





Brighton & Hove
City Council

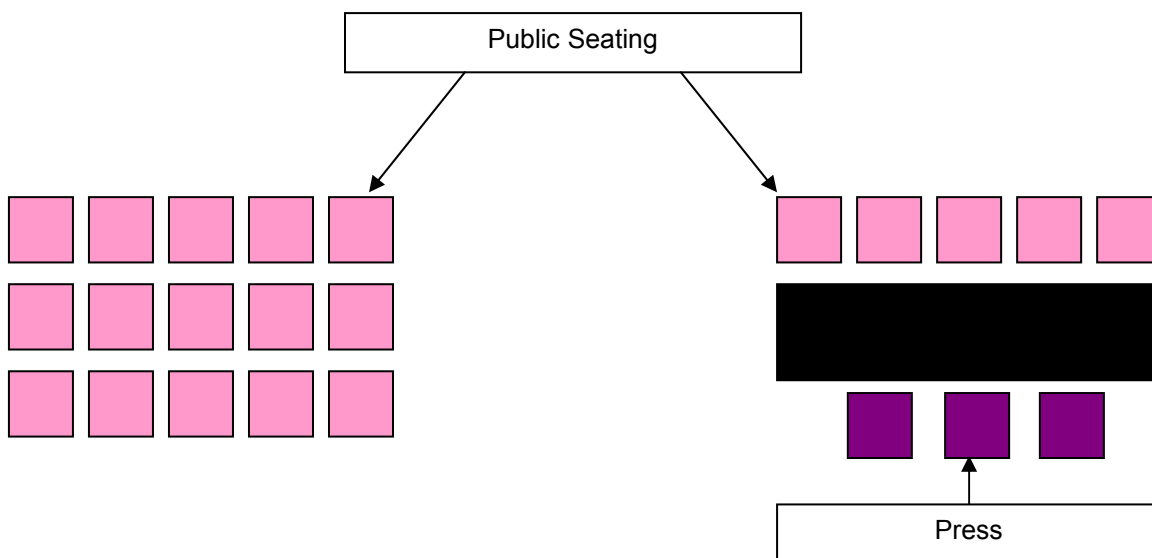
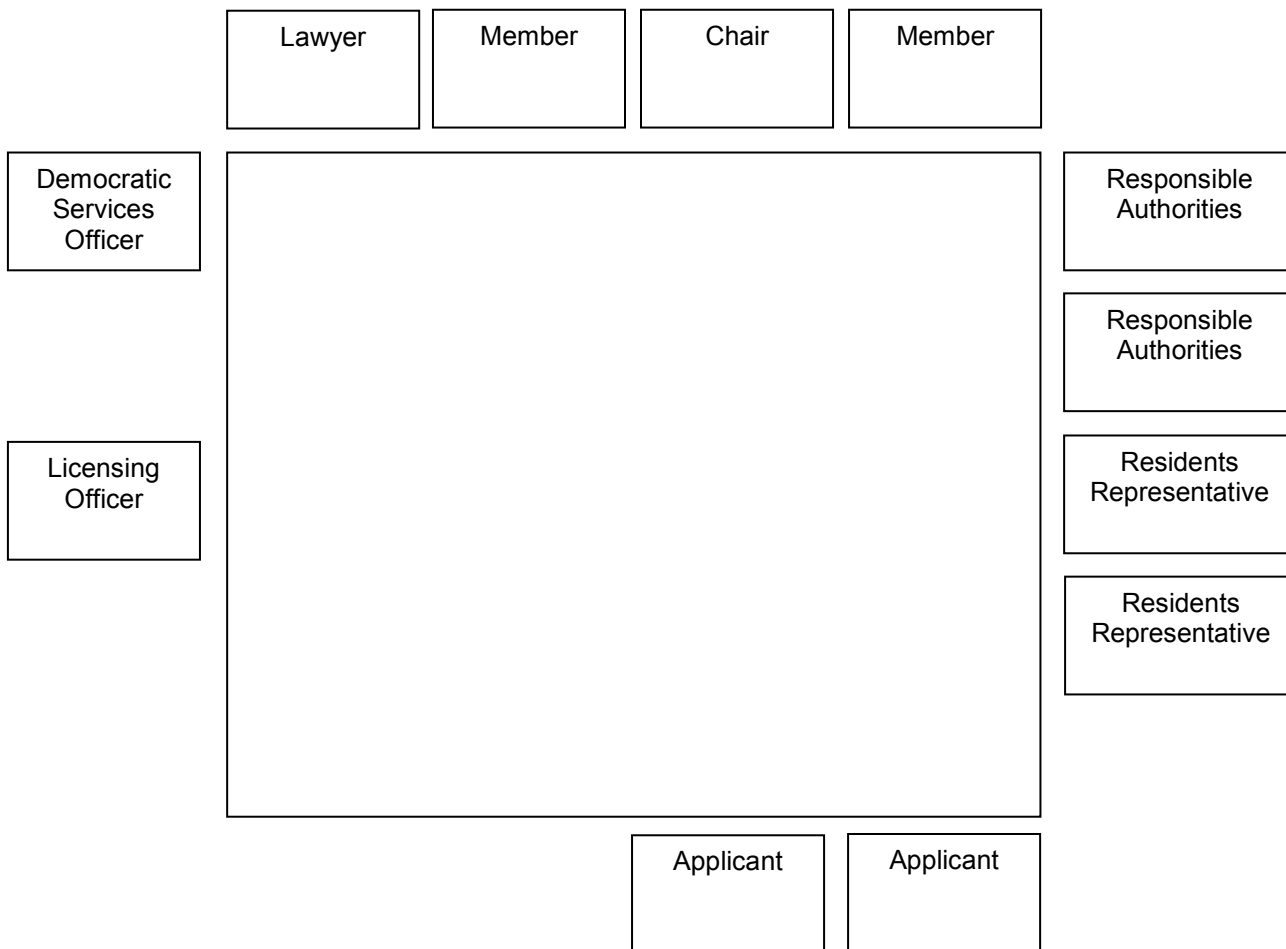
Licensing Panel

