



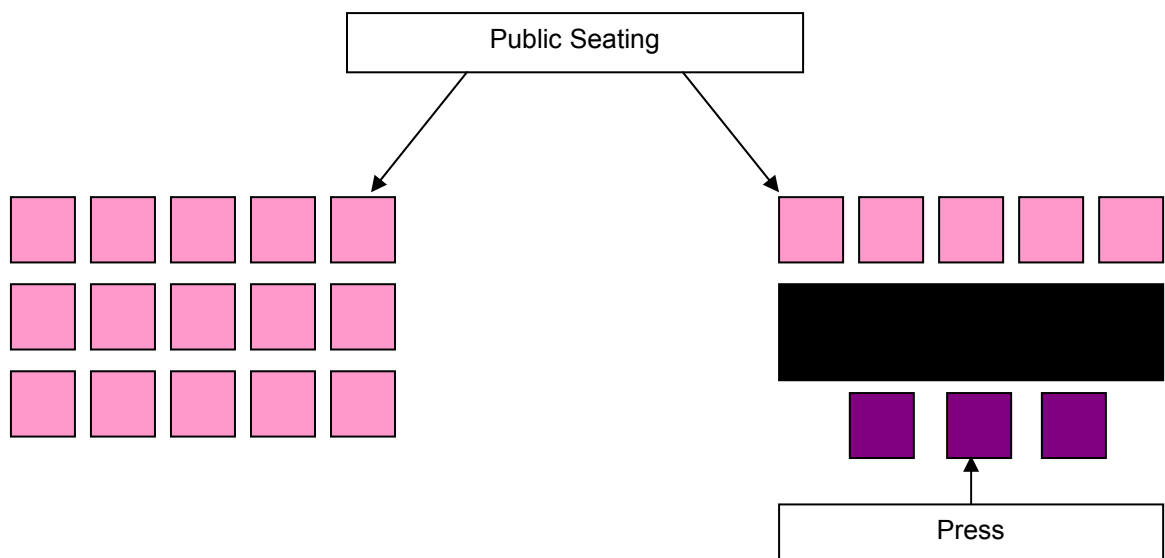
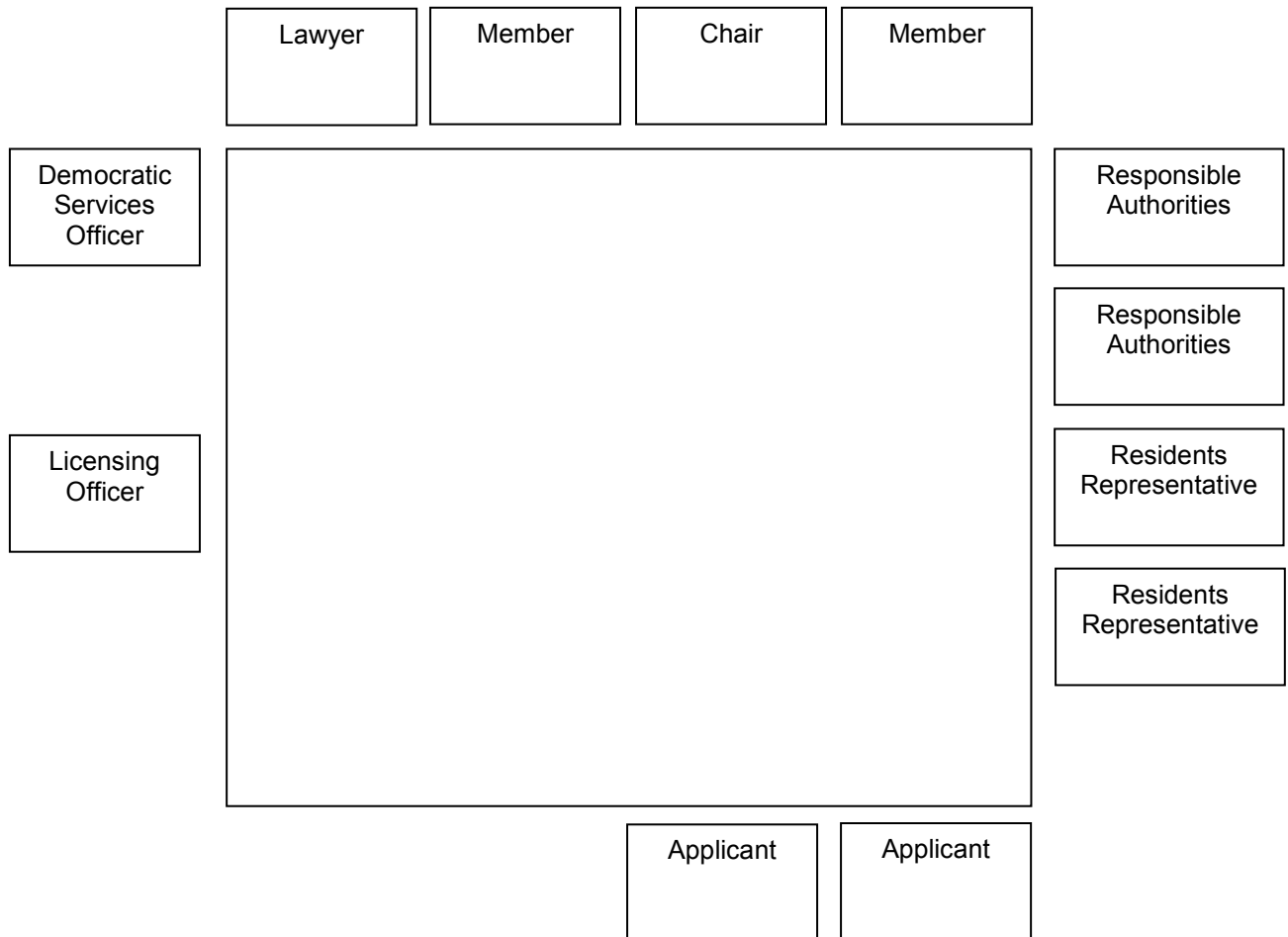
# Licensing Panel

