



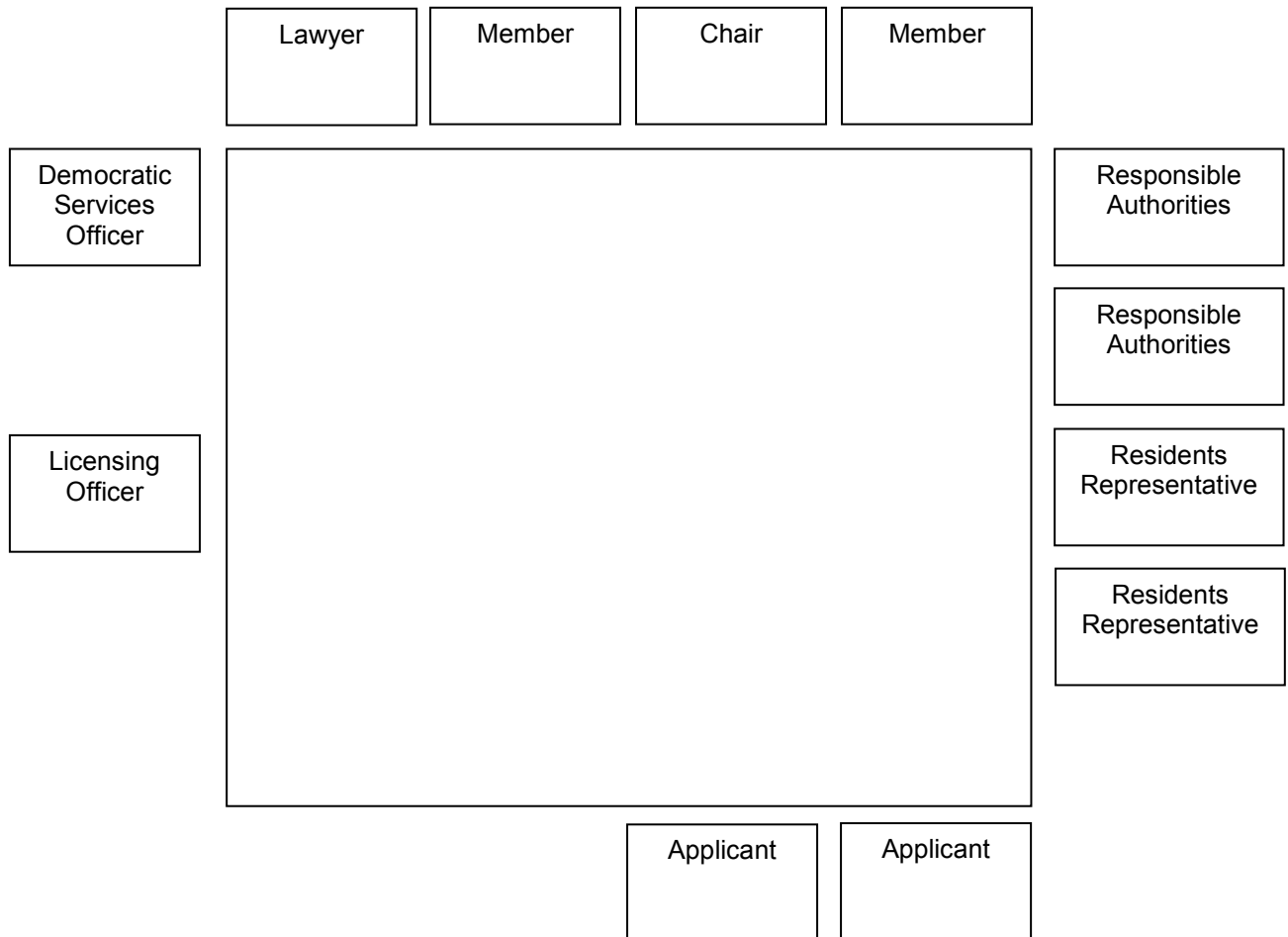
Licensing Panel

(Licensing Act 2003 Functions)

Title:	Licensing Panel (Licensing Act 2003 Functions)
Date:	4 August 2011
Time:	10.00am
Venue	Committee Room 1, Hove Town Hall
Members:	Councillors: Cobb, Gilbey and Marsh
Contact:	Penny Jennings Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

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	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and infra red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.
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Democratic Services: Meeting Layout



AGENDA

Part One

Page

50. TO APPOINT A CHAIRMAN FOR THE MEETING

51. 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.

52. APPLICATION FOR A NEW PREMISES LICENCE: PERFECT KEBAB & CHICKEN, 2 YORK PLACE, BRIGHTON 1 - 20

Report of the Head of Planning and Public Protection (copy attached)

Contact Officer: Sarah McNaught Tel: 01273 294431
Ward Affected: St Peter's & North Laine

53. APPEAL AGAINST REVOCATION OF STREET TRADING LICENCE: ZONE B 21 - 42

Report of the Head of Planning and Public Protection (copy attached)

Contact Officer: Sarah Cornell Tel: 29-5801
Ward Affected: Queen's Park

NOTE: *There may be more than one item on this agenda, and as such the item you are interested in may not be heard until later in the day. However, the Chairman reserves the right to alter the running order of the agenda at the start of the meeting without prior notice.*

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065), email penny.jennings@brighton-hove.gov.uk or email democratic.services@brighton-hove.gov.uk

Date of Publication - Wednesday, 27 July 2011

Licensing Panel (Licensing Act 2003 Functions)

Agenda Item 52 Brighton & Hove City Council

Subject:	Application for a New Premises Licence under the Licensing Act 2003		
Premises:	Perfect Kebab & Chicken, 2 York Place, Brighton, BN1 4GU		
Applicant:	Mr Riza Yalcin		
Date of Meeting:	4 August 2011		
Report of:	Head of Planning and Public Protection		
Contact Officer:	Name:	Sarah-Jane McNaught	Tel: (01273) 294431
	E-mail:	Sarah.McNaught@brighton-hove.gov.uk	
Wards Affected:	St Peter's and North Laine		

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 Perfect Kebab and Chicken.

2. RECOMMENDATIONS:

- 2.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for Perfect Kebab and Chicken.

2.2.1 The application is for:

A New Premises Licence under the Licensing Act 2003.

