that no noise escape occurs and disturbs the neighbours. With the refurbishment of the building the nearest neighbours are in fact living in the flat immediately over the ground floor.

If there is any other help I can give then please contact me as above.

Yours faithfully

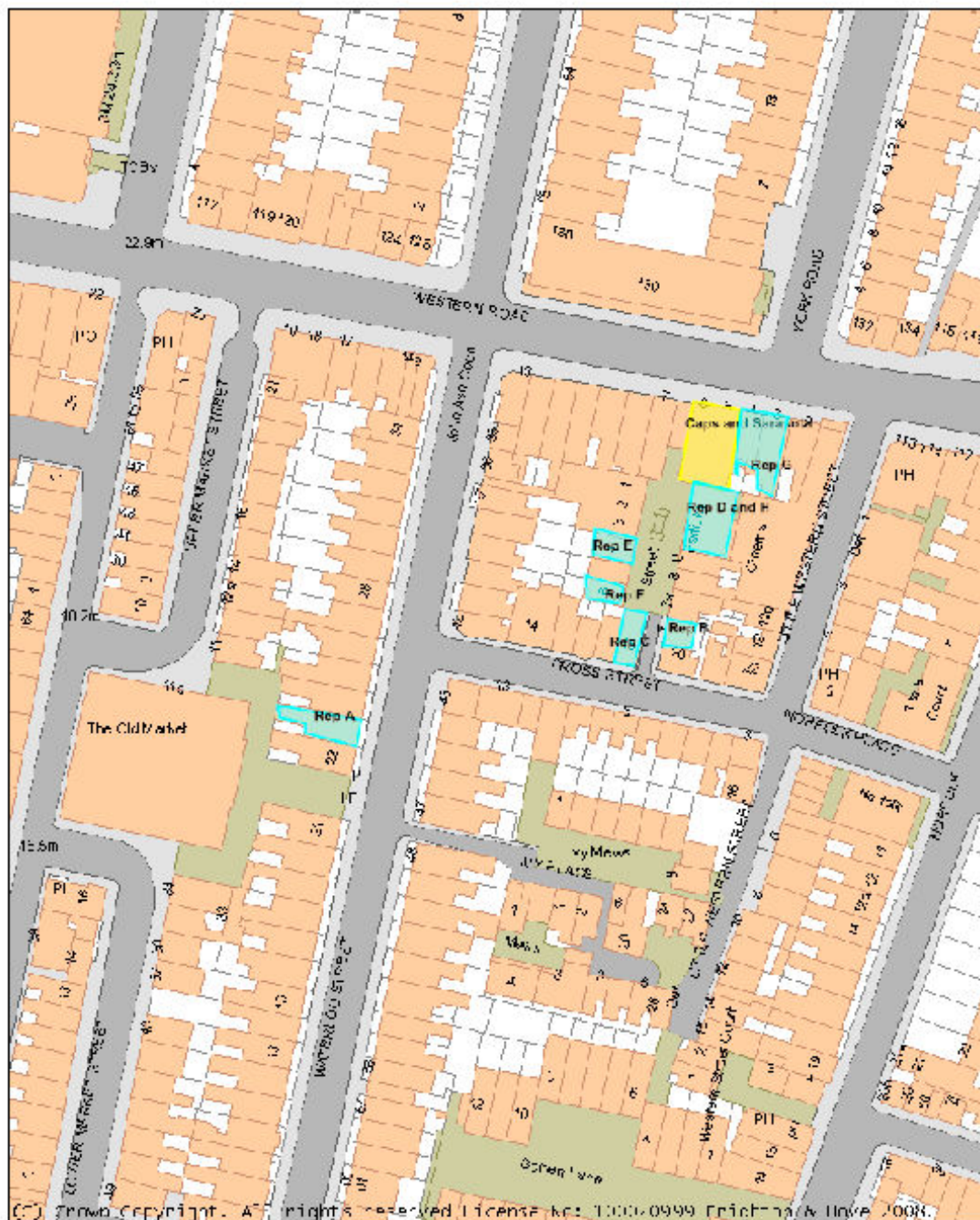


Doug Simmonds.

Directors Doug Simmonds MBU TP & Sue Simmonds
Doug Simmonds & Cliff Collings Consultancy are trading names of 'Doug Simmonds Ltd'
Registered Address, 'Bank House' Southwick Square, Southwick, West Sussex, BN42 4FN
Registered in England No. 6446419.

APPENDIX F

Caps & Sarasota, 5-6 Western Road, Hove, BN3 1AE



Date: 05/01/2009 04:34:22

Scale 1:1000



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APPENDIX G

REC: 02.12.08
CON: 30.12.08

2008/02156/LAPREV
JW



BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENTAL HEALTH & LICENSING
DATE RECEIVED
30 DEC 2008

HOVE POLICE STATION

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

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

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

30th December 2008

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

Dear Sirs,

**Application for variation of the premises licence under the Licensing Act 2003
for Caps, 5 – 6 Western Road, Hove, BN3 1AE**

The Police wish to make a representation on the grounds of the prevention of crime and disorder.

We have agreed with Mr Doug Simmonds the following condition:

"At any time the basement is open from 2000 onwards then a minimum of one Door Supervisor shall be on duty with the responsibility of controlling the entrance to the Basement and at any time on a Friday, Saturday or Sunday of a Bank Holiday Weekend when the Ground Floor venue is open than from 2200 hours an additional Door Supervisor with the sole responsibility of controlling entrance to the Ground Floor will also come on duty. Both Door Supervisors or their replacements will remain on duty until their particular venue closes to the public, but if both venues are open after 2200 on a Friday, Saturday or Sunday of a Bank Holiday Weekend then one additional Door Supervisor [thus a minimum of three door supervisors after 22:00 when both floors are open] will always be employed, and at all times when either

venue is open then a risk assessment will be carried out by the DPS or other responsible person and Door Supervisors additional to the stated minimum requirements will be employed based on that risk assessment and with specific roles to either one or both venues as is required."