(Licensing Act 2003 Functions)

Title:	Licensing Panel (Licensing Act 2003 Functions)
Date:	2 March 2009
Time:	2.00pm
Venue	Committee Room 3, Brighton Town Hall
Members:	Councillors: Mrs Cobb and Lepper
Contact:	Jane Clarke Democratic Services Officer 01273 291064 jane.clarke@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

116. TO APPOINT A CHAIRMAN FOR THE MEETING

117. 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.

118. SEASONS CAFE, 36 GLOUCESTER ROAD, BRIGHTON, BN1 4AQ 1 - 36

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

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

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Jane Clarke, (01273 291064, email jane.clarke@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Friday, 20 February 2009

**Licensing Panel
(Licensing Act 2003 Functions)**

Agenda Item 118

Brighton & Hove City Council

Subject:	<i>Application for a New Premises Licence under the Licensing Act 2003 for Seasons Café, 36 Gloucester Road, Brighton, BN1 4AQ</i>		
Date of Meeting:	2 March 2009		
Report of:	<i>Assistant Director Public Safety</i>		
Contact Officer:	Name:	<i>Jim Whitelegg</i>	Tel: 29-2143
	E-mail:	jim.whitelegg@brighton-hove.gov.uk	
Wards Affected:	St Peter's And North Laines		

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 Seasons Café, 36 Gloucester Road, Brighton, BN1 4AQ.

2. RECOMMENDATIONS:

- 2.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for Seasons Café, 36 Gloucester Road, Brighton, BN1 4AQ

- 2.2 The application is for:

A New Premises Licence under the Licensing Act 2003 for

The application proposes:

A two floor café/bar/bistro. The Kitchen is in the basement. 28 covers bar/café on ground floor. 2 floor residential flat above. Premises also has a limited outside seating area for 12 people.

2.3 Summary table of existing and proposed activities

	<i>Existing</i>	<i>Proposed</i>
F Recorded Music	N/A	09.00-20.00 Monday to Saturday 10.00-16.00 Sunday The intention is to play background music, no louder than a person's voice. Proposed Recorded Music Subsequently withdrawn as incidental music only. <i>See letter in Appendix D.</i>
M Supply of Alcohol	N/A	12.00-20.00 Monday-Saturday 12.00-16.00 Sunday
O Hours premises are open to public	N/A	9.00-20.00 Monday – Saturday 10.00-16.00 Sunday

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Special Stress Area: The premises fall 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 Five representations were received; they were received from local residents.