The application proposes:

Kebab takeaway

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

2.3 Summary table of proposed activities:

	Proposed
L Late Night Refreshment	Indoors and Outdoors Sunday – Wednesday 23.00 – 02.00 Thursday 23.00 – 03.00 Friday – Saturday 23.00 – 04.00
O Hours premises are open to public	Sunday – Wednesday 12.00 – 02.00 Thursday 12.00 – 03.00 Friday – Saturday 12.00 – 04.00

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 The premises does not fall in the Cumulative Impact Area or the Special Stress Areas.

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 Two representations were received. They were received from a Resident Association's and Sussex Police

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

3.2.4 A representation was received from Sussex Police which included conditions relating to the Prevention of Crime and Disorder. The applicant agreed to the conditions and amended the operating schedule accordingly but the representation was not withdrawn (detailed in Appendix C)

3.2.5 Full details of the representations and the agreements are attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

4. CONSULTATION

Commentary on licensing policy

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

General

1.2 The licensing objectives are:-

- (a) Prevention of crime and disorder;
- (b) Public safety;
- (c) Prevention of public nuisance;
- (d) Protection of children from harm.

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

1.10.4 The licensing authority's preferred position is to ensure planning permission is in place before an application for a licence is made.

In respect of the prevention of crime and disorder

- 2.1 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.
- 2.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 2.5 Measures put in place should support the intentions of Operation Marble (police operational order refers), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the City Centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

2.7 The Licensing Authority will support:

- 2.7.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore supports: mixed use venues encouraging a wider age balance.

2.7.6 Care, control and supervision of premises:

The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange

between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.

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

2.7.12 Enforcement will be achieved by the enforcement policy.

In respect of the prevention of public nuisance

- 4.1 Planning, building control and licensing will be properly separated to avoid duplication and inefficiency. Granting of licences will not relieve applicants of the need to apply for planning permission or building control consent and there is an expectation that these issues will have been explored before licensing applications are submitted. Applicants are recommended to obtain correct planning consents prior to applying for a licence to avoid potentially inoperative licences.
- 4.2 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke)
- 4.6 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.
- 4.7 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre, on busy main roads and in the central leisure area. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood. Licensed premises in residential neighbourhoods will normally have a terminal hour no later than 2330. In mixed neighbourhoods they will normally have a terminal hour of no later than 0200 hours to counter noise disturbance to residents as informed by the health impact assessment and requested by Licensing Strategy Group.

- 4.8 While each application will always be considered on its merits, as an indication the St James's Street area and the North Laines/area will be considered residential neighbourhoods, and East Street a mixed neighbourhood.
- 4.9 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 4.10 below).

Strategic Integration

- 6.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening.
- 6.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.
- 6.8 Other regulatory regimes
- This policy avoids duplication with other regulatory regimes wherever possible.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

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

Finance Officer Consulted: Karen Brookshaw Date: 18.07.2011

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: 18.07.2011

5.3 Equalities Implications:

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

5.4 Sustainability Implications:

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

5.5 Crime & Disorder Implications:

Licensing policy aims to prevent crime and disorder and protect public safety.

5.6 Risk and Opportunity Management Implications:

Licensing is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.

5.7 Corporate / Citywide Implications:

The success of the city's tourism strategy requires a safe, attractive city centre to improve competitiveness. The Act may significantly change night time economy

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part P of the Application
2. Appendix B – Plan of Premises
3. Appendix C – Representations and agreement
4. Appendix D – Map of area

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

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)

CCTV. tapes kept for one month.
BCRP membership to be organised.

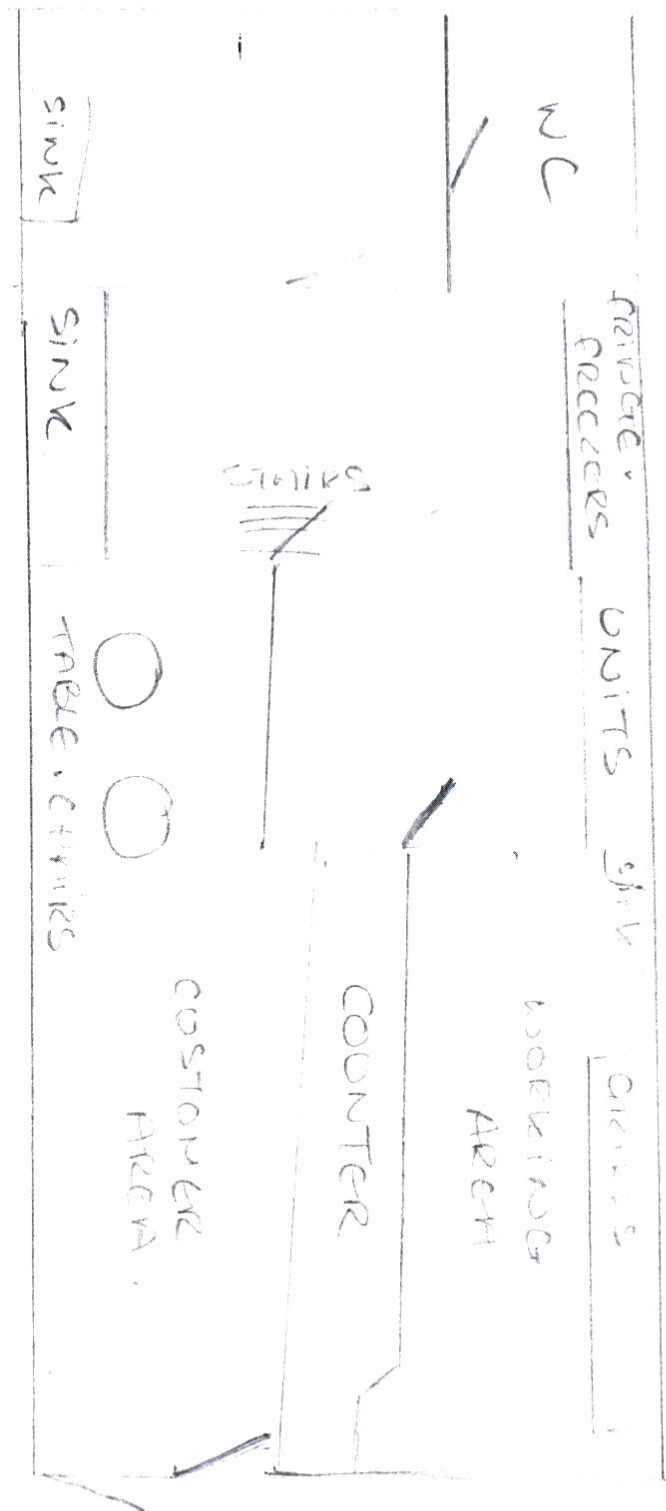
b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