Accordingly the Police formerly withdraw their representation subject to the above new condition being added to the new licence. A copy of the email from Doug Simmonds agreeing to this amended condition has been forwarded on to Jim Whitelegg.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'David Bateup', with a long horizontal flourish extending to the right.

David Bateup
Licensing Officer
Licensing Unit
Hove Police Station

APPENDIX H

Schedule 12

Part A

Regulation 33, 34

Premises Licence
Brighton and Hove City Council

Premises Licence Number

1445/3/2005/03430/LAPRE

Part 1 – Premises Details

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

Caps
5 - 6 Western Road
Hove, East Sussex
BN3 1AE

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

Performance of Dance	Dancing
Making music	Entertainment of a similar description
Performance of Live Music	Performance of Recorded Music
Other Entertainment falling within Act	Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Performance of Dance - Basement

Monday – Saturday: 12:00 - 02:00

Sunday: 12:00 - 22:30

Dancing - Basement

Monday – Saturday: 12:00 - 02:00

Sunday: 12:00 - 22:30

Making music - Basement

Monday – Saturday: 12:00 - 02:00

Sunday: 12:00 - 22:30

Entertainment of a similar description - Basement

Monday – Saturday: 12:00 - 02:00

Sunday: 12:00 - 22:30

Performance of Live Music - Basement

Monday – Saturday: 12:00 - 02:00

Sunday: 12:00 - 22:30

Performance of Recorded Music - Basement

Monday – Saturday

(excluding Boxing Day): 12:00 - 02:00

Sunday 12:00 - 22:30

Other Entertainment falling within Act - Basement

Monday – Saturday:	12:00 - 02:00	
Sunday	12:00 - 22:30	
Sale by Retail of Alcohol		
Monday – Saturday:	10:00 - 23:00	(10:00 – 00:00 – Ground floor only)
Sunday:	12:00 - 22:30	(12:00 – 23:30 – Ground floor only)
Christmas Day:	12:00 - 22:30	(12:00 – 23:30 – Ground floor only)
Good Friday:	12:00 - 22:30	(12:00 – 23:30 – Ground floor only)
New Year's Eve:	10:00 - 00:00	
New Year's Day:	00:00 - 23:00	(00:00 – 00:00 – Ground floor only.)
Sale by Retail of Alcohol – Basement		
Monday – Wednesday	12:00 – 01:00	
Thursday – Saturday	12:00 – 02:00	

The opening hours of the premises –

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
 Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence
 Laden and Mehrdad Eshghi-Nikkhah
 Caps
 5 - 6 Western Road
 Hove
 BN3 1AE

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

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

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

Annex 1 – Mandatory conditions

S 19; mandatory conditions where licence authorises supply of alcohol

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

S 21; mandatory condition: door supervision

where a premises licence includes a condition relating to security activity, the licence must include a condition that each individual must be licensed by the Security Industry Authority (there are exemptions re theatre and films and clubs)

On Licences

1. Permitted Hours

Alcohol shall not be sold or supplied except during permitted hours.

- 1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- 2) On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- 3) On Good Friday, 12 noon to 10.30 p.m.
- 4) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- 5) On New Year's Eve, except on a Sunday, 10 a.m. to 11 p.m.
- 6) On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- 7) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Restrictions

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours the consumption of alcohol on the premises;
- b) during the first twenty minutes after the above hours, the taking of alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- c) during the first thirty minutes after the above hours the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- d) consumption of alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
- f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) the taking of alcohol from the premises by a person residing there; or
- i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or

j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

2. Premises with no children's certificate-

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of alcohol. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Source Section 168,171 and 201 Licensing Act 1964

4. Late Night Refreshment

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

5. Recorded Music

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

Source Section 182 Licensing Act 1964

Special Hours Certificates

Monday to Wednesday from 12.00noon until 1.00am and Thursday to Saturday from 12.00noon until 2.00am.

Where a special hours certificate is in force on all or certain days, replace the permitted hours condition for those days with the following:

1. Subject to the following paragraphs, the permitted hours on Monday to Wednesday shall extend until one o'clock in the morning and Thursday to Saturday until two o'clock in the morning following except that—
 - a) the permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight; and
 - b) on any day that music and dancing end between midnight and two o'clock in the morning, the permitted hours shall end when the music and dancing end or, as the case may be, when the gaming ends;
2. In relation to the morning on which summer time begins, paragraph (1) of this condition shall have effect—

- a) with the substitution of references to three o'clock in the morning for references to two o'clock in the morning
6. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