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

3.2.4 A representation was received from Sussex Police which included conditions relating to Prevention of Crime and Disorder and the Protection of Children from Harm. Their representation was withdrawn as the applicant agreed to the conditions and amended the operating schedule accordingly. *See Letter in Appendix D.*

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.
- 2.4.10 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.

- 2.8 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 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.
- 4.6 Generally permitted temporary activities in the open air including tents and marquees should have a maximum closure hour of 11.00pm. Earlier hours may be imposed in sensitive open spaces or near residential areas.
- 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.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

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

Finance Officer Consulted: Karen Brookshaw Date: 10.02.2009

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 police and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Rebecca Sidell Date: 10.02.2009

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 application and Operating Schedule
5. Appendix E – Police letter and Applicant letter
6. Appendix F – Map of area
7. Appendix G – Plan of Premises
8. Appendix H – Representations from local objectors

Documents in Members' Rooms:

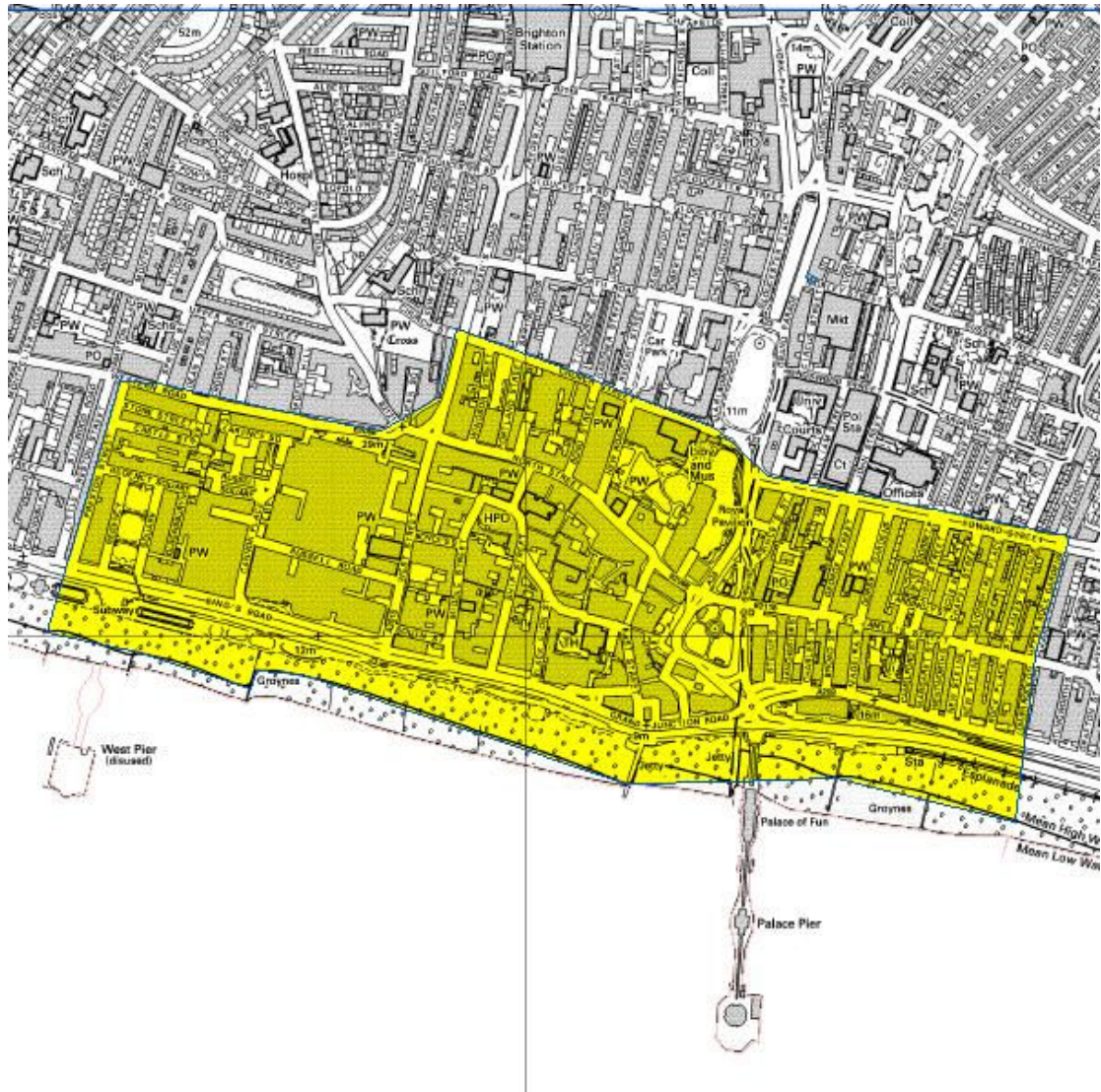
1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy

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 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 SERVE ALCOHOL WITH FOOD OR WITHOUT FOOD ON A WAITER SERVICE ONLY, NO PINTS OF LAGER BUT, WINE AND BOTTLED BEERS AND LIMITED SPIRITS. OPERATE A NO DRINKS PROMOTION POLICY. NO HAPPY HOUR ETC. ~~BE~~ OPERATE A STRICT CHALLENGE 21 POLICY. PLEASE SEE OPERATING SCHEDULE FOR DETAILED NOTES

b) The prevention of crime and disorder

CONSULT WITH POLICE AND TAKE ON BOARD ADVICE. JOIN BRIMINGTON CRIME REDUCTION PARTNERSHIP. MONITOR UNUSUAL ACTIVITY ON PREMISES, ~~BE~~ REFUSE DRINK TO DRUNK PEOPLE. TRAIN STAFF. PLEASE SEE OPERATING SCHEDULES FOR MORE DETAILS

c) Public safety

CONSULT WITH POLICE AND FIRE DEPARTMENT. CONSULTATION HAS BEEN MADE WITH FOOD SAFETY TEAM AND AWARDE 4 STARS ON THE SCORES ON OVERS SCHEMES ALL FULL TIME STAFF TO ATTEND FIRST AID COURSES

d) The prevention of public nuisance

ITS A SMALL VENUE OF 28 COVERS INSIDE AND 12 OUTSIDE. TO OPERATE A NO DRINKS PROMOTION POLICY. ITS WAITER SERVICE ONLY. DRINKS ARE SERVED IN VARIOUS SIZES TO ALLOW CUSTOMERS TO LIMIT THEIR INTAKE OF ALCOHOL BEVERAGES.

e) The protection of children from harm

THE PREMISES IS TO BE MARKETED AS A PLACE FOR ADULTS. NO CHILDRENS ~~ARE~~ FACILITIES SHALL BE OFFERED. TO STRICTLY ENFORCE A 'CHALLENGE 21'. USE APPROVED IDENTIFICATION SUCH AS PASSPORTS, PHOTO-DRIVING LICENSES

PLEASE SEE SEPARATE DOCUMENT ATTACHED

How will the licensing objectives be met

Prevention of crime and disorder

To consult with the police and take on board any advice and recommendations on measures to prevent crime and disorder.

To join the Brighton Crime Reduction Partnership, and exchange details of barred customers with other operators.

To monitor any unusual activities on the premises on suspicion of crime, alcohol and drug abuse and to report at once to the police. I also will attend a training course on this issue within 1 month of premises license being granted and to relay this knowledge to the staff.

To regularly train and remind staff of all licensing objections.

As DPS, I will also be present at the premises on a full time work basis. On days off or holidays, the floor manager and/or assistant manager will be able to contact me at any time if needs must.

Public safety

To consult with police on measures such as CCTV should it be necessary.

To consult with the fire department on measures to deal with the outbreak of a fire. Fire exit signs are in place as well as a fire emergency plan (included with this document).

Consultation has been made and approved by the Food Safety Team from the council on kitchen layout etc. in which we were awarded 4 stars on the Scores On The Doors scheme.

All full-time staff will attend a first-aid course within 1 month of employment.

To use appropriate glassware for consumption of beverages.

Prevention of Public Nuisance

The premises is very small and only has space to serve a maximum of 26 customers inside and 12 outside.

The business will fully operate the "Challenge 21" scheme and display notices on the premises and menu's. A refusals book to register attempts to buy alcohol by under-age people and/or refusals to those intoxicated.

The alcoholic beverages on sale will be limited to bottled beer, wine, sparkling wine, and a limited supply of spirits. We are happy to serve as a condition only 3 spirits if necessary such as gin, vodka, whisky. Also, filtered water will be served as standard with all alcoholic beverages to help with the dilution of alcohol.