APPENDIX B



APPENDIX C

SJM con: 8.7.11



Sussex Police
Serving Sussex

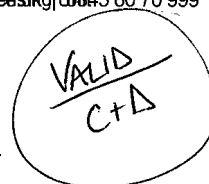
Brighton & Hove Licensing Unit 01273 60 70 999

Police Station
Holland Road
HOVE
BN3 1JY

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

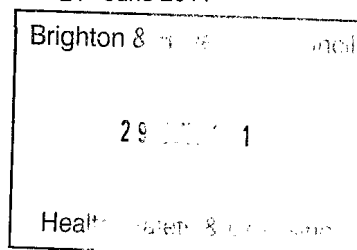
Email: david.bateup@sussex.pnn.police.uk

(A)



21st June 2011

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



Dear Sirs,

SUSSEX POLICE REPRESENTATION AGAINST THE PREMISES LICENCE APPLICATION FOR PERFECT KEBAB & CHICKEN, 2 YORK PLACE, BRIGHTON, BN1 4GU.

Sussex Police oppose the application for a late night refreshment licence for the above premises by Mr Riza Yalcin. The basis for this opposition is that the grant of a premises licence for this site will not promote the licensing objective of the prevention of public nuisance, and is in contravention of the Council Statement of Licensing Policy 2011.

The application seeks permission for the following late night refreshment hours:

Monday to Wednesday	23:00 – 02:00
Thursday	23:00 – 03:00
Friday and Saturday	23:00 – 04:00
Sunday	23:00 - 02:00

It is noted that the opening hours applied for under part O of the application are 12:00 to 01:00 seven days a week, which contradict with the hours above.

This premises is situated within a few metres of Trafalgar Street, Trafalgar Street being within the special stress area as per appendix B of the Council Statement of Licensing Policy. Paragraph 4.7 of the Council Statement of Licensing Policy states that licensed premises in residential areas will normally have a terminal hour of no later than 23:30. Paragraph 4.8 of the policy expressly states that the North Laines is to be considered as a residential neighbourhood. Whilst this premises is strictly

speaking just outside of the North Laines area, Sussex Police content that this location should be considered as mixed use and therefore as per the Council Statement of Licensing Policy, should not have a terminal hour beyond 02:00.

Sussex Police regularly receive complaints from residents in the area concerning noise nuisance late at night, as well as anti social behaviour associated with alcohol consumption. Whilst this premises is applying for late night refreshment only and not alcohol, many of it's late night customers past 02:00 on Thursday, Friday and Saturday nights will have consumed alcohol before they congregate in the area of this premises to purchase hot food.

Sussex Police ask the Licensing Committee to have regard to the Council Statement of Licensing Policy and to refuse this variation application.

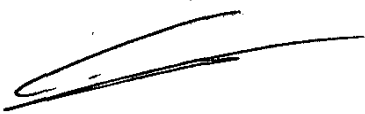
Should the Committee be so minded to grant a late night refreshment licence for this premises with or without hours past 02:00, then Sussex Police request the following two conditions be added to the licence:

The prevention of crime and disorder

Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises externally and internally 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 required for the prevention and detection of suspected or alleged crime. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. The management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay.

The premises will contract for the provision of a recognised mobile support unit which will provide SIA qualified door supervisor back up 24 hours a day.

Yours faithfully,



Graham Bartlett
Chief Superintendent
Divisional Commander
Brighton & Hove Division

PCD
PPN
B
NORTH LAINE
COMMUNITY ASSOCIATION



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

Brighton & Hove City Council

06 JUL 2011

Health, Safety & Licensing

6 July 2011

Dear Sir/Madam

1445/3/2011/01174/LAPREN – 2 York Place, Brighton
Application for late night refreshment Mon-Wed 11pm – 2am; Thur 11pm – 3am;
Fri/Sat 11pm – 4am; Sun 11pm – 2am

We write on behalf of the North Laine Community Association in respect of the above application.

We object to this application on the grounds of:
Prevention of crime and disorder
Public safety
Prevention of public nuisance

The premises is located within a few metres of the North Laine which is classed as a Special Stress Area, and we feel that providing late night refreshments between the above hours every day would exacerbate the problems that the North Laine suffers from. Since the introduction of flexible opening hours in 2003 residents have had to put up with increased levels of noise from drinkers during the day and late at night, plus increased levels of anti-social behaviour and vandalism.

The North Laine Residents Association urges the committee to consider the Statement of Licensing Policy (SoLP) adopted by the Cabinet in December 2010. The SoLP is of particular importance when addressing new license applications and variations as North Laine is now classed as a residential area (see para 4.7).

Although the premises is on the edge of North Laine it is in a mixed use area and, as per the SoLP, should not have a terminal hour beyond 2am. Our concerns are that many customers would probably have consumed alcohol beforehand. Many people congregate in York Place, Trafalgar Street and Pelham Square in the early hours of the morning, disturbing the residents who live there.

Granting this application will only add to levels of crime and anti-social behaviour and public nuisance in the North Laine – an area that now has 63 licensed premises.