Public Entertainment

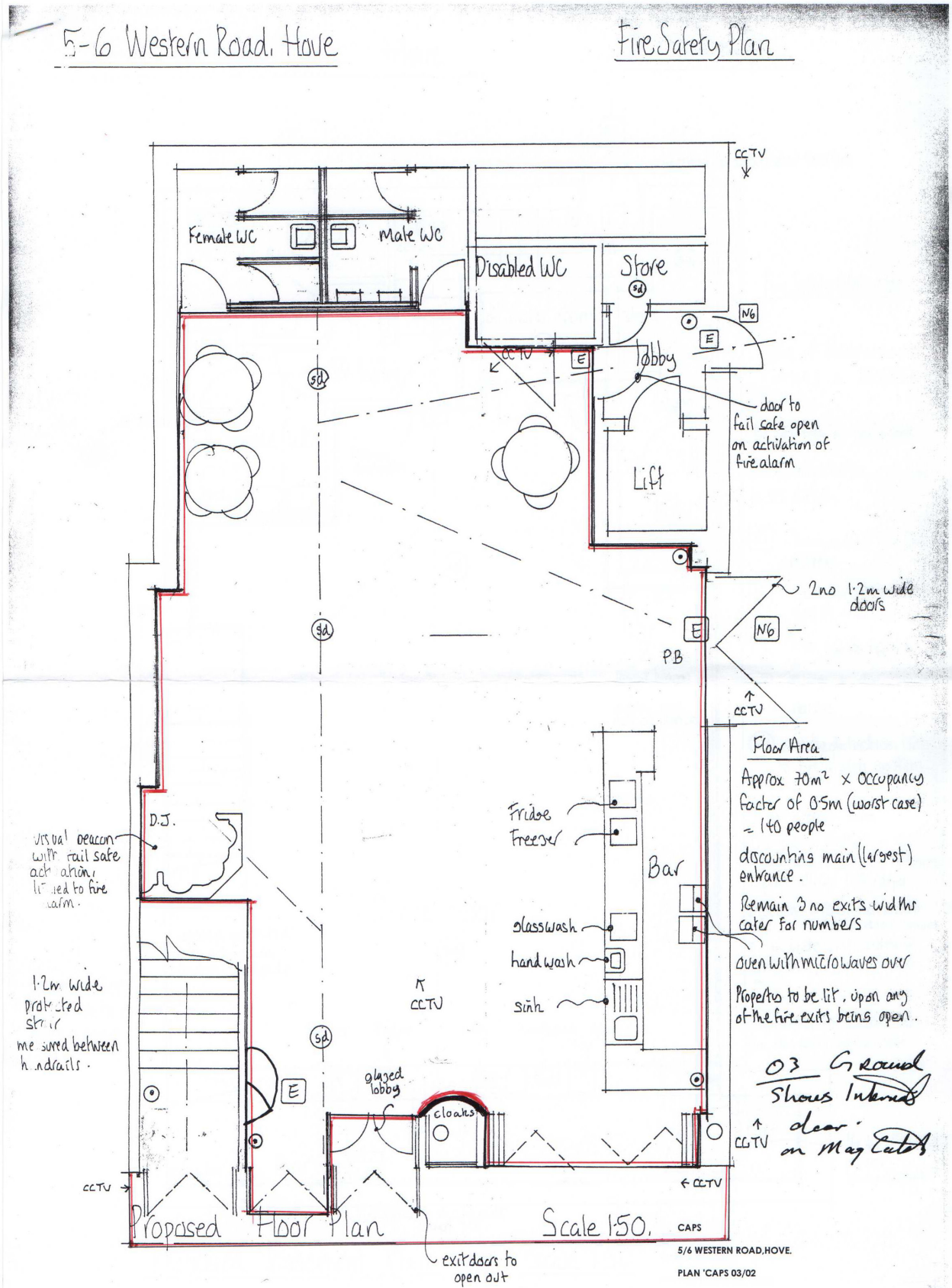
Public music, dancing and any other public entertainment of a like kind is subject to the conditions and restrictions applied herein:

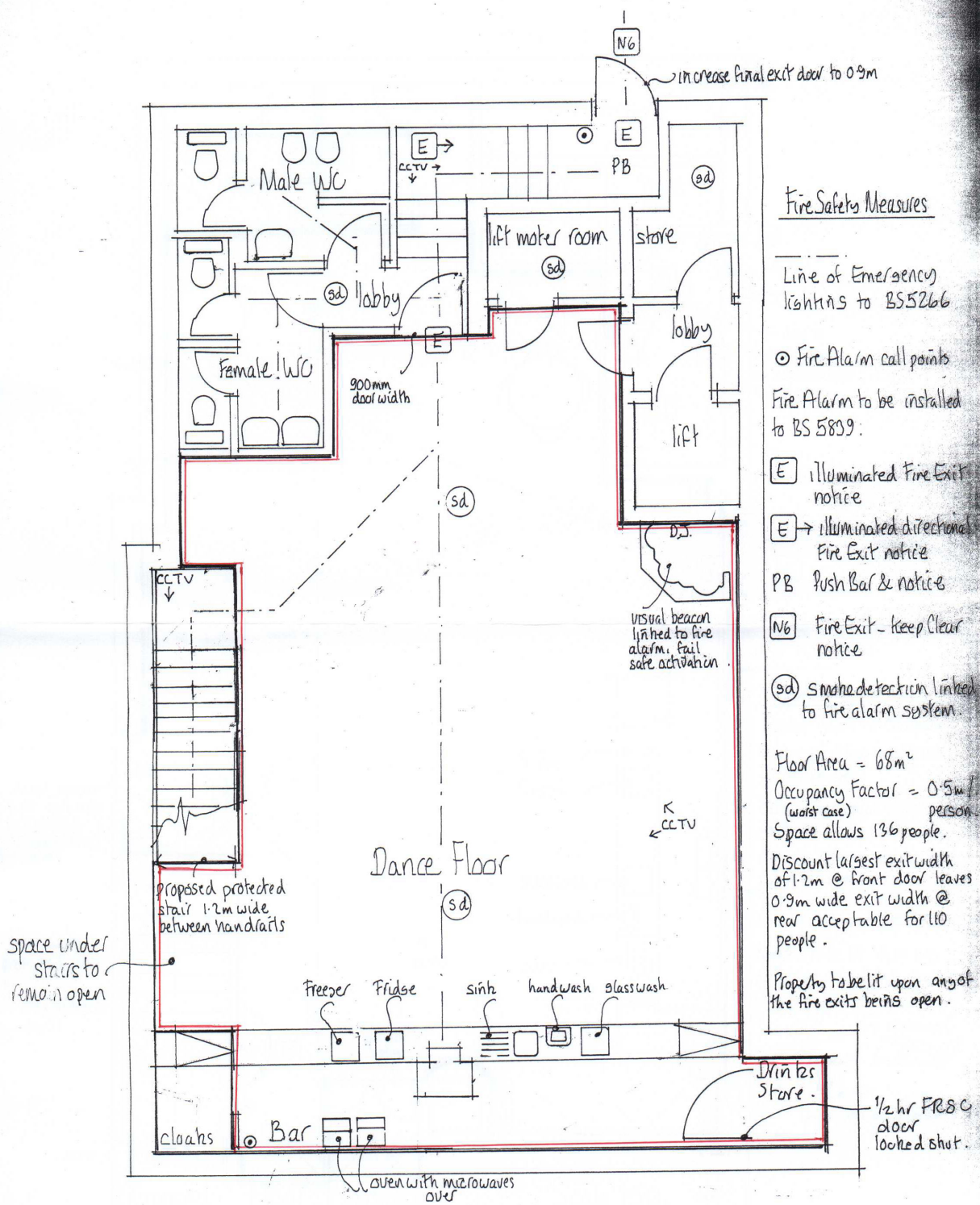
- 1) Times: Mondays to Saturdays 12.00noon – 2.00am
Sundays 12noon – 22.30pm
- 2) The number of persons permitted on the licensed premises at any one time shall not exceed: - **75**
- 3) Special conditions: A CCTV system will be installed at the premises to the specification agreed with Sussex Police. It will be maintained to police satisfaction, with appropriate time and date facility having secure storage for tapes, timer and recording equipment.
- 4) Standard Conditions as detailed in the attached document.