We only intend to serve a limited number of wines, all of which will be offered as a bottle, a 500ml carafe, and a 175ml glass to give people an opportunity to limit their alcohol intake. Beer will only be served in half-pint glasses only, not pint glasses, and not to be consumed from the bottle itself.

We will not have a "Happy Hour" or do any alcoholic drinks promotions.

We will not serve any 'alco-pops', 'shots', or cocktails. This is a place for connoisseurs of fine wine and food, not a drinking den for lager louts.

Ambient music will be played below the volume of voice so that it becomes background music so that people won't have to talk above it. We are happy to impose this as a condition if necessary.

Protection of Children from Harm

The premises is located in a residential and commercial area with no schools nearby. Our primary clientele are office workers as there are a lot of office buildings nearby. This is to be a place primarily for adults, and this will be communicated through marketing and our website. Children who are big enough to be able to sit in a normal chair unaided are welcome and parents will be told that no high-chairs or childrens menu will be provided.

As noted in the "Prevention of Public Nuisance", the business will fully operate the "Challenge 21" scheme and display notices on the premises and menu's, and all staff will be trained in this scheme.

Approved identification such as Passports, photo-driving licences and pass id card schemes will only be accepted and will be advertised on menu's etc.

Operating schedule for Seasons Cafe

What is the business?

The business is a small 26 cover cafe/bistro to open between the hours of 9am – 8pm from Monday to Saturday, and 10am – 4pm on Sunday.

Serving cold snacks throughout the day such as quiches, biscuits and cakes, and hot meals between the hours of 12pm – 3pm (lunch) and 5pm – 8pm (early evening and pre-theatre).

To serve non alcoholic beverages during the time period, and alcoholic beverages between from 12pm until 30 minutes before close. **This service will be waiter service only and not act as a public house.**

The premises also has outside space, serving up to 12 people. This area will be clearly defined and bordered off.

Who are the staff?

The staff are myself – Ken Handley and my partner/companion Jane Hughes. I, Ken Handley will be head chef with three other chefs – a full time chef and a part-time chef and an apprentice chef. Miss Hughes will be the floor manager who will work closely alongside me. Other staff will be a full-time assistant manager who will also work closely alongside Miss Hughes and myself. Other staff will be 3 part-time waiters.

Cumulative Impact

It is of the understanding that the premises is located in an area considered to have sufficient licensed premises by the council . The License Act 2003 clearly states that authorities cannot deny a grant of licenses on this basis, although it is understand that the premises are in a Special Stress Area (SSA) which allows them to limit the number of licensed premises.

We fully intend to uphold the Licensing Objectives with the following criteria listed below. As stated in the initial statement "What is the business", we've explained that we do not intend to use the premises as a public house. The service will be waiter service on all our products as well as alcoholic beverages, there will be no standing room - only sit down service. We also only intend to serve alcohol from 12pm until 30 minutes before close, i.e. 7.30pm monday to saturday and 12pm until 3.30pm on sunday.

With the measures we propose to take to uphold the Licensing Objectives, we aim to prove that there will be no negative Cumulative Impact, but instead prove a positive addition to the SSA. We would also like to add that what we want to do is in accordance with the Government's agenda of creating a cafe/ bar culture which has cross party support.

Diversity of premises

We have recognised in the immediate vicinity 3 public houses, The Pond, The Brighton Taven - both on Gloucester Road, and The White Rabbit on Kensington Gardens and 1 restaurant serving alcoholic beverages – Mexican Canteen also on Kensington Gardens. Through marketing, we intend to operate more as an all day café/bistro with the emphasis of wine being served as the main alcoholic beverage. The interior has been designed to emulate an 'Enoteca', which operate in Italy, with oak shelving containing bottles of wine on display to give the impression of a wine bar, and because we intend to serve all wines by the glass, half-carafe as well as by the bottle, this will help with this 'Enoteca' identity.

There is nothing like this in this area, apart from the recently opened 'In Vino Veritas' at the bottom of North Road, so we feel that this will add to the diversity of licensed premises, and offer the chance for customers to enjoy a glass of wine, beer or gin and tonic in a more relaxed environment.

Fire risk assessment

Step 1. Identification of Fire Hazards

Sources of ignition: Sources of ignition would be the ovens, hobs and grill should food be ignored or forgotten.