Yours faithfully

Sandy Crowhurst and
Roy Skam

North Laine Community Association, charity no 273989
Licensing Coordinator, Roy Skam, 2 Windsor Street, tel 326415 **BN1 1RJ**
Licensing, Planning and Environment Coordinator, Sandy Crowhurst, 41 Kensington Place BN1 4EJ
tel 681089 email: smcrowhurst@tiscali.co.uk



HOVE POLICE STATION

AMENDMENT
CONDITIONS TO BE
ATTACHED TO
OPERATING SCHEDULE

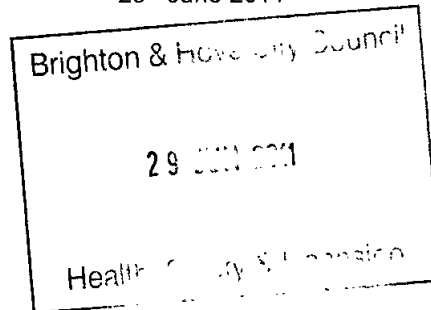
Brighton & Hove Licensing Unit
Police Station
Holland Road
HOVE
BN3 1JY

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

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

29th June 2011

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



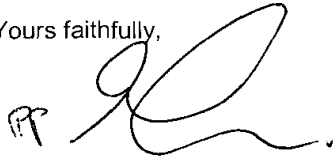
Dear Sirs,

**SUSSEX POLICE REPRESENTATION AGAINST THE PREMISES LICENCE
APPLICATION FOR PERFECT KEBAB & CHICKEN, 2 YORK PLACE,
BRIGHTON, BN1 4GU.**

Further to our representation of the 21st June 2011, I attach a signed acceptance from the applicant agreeing to the two conditions requested.

However Sussex Police do not at this time wish to withdraw their representation, as the issue of whether the premises should stay open past 02:00 in a mixed use area remains unresolved. Accordingly we anticipate that this question will go before a Council Licensing Sub Committee in due course.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'GB' followed by a large, stylized 'R' or 'B'.

Graham Bartlett
Chief Superintendent
Divisional Commander
Brighton & Hove Division

Enc


**PREMISES LICENCE APPLICATION FOR PERFECT KEBAB & CHICKEN, 2
YORK PLACE, BRIGHTON, BN1 4GU.**

The prevention of crime and disorder

Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises externally and internally 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 required for the prevention and detection of suspected or alleged crime. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. The management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay.

The premises will contract for the provision of a recognised mobile support unit which will provide SIA qualified door supervisor back up 24 hours a day.

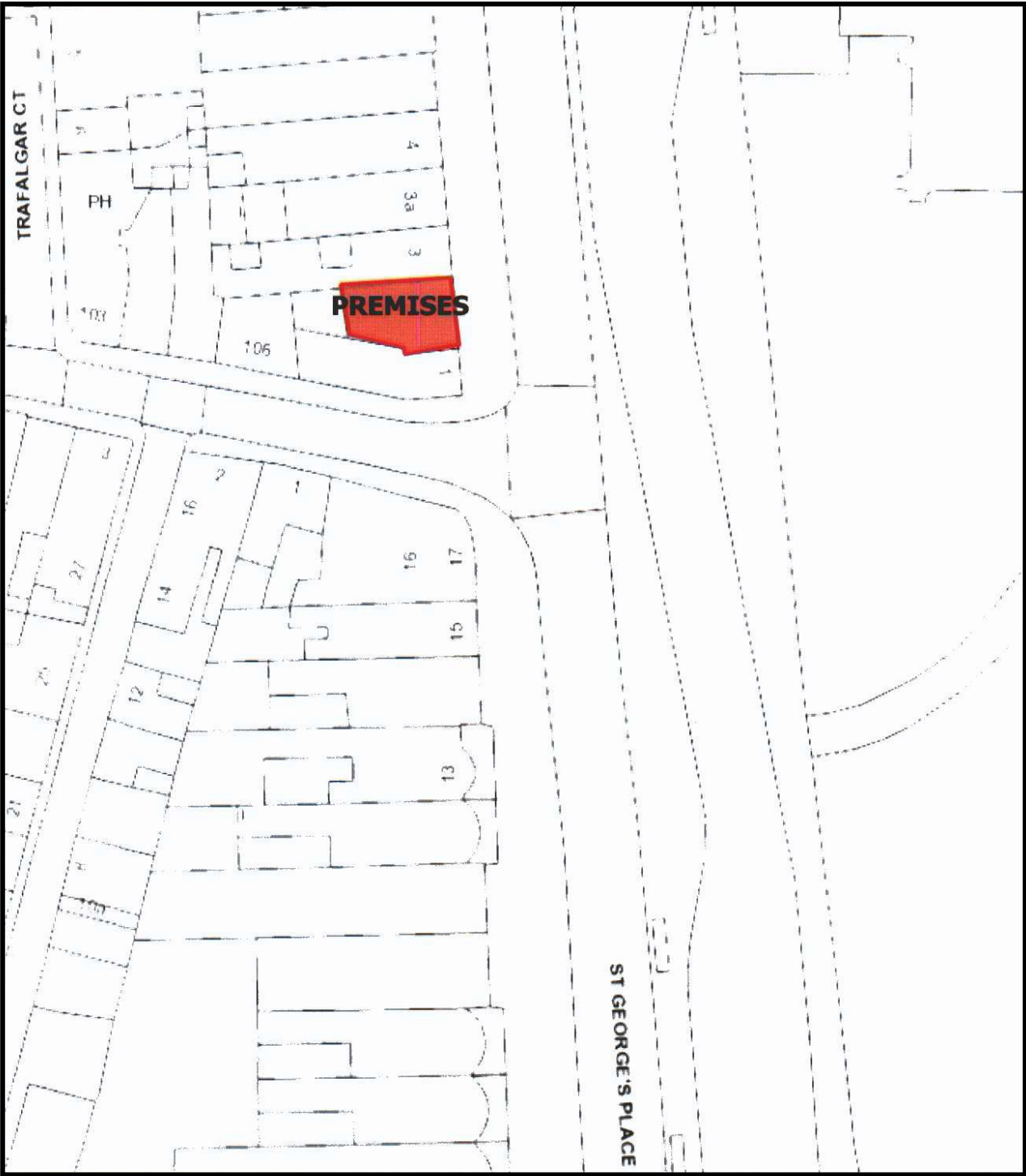
I confirm that I agree to the above two conditions being added to the above licence should it be granted.

Signed.....

Print name.....RIZA YALCIN.....

Date.....27-06-2011.....