Annex 2 – Conditions consistent with the Operating Schedule – none.

Annex 3 – Conditions attached after a hearing by the licensing authority – none.

Annex 4 – Plans





Fire Safety Measures

Line of Emergency lights to BS5266

Fire Alarm call points
Fire Alarm to be installed to BS 5839:

- [E] illuminated Fire Exit notice
- [E] → illuminated directional Fire Exit notice
- PB Push Bar & notice
- [N6] Fire Exit - keep Clear notice
- (sd) smoke detection linked to fire alarm system

Floor Area = 68m²
Occupancy Factor = 0.5m/person (worst case)
Space allows 136 people.

Discount largest exit width of 1.2m @ front door leaves 0.9m wide exit width @ rear acceptable for 110 people.

Property to be lit upon any of the fire exits being open.

Proposed Basement Plan

Scale 1:50

CAPS
5/6 WESTERN ROAD, HOVE.
PLAN 'CAPS 03/02

Document is Restricted

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Licensing Panel (Licensing Act 2003 Functions)

Agenda Item 97

Brighton & Hove City Council

Subject:	Application for a Variation of a Premises Licence under the Licensing Act 2003 for The Fountain Head, 102 North Road, Brighton, East Sussex BN1 1YE		
Date of Meeting:	26 January 2009		
Report of:	Assistant Director Public Safety		
Contact Officer:	Name:	Rebecca Keely	Tel: 292100
	E-mail:	becky.keely@brighton-hove.gov.uk	
Wards Affected:	St Peters and North Laines		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for The Fountain Head

2. RECOMMENDATIONS:

- 2.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for The Fountain Head

- 2.2 The application is for:

A Variation of a Premises Licence under the Licensing Act 2003 for The Fountain Head.

The variation proposed:

To permit the extension and enlargement of the licensed area of the premises into the immediately adjoining premises in North Road as illustrated upon the plan deposited with the application with Brighton & Hove City Council.

To extend the hours for live music.

2.3 Summary table of existing and proposed activities

	<i>Existing</i>	<i>Proposed</i>
E Live music	Monday – Thursday 10:00 - 23:00 Friday – Sunday 10:00 - 00:00	Sun-Thurs 10.00-00.00 Fri – Sat – 10.00-01.00 PLUS non-standard timings: Those for public holidays detailed above where a further hour will be allowed and the period permitted to be extended until 02.00 on occasion when the premises remain open for sale of alcohol until 02.00 upon notice to the police - in each case closing time extended until 30 minutes after cessation of alcohol sales.
F Recorded Music	Sunday – Thursday 10:00 – 00:00 Friday – Saturday 10:00 – 01:00	As existing
G Performance of Dance	Sunday – Thursday 10:00 – 00:00 Friday – Saturday 10:00 – 01:00	As existing
H Anything of a similar description to that falling within (E), (F) or (G)	Sunday – Thursday 10:00 – 00:00 Friday – Saturday 10:00 – 01:00	As existing
J Provision of facilities for dancing	Sunday – Thursday 10:00 – 00:00 Friday – Saturday 10:00 – 01:00	As existing

<p>K</p> <p>Provision of facilities for entertainment of a similar description to that falling with in i or J</p>	<p>Entertainment of a similar description</p> <p>Sunday – Thursday 10:00 – 00:00</p> <p>Friday – Saturday 10:00 – 01:00</p>	<p>As existing</p>
<p>Plus for all of the above (E-H, J & K)</p>	<p>PLUS non-standard timings for all the above activities: Those for public holidays detailed below where a further hour will be allowed and the period permitted to be extended until 02.00 on occasion when the premises remain open for sale of alcohol until 02.00 upon notice to the police.</p>	<p>As existing</p>

<p>M Supply of Alcohol</p>	<p>Alcohol is supplied for consumption both on and off the Premise</p> <p>Sunday – Thursday 10:00 – 00:00</p> <p>Friday – Saturday 10:00 – 01:00</p> <p>PLUS non-standard timings: The standard hours for the supply of alcohol be extended until 02.00am with 30 mins drinking up time - on not more than 12 occasions per year - in addition to New Years - upon giving not less than 7 days written notice to the Police of their intention to do so and on Christmas Eve, Christmas Day, Boxing Day, New Years Eve and Day, Spring, May and August Bank Holidays, Good Friday, Easter Saturday, Sunday and Monday, St Georges Day, St Patricks Day, and any other publically declared holiday - by one hour.</p>	<p>As existing</p>
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<p>O Hours premises are open to public</p>	<p>Sunday – Thursday 08:30 – 00:30</p> <p>Friday – Saturday 08:30 – 01:30</p> <p>PLUS non-standard timings: Those for public holidays detailed above where a further hour will be allowed and the period permitted to be extended until 02.00 on occasion when the premises remain open for sale of alcohol until 02.00 upon notice to the police - in each case closing time extended until 30 minutes after cessation of alcohol sales.</p>	<p>As existing</p>
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3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

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

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 Eight representations were received; they were received from seven local residents and a Local Resident’s Association.