Sources of fuel: The cooking equipment is all electric with no naked flames.

Work processes: There is no deep-fat frying equipment, but care and attention should be taken when heating oil in a pan for pan frying. Foods which are grilled should also be given care and attention.

Step 2. Location of People

The premises holds a maximum number of 28 covers. This will be strictly adhered to, and besides, there is simply not enough space to accommodate any more guests as we simply have no more chairs and tables. Staff will be constantly moving between the basement and the ground floor, the simple layout will allow all areas to be monitored and outbreaks of fire should easily be detected at once giving the staff plenty of time to act.

Step 3. Risk evaluation

The premises have in place on the ground floor – a fire alarm system, two smoke detectors, two water based fire extinguishers with operating instructions, illuminated fire escape signs in prominent places which light up in case of fire and which clearly show the route of the fire escape exit with one in the toilet, and a fire escape door.

In the basement, there are two heat detectors, one water based fire extinguisher, one carbon dioxide based fire extinguisher, an illuminated fire escape sign in a prominent place which lights up in case of fire and which clearly shows the route of the fire escape exit.

The fire extinguishers were checked in October and placed in positions on their advice.

Carbon dioxide based fire extinguishers are to be used on electrical equipment, and water based extinguishers on everything else apart from flammable liquids of which they're any.

The cooking equipment and kitchen layout has been strategically placed and designed to give people in the kitchen the optimum means of escape in the event of fire.

Step 4. Record of findings and action taken

The fire alarm system, smoke and heat detectors, signage and extinguishers were inherited when we took over the lease. It is believed that these measures have been inspected and approved although no record can be found at present. Modifications have been made by ourselves in that the smoke detector in the basement has been replaced with a secondary heat detector as the kitchen has been moved to the basement.

An emergency plan has been drawn up. Staff have been trained to deal with the event of a fire. They have been shown how to operate the extinguishers, and have been trained in how to deal with customers. The fire escape door is kept unlocked during opening times. Staff will direct customers to the main entrance and/or fire escape door depending on the position of the fire to ensure the safest means of escape.

Please see plans which shows the above information.

Step 5. Fire assessment review

This assessment will remain under review and any changes or advice will be recorded and implemented.

Emergency Plan

Locate fire.

In the event of fire.

If there is more than one member of staff on the floor where the fire is, the person most senior takes charge.

Evaluate the extent of the fire. If the fire is deemed not to be too serious and you're confident of tackling it, do so in the proper manner. If it is coming from electrical equipment, use CO2 extinguisher only. The CO2 fire extinguisher is located as on the plan. All other fires, use H2O extinguishers only, these are located as on the plan.

If fire is extinguished, evaluate level of damage, and proceed with normal business operation on account of the level of damage. Inform management of the need for a replacement extinguisher.

Should the fire be too severe to tackle, call 999 and commence evacuation of the premises.

Identify people as being especially at risk such as those in the toilet, disabled, and people in the basement should the fire be detected on the groundfloor.

Identify location of the fire, direct the customers in a firm, clear and calm manner to the nearest exits and do not re-enter until told it is safe to do so.

If possible, turn off all electrical appliances.

Staff should assemble at the evacuation assembly point, located by Travis Perkins on Trafalgar Lane. The most senior person is to liaise with the fire brigade on arrival and advise them of any special risks, eg highly flammable materials.

Application for Premises License for Seasons Café.

Address of premises

Seasons Café
36 Gloucester Road
Brighton
BN1 4AQ

Premises telephone no.: 01273 689388

www: seasonscafe.co.uk

Email: info@seasonscafe.co.uk

Company name: H&H (Hove) Ltd

Company address:

48b Ventnor Villas
Hove
BN3 3DB

Company number: 6598418

Company Directors: Kenneth Thomas Handley and Jane Rebecca Hughes

Company telephone no.: 01273 779031 **mobile contact:** Ken Handley 07740 401405

Email: khand.nufc@btinternet.com

Non-domestic Rateable Value: £10,250

Planning permission and outstanding issues: In the process of reapplying for permission to cook hot food as previous tenants breached conditions relating to cooking odours. This involved submitted detailed plans of proposed extraction system installed by a professional kitchen outfitting company. This also includes an application to extend the opening hours from 6pm to 8pm (Monday to Saturday, with no change on Sunday will stand at 10am - 4pm).