## (Licensing Act 2003 Functions)

Title:	<b>Licensing Panel (Licensing Act 2003 Functions)</b>
Date:	<b>8 October 2010</b>
Time:	<b>2.00pm</b>
Venue	<b>Committee Room 1, Hove Town Hall</b>
Members:	<b>Councillors:</b> Lepper, C Theobald and Wrighton
Contact:	<b>Penny Jennings</b> 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

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**49. TO APPOINT A CHAIRMAN FOR THE MEETING**

**50. 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.*

**51. APPLICATION FOR VARIATION OF PREMISES LICENCE :CAPS AND SARASOTA, 5-6 WESTERN ROAD 1 - 60**

Report of Head of Environmental Health and Licensing (copy attached)

Contact Officer: Sarah Cornell Tel:29 - 580i

Ward Affected: Brunswick & Adelaide;

**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](mailto:penny.jennings@brighton-hove.gov.uk) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Thursday, 30 September 2010

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

## **Agenda Item 51**

Brighton & Hove City Council

<b>Subject:</b>	<b>Application for a Variation of a Premises Licence under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>Caps and Sarasota, 5-6 Western Road, Hove</b>		
<b>Applicant:</b>	<b>Laden Eshgi-Nikkah and Mehrdad Eshgi-Nikkah</b>		
<b>Date of Meeting:</b>	<b>08 October 2010</b>		
<b>Report of:</b>	<b>Head of Environmental Health and Licensing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Sarah Cornell</b>	<b>Tel: (01273) 295801</b>
	<b>E-mail:</b>	<b>Sarah.cornell@brighton-hove.gov.uk</b>	
<b>Wards Affected:</b>	<b>Brunswick And Adelaide</b>		

### **FOR GENERAL RELEASE**

#### **1. SUMMARY AND POLICY CONTEXT:**

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

#### **2. RECOMMENDATIONS:**

2.1 To determine an application for a **Variation of a** Premises Licence under the Licensing Act 2003 for **Caps and Sarasota**.

2.2.1 The application is for:

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

The applicant originally applied for:

Whilst it is currently a basement night club style premise and ground floor bar and entertainment venue with some refreshments, the proposal is to change the hours on both floors by extending them to 06:00 on all days of the week with licensable activities ceasing at 05:30.

Although the two floors will continue to run as separate venues for customers to save them having to go out onto the street if they are moving from one to the other

there will be an internal manned door on the ground floor by the entrance allowing internal passing back and forth under the control of the door supervisors required to already be in position.

To extend the hours that people are allowed outside with a drink so as they are restricted between 01:00 and 10:00 each day.

The application has since been amended to only extend hours for all licensable activities until 03:30 on a Friday and Saturday, with opening hours until 04:00.

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

### 2.3 Summary table of existing and proposed activities

	<b>Existing</b>	<b>Proposed</b>
<b>E Live music</b>	Ground Floor and Basement Every Day 10:00 – 02:00	Indoors Ground Floor and Basement Playing of live music may accompany recorded music on either floor and is likely to consist of short sessions mainly during the evening Sun – Thurs: As existing Fri – Sat: 10:00 - 03:30
<b>F Recorded Music</b>	Ground Floor and Basement Every Day 10:00 – 02:00	Indoors Ground Floor and Basement Recorded music played through the in house system with different systems on either floor Sun – Thurs: As existing Fri – Sat: 10:00 - 03:30