3.2.3 Representations received had concerns relating to Prevention of Public Nuisance and Public Safety.

4. CONSULTATION

Commentary on licensing policy

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

General

- 1.2 The licensing objectives are:-
- (a) Prevention of crime and disorder;
 - (b) Public safety;
 - (c) Prevention of public nuisance;
 - (d) Protection of children from harm.
- 1.3 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focussed on matters which are in the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity.
- 1.5 Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act
- 1.15 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act, and the conditions attached to licences, certificates and permissions will be focused on matters which are within the control of the

licensee and will centre on the premises themselves and their immediate vicinity. When considering these terms and conditions the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

In respect of the prevention of crime and disorder

- 2.4.10 Special Stress Areas – **Appendix B** of the SoLP details two areas of the Brighton city centre which border the Cumulative Impact area at **Appendix A** and which are deemed areas of special concern in terms of the levels of crime and disorder and public nuisance experienced within them.
- 2.4.11 While it is not considered appropriate at this stage to include these areas within the main impact area as such, these Special Stress Areas (SSAs) are of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced.
- 2.4.12 New and varied applications for premises and club premises certificates within SSAs will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. **Appendix C** of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.
- 2.4.13 On receipt of any application in SSAs, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in **Appendix C**. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.
- 2.4.14 The Licensing Authority will keep the Cumulative Impact Area and Special Stress Areas under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening; the Special Policy will be reviewed with a view to bringing the SSAs into the Cumulative Impact Area. If it is found that the above problems are receding the

Special Policy may be reviewed with a view to revising the areas' boundaries.

In respect of Public Safety

- 3.2 Conditions will be imposed in accordance with operating schedules to protect public safety including where justified:-
- (a) provision of close circuit television and panic buttons.
 - (b) use of shatterproof drinking vessels, bottles requiring use of toughened glass or plastic (recognised by Community Safety Strategy).
 - (c) use of security personnel, such as door supervisors, licensed by the Security Industry Authority (recognised by the Community Safety Strategy).
 - (d) requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.
 - (e) occupant capacity conditions will be applied where appropriate.
 - (f) the provision of designated and suitably trained first aiders.
- 3.4 Policy recognises that the numbers of late night revellers can lead to service delivery pinch-points, for example at city centre taxi ranks. Frustration and restlessness in queues can lead to anti-social behaviour and public disorder which can be controlled by , for example, taxi marshalling systems. Operators whose customers contribute to the night-time demand for taxis may wish to consider assisting in the provision of resources for such systems or similar schemes.
- 3.6 Where, appropriate, licence holders, or their authorised representatives will attend Safety Advisory Group and similar meetings prior to large events and shall be part of Event Liaison Teams during such events. Due regard shall be had to relevant guidance and publications including for example, HSE publications "Event Safety Guide" and "Managing Crowds Safely"; LACORS publication "Managing Large Events"

In respect of the prevention of public nuisance

- 4.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, or as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke)

- 4.3 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence.

- 4.4 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

- 4.5 Staggered closing times will not be used to combat binge drinking disorder and antisocial behaviour. Zoning will be avoided. A general principle of later opening so that customers can leave for natural reasons, slowly over longer periods will be promoted, to prevent unnatural concentrations of people. The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

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

Strategic Integration

- 6.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, the provision and use of shatterproof drinking receptacles, drugs

and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening.

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

In respect of Live music, Dancing and Theatre

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

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

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

Finance Officer Consulted: Karen Brookshaw Date: 05.01.09

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: 05.01.09

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 – Brighton & Hove City Council - Cumulative Impact Area.
2. Appendix B – Brighton & Hove City Council – Special Stress Areas.
3. Appendix C – Measures to be considered in SSAs.
4. Appendix D – Map of area.
5. Appendix E – Part A of Premises Licence.
6. Appendix F – Plan of Premises / Proposed / New Plan of Premises (for new applications and variations which change the layout of the premises only).
7. Appendix G – Part P of premises licence variation application.