Personal license holder and DPS: Ken Handley

Personal license number: 1445/3/2008/01824/LAPER

Existing premises license: N/A (currently no premises license)

Licenseable activities: Selling alcoholic beverages from 12pm until 30 minutes before close in accordance to trading hours – Monday to Saturday 9am – 8pm, Sunday 10am – 4pm.

Fire safety risk assesment: Attached

Emergency Plan: Attached

APPENDIX E

K-05.01.09
E-02.02.09

2009/00012/LAPREN

PCD ✓

JW



HOVE POLICE STATION

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENTAL HEALTH & LICENSING
DATE RECEIVED
03 FEB 2009

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

3rd February 2009

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

Dear Sirs,

Representations re application for a premises licence for Seasons Café, 36 Gloucester Road, Brighton, BN3 3DB, under the Licensing Act 2003

The Police wish to make representations in respect of the above application under the licensing objectives of prevention of crime and disorder and the protection of children from harm.

I confirm that I have agreed the following revised conditions with the applicant:

The Prevention of Crime and Disorder.

The premises will join the Brighton Crime Reduction Partnership whilst it is in existence or other similar scheme.

The premises will operate with café bar conditions and alcohol will be by waiter/waitress service to persons seated at tables. There will be no intentional vertical drinking.

Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally to cover all public areas (including the external seating area via an internal camera) 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.

Patrons will not be allowed to take glassware outside onto the pavement and street beyond the designated external customer seating area.

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.

I confirm that subject to the above mutually agreed conditions being added to the new licence, Sussex Police formally withdraw their representation.

Yours faithfully,



David Bateup
Licensing Officer
Licensing Unit
Hove Police Station

cc: Mr Handley for the applicant

Jim Whitelegg
Senior Environmental Health Officer
Environmental Health & Licensing
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

9th February 2009
2009/00012/LAPREN

Dear Mr Whitelegg

Thankyou for visiting us and advising us on this application. Further to our conversation that day, I wish to withdraw the license to play pre-recorded music under the understanding that that we don't need such a license as we only play background music in Seasons Café.

Also,thankyou for forwarding the letters of objection to our application. I have written to all of them in the hope that they will retract their objections. I have included in this mail a copy of each reply we have sent.