APPENDIX D



Licensing Sub Committee (Non Licensing Act 2003 functions)	Agenda Item 53 Brighton & Hove City Council
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Subject:	Appeal against Street Trading Consent Revocation		
Zone:	Street Trading – Zone B		
Applicant:	Jamie Patrick English		
Date of Meeting:	4 August 2011		
Report of:	Head of Planning and Public Protection		
Contact Officer:	Name:	Sarah Cornell	Tel: (01273) 295801
	E-mail:	Sarah.Cornell@brighton-hove.gov.uk	
Wards Affected:	Queen’s Park		

1. Purpose of the report:

- 1.1 To ask members to hear an appeal against the officer decision to revoke Jamie Patrick English's Street Trading Consent.
- 1.2 To inform members of the regulations governing street trading consent and of the particulars of this case.

2. RECOMMENDATIONS:

- 2.1 To determine the appeal.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Under the Local Government (Miscellaneous Provisions) Act 1982 the Council has designated consent streets and prohibited streets for the purpose of selling, offering or exposing for sale any article in the streets. Street trading consents are granted for a period of 12 months from 1st April each year but may be revoked at any time. It is an offence for a person to engage in street trading as defined in the 1982 Act without a valid consent. Street Trading Policy – Appendix A
- 3.2 There is no duty to grant a street trading consent or specify grounds for refusal. There is no limitation on a council's power to revoke or refuse to renew a street trading consent. There is no requirement to give notice of such decisions.
- 3.3 The Council's 'Constitution and delegation of functions for Licensing Panel' gives applicants the opportunity to be heard by the Panel where there are no other avenues of appeal (Licensing Panel Paragraph 4

determination of appeals). This is to satisfy Human Rights requirements.

- 3.4 The Director, Environmental Health and Licensing Manager and Divisional Environmental Health Officers have delegated authority to determine new, renewal and variation applications for street trading consents and to revoke consents.
- 3.5 The law allows the council to require that applications for the grant or renewal of consents shall be accompanied by way of deposit, to be repaid to the applicant if the application is refused. Where consent is surrendered or revoked the council shall remit or refund, as they consider appropriate, the whole or part of any fee paid for the grant or renewal of the consent.
- 3.6 In October 2010 Mr English applied for Consent to sell, expose or offer for sale, articles in a consent street. After PNC checks, East Sussex Fire and Rescue Service were consulted, the Consent was issued. Mr English continued to renew his consent and pay the relevant fees and therefore held a valid Street Trading Consent until the consent was revoked.
- 3.7 Complaints were received regarding street trading in John Street, Brighton. The licensing officer sent a letter (23rd February 2011) reminding Mr English of the relevant permit conditions. (Appendix C)
- 3.8 Following this, licensing officers witnessed three breaches of street trading consent conditions and a formal warning letter was sent (29th March 2011) (Appendix C)
- 3.9 Licensing officers then witnessed three further breaches of street trading consent Condition B and a warning of revocation letter was sent (12th May 2011) requesting confirmation that Mr English was going to comply with the condition. (Appendix C)
- 3.10 On the 14th July 2011 after further breaches had been witnessed a letter confirming the revocation of Mr English's Street Trading Consent was posted. (Appendix C)

4 Consultation

- 4.2 On the 18th July 2011 the Licensing Authority received a letter appealing the Licensing Officer's decision to revoke the Street Trading consent (Appendix D).

The following extracts from Local Government (Miscellaneous Provisions) Act 1982, are considered relevant to this application and numbered as they appear in the Act:

Street Trading Consents

Section 3, Sch.4. 7(4) When granting or renewing a street trading consent the council may attach conditions to it as they consider reasonably necessary.

(5) Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent-

(a) obstruction of the street or danger to persons using it; or
(b) nuisance or annoyance (whether to persons using the street or otherwise).

II) A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.

- 5.0 Attached at Appendix E is a Map of Zone B and Map of area where the Street Trader is.

CONSULTATION

Sussex Police for PNC Check

East Sussex Fire Service

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Street Trading Policy and Conditions for Street Trading

2. Appendix B – Original Application
3. Appendix C – Letters sent to applicant
4. Appendix D - Letter of appeal from applicant
5. Appendix E - Map of Zone B and Map of area where Street Trader is.

APPENDIX A

STREET TRADING POLICY

Consent Street	Purpose
Zone A	
City Centre Static consent sites (Dean Street, Marlborough Street, Castle Street, Crown Street, Western Road, Clarence Square)	General trading
Upper Gardner Street	Saturday market
Bartholomew Square, Dukes Street, Market Street	Hot chestnut and other traditional Christmas trading activity
Bartholomew Square, East Street, Dukes Street, Market Street	Street artists who produce portraits on the street
George Street Hove, Bartholomew Square, Black Lion Street, New Road and Jubilee Street	Occasional markets including ethnic, farmers and crafts etc.
Zone B	
Area outside city centre	Mobile and static traders, both as regular occupation and community events and markets

Streets south of Vale Road, Portslade, along Portland Road, Sackville Road, Church Road, Western Road, Montpelier Road, Chatham Place, Viaduct Street, Upper Lewes Road, then southwards down Lewes Road, Albion Street and Grand Parade before heading East along Edward Street, Eastern Road and finishing in Arundel Road and streets within 1 mile from the new Falmer Community Stadium shall be prohibited streets with the exception of Kingsway, Kings Road and Seafront, Castle Street, Clarence Square, Crown Street, Dean Street, Marlborough Street, Western Road, Upper Gardner Street, Bartholomew Square, George Street Hove, New Road, Black Lion Street, Jubilee Street, East Street, Duke Street, and Market Street which shall be designated consent streets, and the Council's Parks and Gardens which shall be undesignated. Streets North of Vale Road Portslade, along Portland Road, Sackville Road, Church Road, Western Road, Montpelier Road, Chatham Place, Viaduct Street, Upper Lewes Road, then southwards down Lewes Road, Albion Street and Grand Parade before heading East along Edward Street, Eastern Road and finishing in Arundel Road shall be consent streets, except that the Council's Parks and Gardens will be undesignated.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 :
STANDARD CONDITIONS FOR STREET TRADING