Documents in Members' Rooms

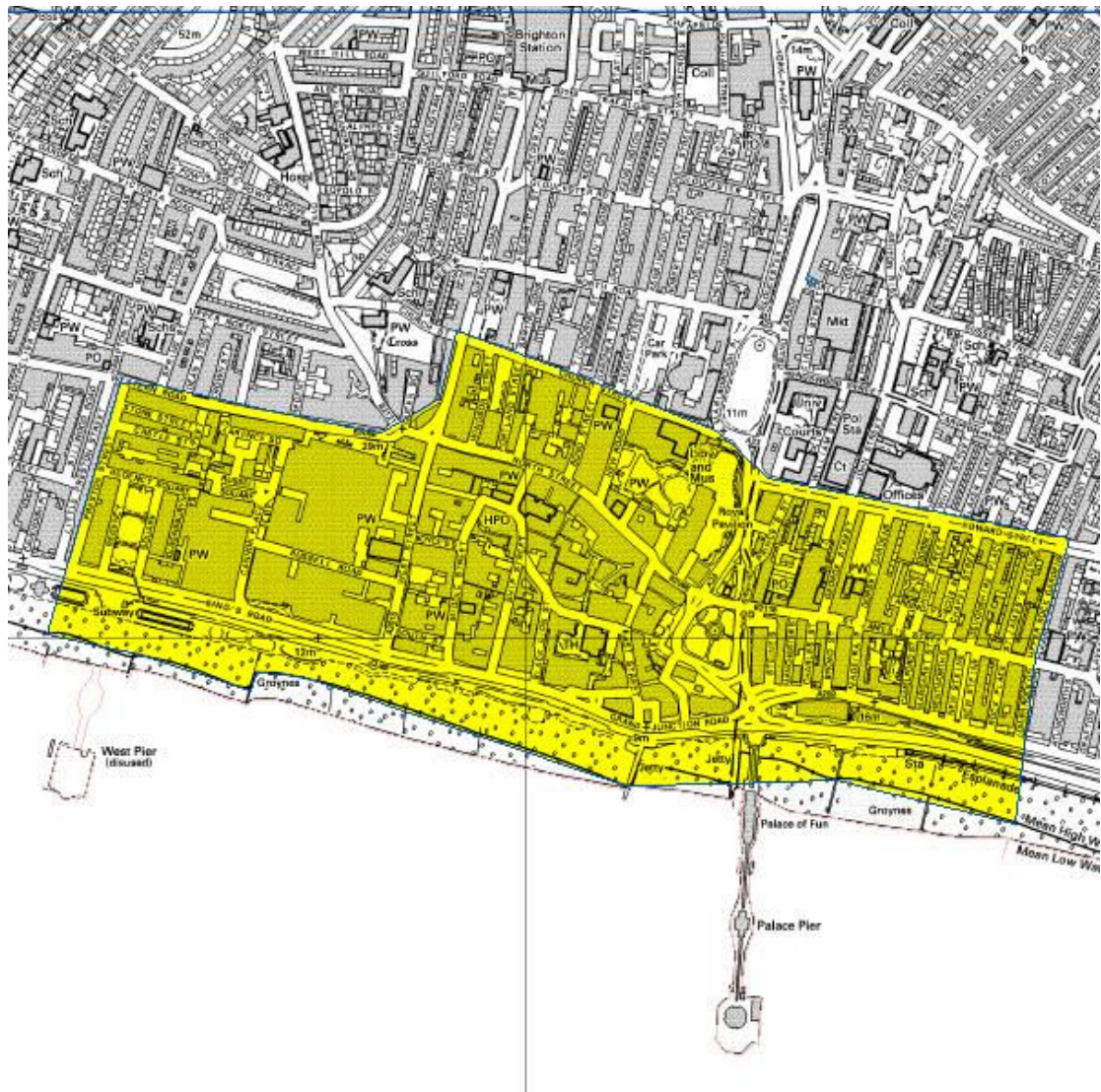
1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy

Background Documents

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

APPENDIX A

Brighton & Hove City Council - Cumulative Impact Area

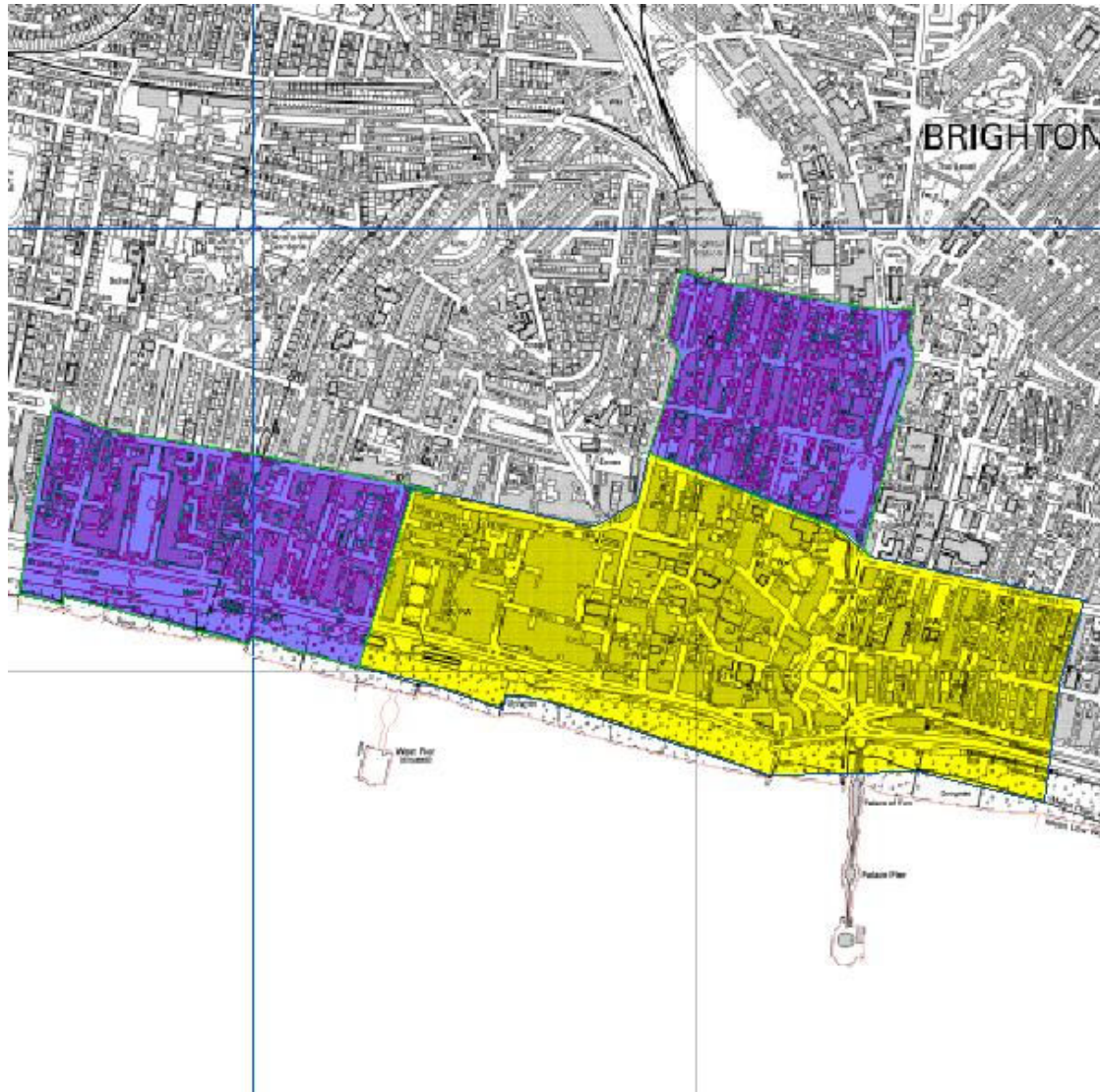


The Cumulative Impact Area comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Spring Street to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Ayr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