Yours sincerely



Ken Handley
Director

Brighton & Hove City Council

09 FEB 2009

Health, Safety & Licensing

36 Gloucester Road
Brighton
East Sussex
BN1 4AQ

Tel: 01273 689388

Brighton & Hove City Council

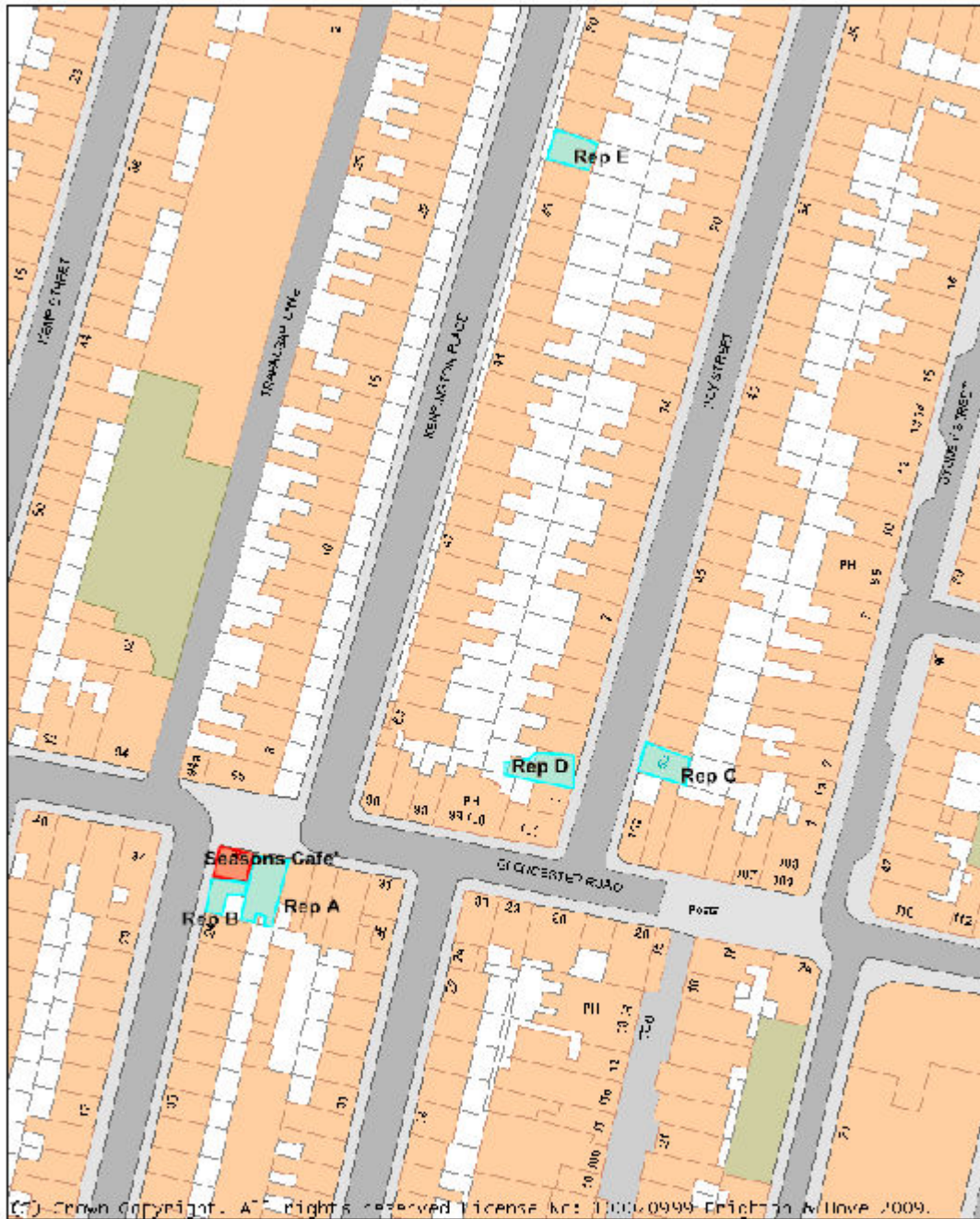
09 FEB 2009

Health, Safety & Licensing

Registered office
48b Ventnor Villas
Hove
East Sussex
BN3 3DB
Company No. 6598418

APPENDIX F

Seasons Cafe', 36 Gloucester Road, Brighton BN1 4AQ



Date: 17/02/2009 11:51:38

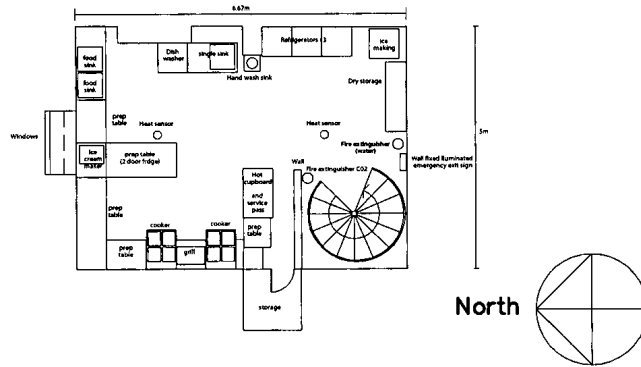
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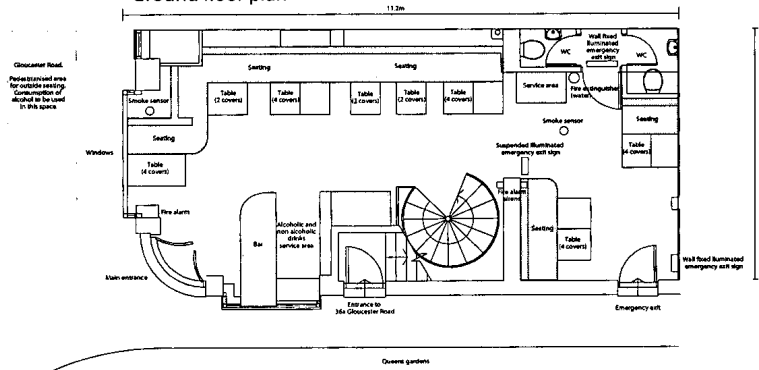


APPENDIX G

Basement plan (kitchen)



Ground floor plan



**36 Gloucester Road
Brighton**

1:100

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