- A. The consent may not be transferred and the Trader shall not permit any person to exercise the consent in his/her absence unless that person is employed by the consent holder and is at least seventeen years of age. The consent holder shall not employ more than two persons at any one time to exercise the consent in the absence of the holder and any contravention of the standard conditions forming part of the consent by these persons shall be deemed to have been committed by the consent holder.
- B. The Trader shall not stand or use any stall, barrow or basket or other receptacle or any mobile stall or vehicle in any street except such as are specified in the consent. Such stall, barrow etc. shall be removed from the specified site at the end of each trading day for storage at a location that is not on the public highway.
- C. The Trader shall not sell, expose or offer for sale any articles on days or at times other than those specified in the consent.
- D. The Trader shall not place, store or sell, expose or offer for sale any article outside the trading area marked out at the specified site (with the exception of Upper Gardner Street).
- E. The Trader shall at all times whilst trading provide a suitable receptacle for rubbish and litter and remove the rubbish and litter from the site at the end of each days trading. Such rubbish and litter is not to be placed in municipal litter bins. In Upper Gardner Street in lieu of this condition being complied with the Council will offer a refuse collection service upon payment of an appropriate fee.
- F. The Trader shall operate in a manner which causes no nuisance to the Council or to the general public.
- G. The Trader shall at all times whilst trading wear in a prominent position an identity badge provided by the Council. In addition, for town centre street trading consents, the consent, or copy thereof, shall be displayed on the stall/mobile vehicle.
- H. The Trader shall be insured against any claim in respect of third party liability whilst trading under a consent. No consent will be issued until a current policy has been produced to the Director of Environmental Services and the Trader shall produce evidence of such insurance to an authorised officer of the Council within seven days of the officer's request.
- I. Where there is a potential ignition source present including cooking facilities, a 2kg dry powder extinguisher which complies with the standards set out in BS 5423: 1987 must be provided.
- J. Where hot fat cooking facilities are provided a fire blanket should be provided and so positioned as to allow the blanket to be withdrawn easily and quickly.
- K. Streets within 1 mile from Falmer Community Stadium shall be prohibited streets.

APPENDIX B



2011/00488/STB

Comment please Thank
Survey

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENTAL HEALTH
DATE RECEIVED
18 MAR 2011

Development, Planning & Public Protection

Bartholomew House
Bartholomew Square
Brighton BN1 1P

**Application for consent to selling, offering or exposing
for sale any article in streets etc.**

**PLEASE READ CAREFULLY THE ATTACHED NOTES FOR GUIDANCE AND COMPLETE
BOTH SIDES OF THIS FORM**

TO: Head of Environmental Health & Licensing, Brighton and Hove City Council,
Health, Safety & Licensing, Bartholomew House, Bartholomew Square, Brighton.

*Faxed
Police: 22/3/11
Fire*

I hereby apply for the consent of the Brighton and Hove City Council under Section 3 and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, to sell, offer or expose for sale the articles stated below in accordance with the following particulars:-

Date: 16-3-11

Signature of Applicant

PLEASE PRINT YOUR ANSWERS

1.	(i) Full Name(s) of Applicant(s); (ii) Date of Birth; Place of Birth (iii) Daytime Telephone Number	MR JAMIE ENGLISH BRIGATON
2.	(i) Applicant(s) address and post code: Address for correspondence: (if different from above) (ii)	UNKNOWN BRIGATON BN2 5PR
3.	(i) Full details of articles proposed to be sold: (See Note 1) <input type="checkbox"/>	BURGERS + Hot + COLD DRINKS BACON + SAUSAGES + EGGS
4.	(i) Will sales of the above goods be your principal source of income? (ii) Provisions for litter disposal (if applicable)? (iii) Provisions for hand washing (if applicable)? <input type="checkbox"/>	yes yes yes

<p>5. How are the items to be sold? Give details including size of any receptacles or vehicle to be used i.e. hand barrow, basket, kiosk, stall, mobile stall, van etc. (See Note 4)</p> <p>If vehicle, give registration No. Fuel type: LPG storage and use – please give details including quantities and description of LPG bottle housing on vehicle.</p>	<p>Mobile Trolley</p> <p>X203 LSW</p>
<p>6. Name of Street and precise location at which it is desired to trade;</p>	<p>John Street BRIGHAM Zone B</p>
<p>7. Proposed times of trading. Please indicate frequency (times of day, number of days per week, months of the year).</p>	<p>7am to 6pm Mon - Sun</p>
<p>8. <u>Site</u></p> <p>If you are applying for consent to trade at anywhere other than the approved sites in Zone "A" listed in paragraph 4 of the notes for guidance, please give below any special grounds which you feel justify a departure from the Licensing Committee/Licensing Panel as stated in that paragraph.</p> <p>Please note that the Police and the Highway Authority may object to your application on grounds of road safety and obstruction to the vehicular and pedestrian highway (including the obstruction of sight-lines at junctions). Any site that is approved will be offered to the waiting list first.</p>	
<p>9. 2 passport sized photographs are required. (New Applicants Only)</p>	
<p>RECEIPT NO.</p> <p>0344 10/3/11 Auth Code: 568550</p>	<p>INSURANCE DETAILS</p> <p>Claver Gas Pol. NO. UK9B 3999885 Expires 31/12/11</p>

NO: 2011/00488/STB

**LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1982**

CONSENT to selling, exposing or offering for sale of articles in a "Consent Street"

The Brighton & Hove Council (herein referred to as "the Council") HEREBY CONSENT, pursuant to Section 3 of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 to the selling, exposing or offering for sale by the person named in Box 5 of the Schedule hereto (herein referred to as "the Trader") of the Articles and in the manner and at the place and on the days or at times specified in boxes 1, 2, 3 and 4 respectively of the said Schedule, subject to compliance with (1) the Conditions as indicated and (2) any relevant enactment, Order, Regulation or Bye-law for the time being in force.

This consent shall continue in force from **1st July 2011 to 31st December 2011** unless previously revoked by the Council. The Council may at any time revoke this consent and summary proceedings may be instigated for contravention of the Act or other relevant legislation.