APPENDIX B

Brighton & Hove City Council – Special Stress Areas

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



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

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

APPENDIX C

Measures to be included for consideration in SSAs are:

Matters that would normally be expected in operating schedules -

- the adoption of a “Challenge 21” policy with acceptable proof of id as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital cctv system by liaison with, and to a standard approved by, Sussex police
- policies for dispersal of customers which may include signage regarding taxi services’ telephone numbers and advice to respect neighbours and minimize noise
- systems to ensure any SIA door staff or Mobile Support Unit personnel display appropriate badges when on duty

Items to which positive consideration would be given -

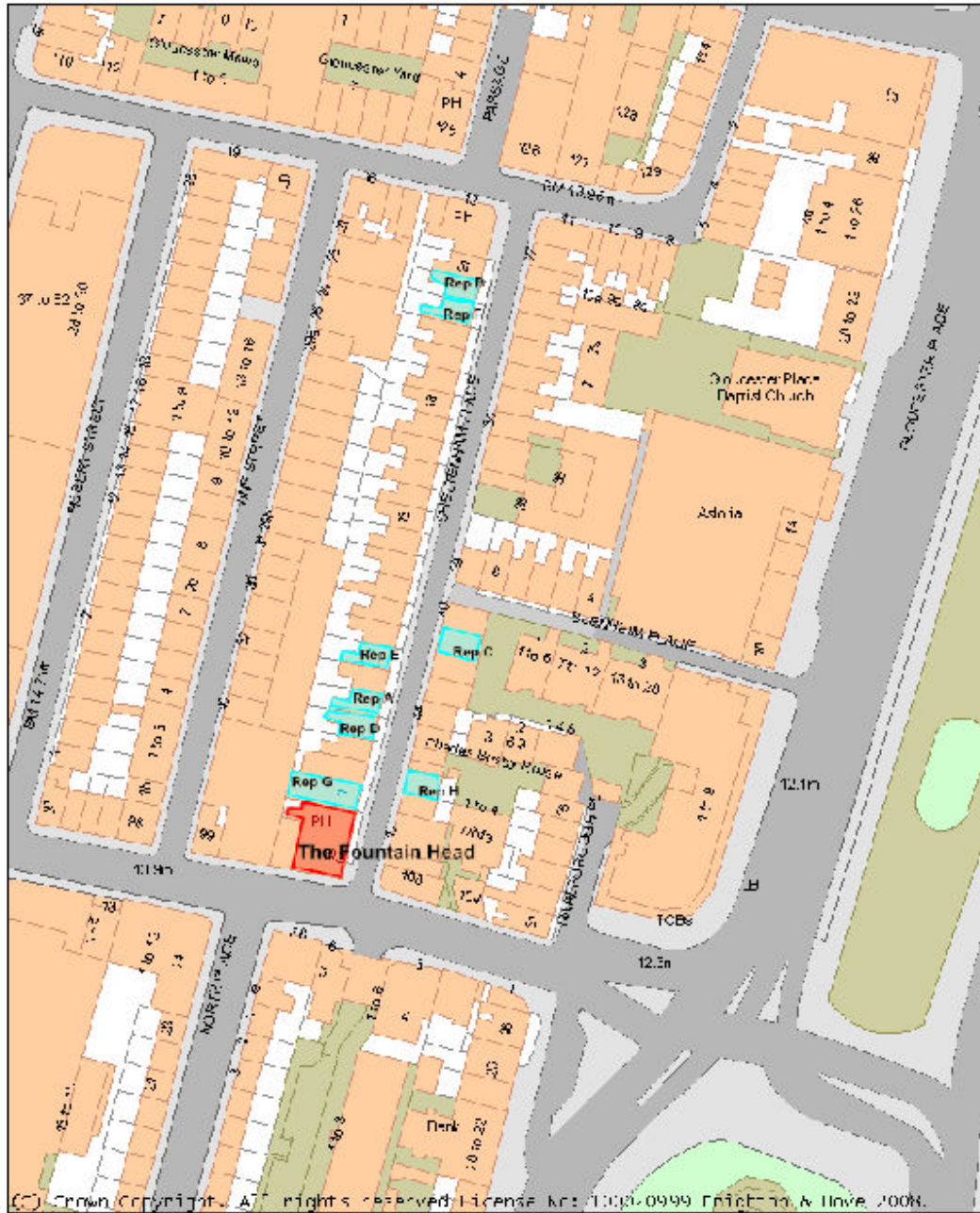
- membership of Brighton Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of ‘nightsafe’ radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators
- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Matters that might be recommended for appropriate restrictions -

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

- APPENDIX D

The Fountain Head, North Road, Brighton, BN1 1YE



Date: 05/01/2009 03:45:46

Scale 1:1000



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- APPENDIX E

Schedule 12

Part A

Regulation 33, 34

Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2007/00172/LAPREN

Part 1 – Premises Details

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

The Fountain Head
102 North Road
Brighton
East Sussex
BN1 1YE

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

Performance of Dance	Dancing
Entertainment of a similar description	Performance of Live Music
Performance of Recorded Music	Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities:-

Performance of Dance

Sunday – Thursday	10:00 – 00:00
Friday – Saturday	10:00 – 01:00

Dancing

Sunday – Thursday 10:00 – 00:00
Friday – Saturday 10:00 – 01:00

Entertainment of a similar description

Sunday – Thursday 10:00 – 00:00
Friday – Saturday 10:00 – 01:00

Performance of Live Music

Monday – Thursday 10:00 - 23:00
Friday – Sunday 10:00 - 00:00

Performance of Recorded Music

Sunday – Thursday 10:00 – 00:00
Friday – Saturday 10:00 – 01:00

PLUS non-standard timings for all the above activities: Those for public holidays detailed below where a further hour will be allowed and the period permitted to be extended until 02.00 on occasion when the premises remain open for sale of alcohol until 02.00 upon notice to the police.