Heath of Environmental Health and Licensing

Date: 20th June 2011

SCHEDULE

1. Articles to be sold, exposed or offered for Sale - Burgers, hot and cold drinks. Bacon, sausages and eggs.	2. Type and number of stall, cart barrow or vehicle Trailer with car attached: X203 LJW
3. Place at or areas within which trader may Trade Zone B	4. Days and times trader may trade Monday to Sunday 07.00 am – 6.00 pm
5. Name and address of trader Mr Jamie Patrick English	

Telephone: 01273 290000

www.brighton-hove.gov.uk

Printed on recycled, chlorine-free paper

6. Standard Conditions Applicable: **A-K**

APPENDIX C

Mr Jamie P English
140 High Road

Date: 23rd February 2011
Our Ref: 2011/02141/LICSTT/EH
Phone: 01273 295801
Fax: 01273 292196
e-mail: sarah.cornell@brighton-hove.gov.uk

Dear Mr English

Street Trading Consent Zone B
Local Government (Miscellaneous Provisions) Act 1982

I refer to my visit yesterday, concerning complaints we have received regarding street trading in John Street, Brighton. I write to remind you to operate in accordance with your current permit and ensure that all relevant conditions are strictly complied with, particularly the following:

B. The Trader shall not stand or use any stall, barrow or basket or other receptacle or any mobile stall or vehicle in any street except such as are specified in the consent. Such stall, barrow etc. shall be removed from the specified site at the end of each trading day for storage at a location that is not on the public highway.

F. The Trader shall operate in a manner which causes no nuisance to the Council or to the general public.

I enclose a copy of the full conditions for your information.

Thank you for your cooperation and if you have any queries with regard the contents of this letter, please do not hesitate to contact me on the above details.

Yours sincerely,

Sarah Cornell
Licensing Officer, Licensing Team
Environmental Health & Licensing

*If requested by a third party under the provisions of the **Freedom of Information Act 2000** the contents of this letter may be disclosed by Brighton & Hove City Council. For further advice please contact (01273) 291207 or search our website on www.brighton-hove.gov.uk/foi*

Mr Jamie P English

Date: 29th March 2011
Our Ref: 2011/02141/LICSTT/EH
Phone: 01273 295801
Fax: 01273 292196
e-mail: sarah.cornell@brighton-hove.gov.uk

Dear Mr English

Street Trading Consent Zone B – Formal Warning
Local Government (Miscellaneous Provisions) Act 1982

I refer to my letter dated 23rd February 2011 reminding you of the conditions attached to your street trading consent, particularly condition B below.

B. The Trader shall not stand or use any stall, barrow or basket or other receptacle or any mobile stall or vehicle in any street except such as are specified in the consent. Such stall, barrow etc. shall be removed from the specified site at the end of each trading day for storage at a location that is not on the public highway.

On the following occasions, officers from the Licensing department have witnessed your trailer ('Jamie's Kitchen', registration: X203 LJW) parked in John Street (on the side of the Job Centre):

- 17th March 2011 @ 22:15
- 23rd March 2011 @ 21:15
- 26th March 2011 @ 22:40

These occasions constitute 3 breaches of your street trading consent as they are in contravention of condition B.

As a result of this, this letter constitutes a **formal warning** and if we witness you operating again in contravention of your street trading consent, further enforcement action may be considered in light of the council's licensing enforcement policy. This may result in formal action through the courts where, if found guilty, you could be liable, to a fine of up to level 3 (currently £1,000).

Yours sincerely,

Sarah Cornell
Licensing Officer, Licensing Team
Environmental Health & Licensing

c.c. Parking enforcement, Brighton & Hove City Council (via email)

Mr Jamie P English

Date: 12th May 2011
Our Ref: 2011/01997/LICSTI
Your Ref:
Phone: (01273) 295801
Fax: (01273) 292196
e-mail: Sarah.cornell@brighton-hove.gov.uk

Dear Mr English

**Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 Para 7(2)
Part III and Schedule 4 – Street Trading Consent Zone B**

I refer to my letters dated 23rd February & 29th March 2011 (a formal warning letter) and telephone conversations on 31st March & 28th April 2011, reminding you of the conditions attached to your street trading consent, particularly condition B below.

B. The Trader shall not stand or use any stall, barrow or basket or other receptacle or any mobile stall or vehicle in any street except such as are specified in the consent. Such stall, barrow etc. shall be removed from the specified site at the end of each trading day for storage at a location that is not on the public highway.

On the following occasions, officers from the Licensing department have witnessed your trailer ('Jamie's Kitchen', registration: X203 LJW) parked in John Street (on the side of the Job Centre):

- 17th March 2011 @ 22:15
- 23rd March 2011 @ 21:15
- 26th March 2011 @ 22:40
- 6th April 2011 @ 22:31
- 15th April 2011 @ 21:27
- 7th May 2011 @ 21:54

These occasions constitute 6 breaches of your street trading consent as they are in contravention of condition B.

If you continue to breach this condition you will leave the Council no alternative than to revoke your consent.

To avoid the need to revoke your consent, please confirm in writing that you will be complying with this condition within seven days. We will continue to monitor the situation.

L147 Oct '02

I look forward to hearing from and if you have any queries on this issue please do not hesitate to contact me.

Yours sincerely

Sarah Cornell
Senior Licensing Officer
Licensing Team
Environmental Health & Licensing

c.c. Highways Enforcement, Brighton & Hove Council (via email)

Mr Jamie P English

Date: 14th July 2011
Our Ref: 2011/01997/LICST1
Your Ref:
Phone: (01273) 295801
Fax: (01273) 292196
e-mail: Sarah.cornell@brighton-hove.gov.uk

Dear Mr English

**Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 Para 7(2)
Part III and Schedule 4 – Street Trading Consent Zone B**

I refer to my letters dated 23rd February, 29th March 2011 (a formal warning letter) and 12th May 2011 warning of our right to revoke your consent (copies of letters enclosed for your reference). Various telephone conversations have also taken place, reminding you of the conditions attached to your street trading consent, particularly condition B below and discussing the contents on my letters.

Condition B: The Trader shall not stand or use any stall, barrow or basket or other receptacle or any mobile stall or vehicle in any street except such as are specified in the consent. Such stall, barrow etc. shall be removed from the specified site at the end of each trading day for storage at a location that is not on the public highway.

You have confirmed that you have bought a vehicle that is able to tow your burger trailer away but officers are still witnessing the vehicle parked overnight in the same place in John Street. It has been made clear to you that this condition applies to all street traders within the city and there are no exceptions to this. Therefore, irrespective of parking problems and/or problems with your vehicle, the Licensing Authority considers it is your responsibility to ensure compliance with this condition.