Sale by Retail of Alcohol

Sunday – Thursday 10:00 – 00:00
Friday – Saturday 10:00 – 01:00

PLUS non-standard timings: The standard hours for the supply of alcohol be extended until 02.00am with 30 mins drinking up time - on not more than 12 occasions per year - in addition to New Years - upon giving not less than 7 days written notice to the Police of their intention to do so and on Christmas Eve, Christmas Day, Boxing Day, New Years Eve and Day, Spring, May and August Bank Holidays, Good Friday, Easter Saturday, Sunday and Monday, St Georges Day, St Patricks Day, and any other publically declared holiday - by one hour.

The opening hours of the premises

Sunday – Thursday 08:30 – 00:30
Friday – Saturday 08:30 – 01:30

PLUS non-standard timings: Those for public holidays detailed above where a further hour will be allowed and the period permitted to be extended until 02.00 on occasion when the premises remain open for sale of alcohol until 02.00 upon notice to the police - in each case closing time extended until 30 minutes after cessation of alcohol

sales.

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

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

Part 2

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

Zelgrain Limited
Global House
High Street
Crawley
RH10 1DL

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

Registered Business Number 03235178

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Kathryn May Joyce

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

Annex 1 - Mandatory conditions

S 19; mandatory conditions where licence authorises supply of alcohol

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

S 21; mandatory condition: door supervision

- where a premises licence includes a condition relating to security activity, the licence must include a condition that each individual must be licensed by the Security Industry Authority (there are exemptions re theatre and films and clubs)

Embedded Conditions: None

Variations to Embedded 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, operated and maintained throughout the premises internally and externally to a standard specification following consultation with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate co-operation and technical assistance to the Police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime.
2. The premises will subject to risk assessment a) contract for a mobile support service with an SIA registered organisation and b) join the Business Crime Reduction Partnership and participate in the "Exclusion Scheme".
3. Crime prevention posters to be displayed in the premises when requested by the Police.

For public safety:

For the prevention of public nuisance:

1. The external drinking areas will be cleared and closed by 23.20.

2. Any sound amplification system will be governed by an Automatic Volume Control set at a level agreed by the Assistant Director Public Safety.

For the protection of children from harm:

1. The premises will adopt a policy whereby any person attempting to buy alcohol, or any person attempting to gain entry to the premises, who appears to be under 21 will be asked for photographic

ID to prove their age. The only ID that will be accepted is a passport, driving licence with a photograph, or a Portman Group proof of age card bearing the "PASS" mark hologram. The list of

approved forms of ID may be amended from time to time with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the actual premises licence.

2. No children except those of the personal licence holders engaged at the premises will be allowed on the premises after 20.30. All children must be accompanied by an adult.

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

1. Doors and windows shall be kept shut after 23.00 hours when live music is being played, except for access and egress.

2. The licence holder must ensure that excessive noise does not come from the premises, such as to cause people in the neighbourhood to be unreasonably disturbed.

3. The licence holder shall ensure that prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

APPENDIX G

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)

please see the schedule attached

(b) The prevention of crime and disorder

please see the schedule attached

(c) Public safety

please see the schedule attached

(d) The prevention of public nuisance

please see the schedule attached

(e) The protection of children from harm

please see the schedule attached

102 North Rd Brighton

Prevention of Crime and Disorder

Digital CCTV to be installed internally and externally and maintained and operated to Sussex Police specification with recordings maintained for not less than 28 days – the management to give full and immediate cooperation and technical assistance to the Police in the event that cctv footage is requested for the prevention and detection of suspected or alleged crime.

The Premises will subject to risk assessment (a) contract for a Mobile Support service with an SIA registered organisation and (b) join the Business Crime Reduction Partnership and participate in the "Exclusion Scheme". All mobile or present SIA registered staff shall display appropriate badges whilst on duty.

Crime Prevention posters to be displayed in the premises when requested by the Police

The Licensee shall maintain membership of an appropriate crime reduction or pub watch scheme.

There will be 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

The Licensee shall undertake and maintain records of regular checks of all parts of the premises in relation to drug use.

Public Safety

All off sales for consumption away from the premises to be in sealed containers

Prevention of Public Nuisance

The external drinking areas will be cleared and closed by 2320

Any sound amplification system will be governed by an AVC set at a level agreed by the EHO

Doors and windows shall be kept shut after 2300 hrs when live music is being played save for access and egress

The Licence holder shall

1. ensure that excessive noise does not come from the premises such as to cause people in the neighbourhood to be unreasonably disturbed

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- 2. ensure that prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.**
- 3. Conduct regular inspections of the exterior areas of the premises to ensure the same are maintained clean and tidy.**

Protection of Children

No children, except those of personal licence holders engaged at the premises, will be allowed on the premises after 20:30. All children must be accompanied by an adult

The Premises will adopt a policy whereby any person attempting to buy alcohol who appears to be under 21 will be asked for photographic ID to prove their age. The only Id that will be accepted are passports, Driving Licenses with a photograph or Portman Group 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 actual Licence

The DPS shall maintain a "refusals" book in which shall be recorded any attempt by an underage person to obtain alcohol – which book shall be made available to the Police for inspection upon request.

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