In light of the continued breach of the above condition and the amount of time you have been given to rectify the situation, without success, **I am now writing to inform you that your street trading consent (ref. no. 2011/00488/STB) has been revoked. You must therefore cease trading immediately.** I must advise you that it is an offence to engage in street trading without authorisation to do so (Sch 4 Para 10(1)). A person guilty of such an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale".

There is no statutory right of appeal to a Magistrates Court against revocation of a street trading consent. However, the Council's 'Protocol For Licensing Decisions' offers you the right to an informal internal appeal to the Licensing Committee (Non Licensing Act 2003 Functions). Your appeal must be made in writing within 21 days.

LI47 Oct '02

Following receipt of any appeal a hearing date will be set within a reasonable time period. You will be invited to speak in support of your application and you are allowed to be accompanied by a legal or other representative who can also speak on your behalf. You are advised to seek independent legal advice regarding this matter.

If you have any queries on this issue please do not hesitate to contact me.

Yours sincerely

Sarah Cornell
Senior Licensing Officer
Licensing Team
Environmental Health & Licensing

BRIGHTON & HOVE CITY COUNCIL	
ENVIRONMENTAL HEALTH & LICENSING	DATE RECEIVED
18 JUL 2011	

16-7-11

TO WHOM THIS MAY CONCERN

I am a street trader in Brighton on John Street. I am appealing on my licence being revoked.

I have just started my business and have loans to pay.

I also have a family to feed and bills to pay taking my licence away from me means that I need to go back to the job centre. I thought that the government want people in work not out of work.

I know that Sarah Cornell sent me letters about me leaving my Burger van on John Street. But I

I had told her that there is a big cleaning van blocking me in at the back of my van which is parked on yellow lines every day so could I move my van when being blocked in.

and also I told her that I need to fix my van which I have now done and am now already taking my van home because the man with the van blocking me in was refusing to move.

But but now has move which make easy for me to get out. So I start taking my van home and received a letter saying that my licence had been revoked if my licencing officer would have phoned me she would have know that I had stated taking my van home and we would not be

IN THIS MESS

If you want to phone me my
phone number is [REDACTED]
AND ADDRESS IS [REDACTED]
whitehawk. BRIGATE [REDACTED]

THANKS.

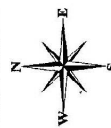
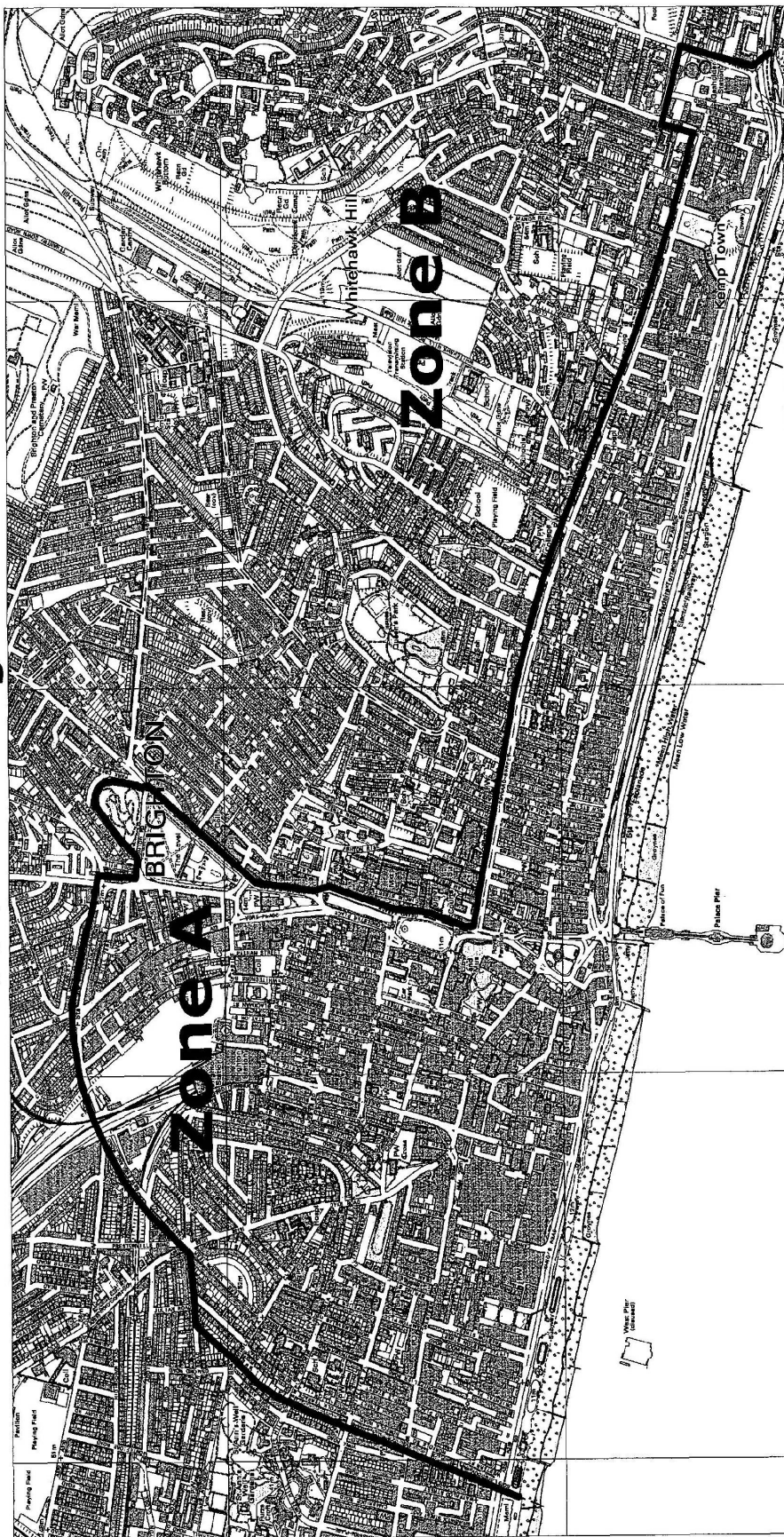
your Sincerely

MR J English

APPENDIX E



Street Trading Zones



Public Safety

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Date: 25/10/07 Scale 1:10000