<b>G Performance of Dance</b>	Ground Floor and Basement Every Day 10:00 – 02:00	Indoors Ground Floor and Basement  The basement has a dance floor and may be used for dance performance but either floor may be used to demonstrate dance along side performance by musicians  Sun – Thurs: As existing Fri – Sat: 10:00 - 03:30
<b>H Anything of a similar description within e, f ,or g</b>	Ground Floor and Basement Every Day 10:00 – 02:00	Indoors Ground Floor and Basement  Karaoke or DJ's playing recorded music on either floor  Mainly in the basement but at times on either floor in all cases through the in house systems provided  Sun – Thurs: As existing Fri – Sat: 10:00 - 03:30
<b>I Provision of facilities for making music</b>	Ground Floor and Basement Every Day 10:00 – 02:00	Indoors Ground Floor and Basement  There will be a separate in house amplification system for each floor with associated speakers, DJ counsule, CD decks etc  Sun – Thurs: As existing Fri – Sat: 10:00 - 03:30

<b>J Provision of facilities for dancing</b>	Ground Floor and Basement Every Day 10:00 – 02:00	Indoors Ground Floor and Basement  There is a dedicated dance floor in the basement. There is no dance floor on the ground floor, dancing is not encouraged but may break out spontaneously in which case the management would ensure it was controlled and there was no obstruction  Sun – Thurs: As existing Fri – Sat: 10:00 - 03:30
<b>L Late Night Refreshment</b>	Ground Floor Every Day 23:00 – 02:30	Indoors Ground Floor  Only on the ground floor and consisting of light hot snacks from a microwave or hot drinks  Sun – Thurs: As existing Fri – Sat: 10:00 - 03:30
<b>M Supply of Alcohol</b>	On the Premises Every Day 10:00 – 02:00	On the premises  Drinks will not be allowed outside on the front private area after 01:00  Sun – Thurs: As existing Fri – Sat: 10:00 - 03:30
<b>O Hours premises are open to public</b>	Every Day 10:00 – 02:30	Sun – Thurs: As existing Fri – Sat: 10:00 - 04:00
<b>P Conditions removed as a consequence of the proposed Variation</b>	Any of the current conditions contained in the operating schedule restricting the hours in order they be replaced with the new proposed ones.  Amendment of condition 6 under annex 3 to read between the hours of 01:00 and 10:00	

## 2.4 Existing licence attached at Appendix C



### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

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

#### **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 Sixteen representations were received. They were received from local residents, Resident Associations, 2 Local Councillors, Sussex Police and the Environmental Protection Team
- 3.2.3 Representations received had concerns relating to Prevention of Crime and Disorder, Prevention of Public Nuisance and Protection of Children from Harm.
- 3.2.4 Full details of the representations are attached at Appendix F. A map detailing the addresses of the persons who have submitted the representations and their location in relation to the premises is attached at Appendix G.

### **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 D** of the SoLP details two areas of the Brighton city centre which border the Cumulative Impact area 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 E** 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 E**. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.

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

#### 2.5.1 Diversity of premises

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

#### 2.5.5 Care, control and supervision of premises

The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The Police will consider the applicants, objecting to the application where appropriate. The Police will suggest crime prevention measures in relation to, for example, the internal layout of the

premises, close circuit television, help points, lighting and security staff. The Police may ask for conditions which support such measures to be imposed when planning or licensing applications are granted, e.g. type of licence, capacity, opening time restrictions.

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

### **In respect of 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.

- 4.7 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.

### **In respect of the protection of children from harm**

- 5.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, the committee recommend that all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the licensing strategy group.
- 5.2 It is the committee's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them.
- 5.4 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:-
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
  - with a known association with drug taking or dealing;
  - where there is a strong element of gambling on the premises;
  - where entertainment of an adult or sexual nature is commonly provided.
  - where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons

Options may include:-

- limitations on the hours when children may be present;

- age limitations (below 18);
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18.

5.6 Where children are expected to attend a public entertainment, appropriate adult supervision will be required to control the access and egress of children and to protect them from harm. This will normally be an adult member of staff for every 100 children. Where the entertainment is music and dancing, 2 persons, licensed by the Security Industry Authority (door supervisors) should be employed for every 100 children. Nothing in this policy shall seek to override child supervision requirements contained in other legislation or regulations. The licensing authority recognises the Children, Families and Schools section as being competent to advise on matters relating to the protection of children from harm.

### **Strategic Integration**

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

### **In respect of Live music, Dancing and Theatre**

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

licence holder and to the risks presented. Only necessary, proportionate and reasonable licensing conditions should impose any restrictions on such events.

## **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: 20.09.2010

### **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: 20.09.2010

### **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 / Proposed / New Plan of Premises
3. Appendix C – Part A of Premises Licence
4. Appendix D – Brighton & Hove City Council – Special Stress Area
5. Appendix E – Measures to be considered in SSA's
6. Appendix F – Representations
7. Appendix G – 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 any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

**b) The prevention of crime and disorder**

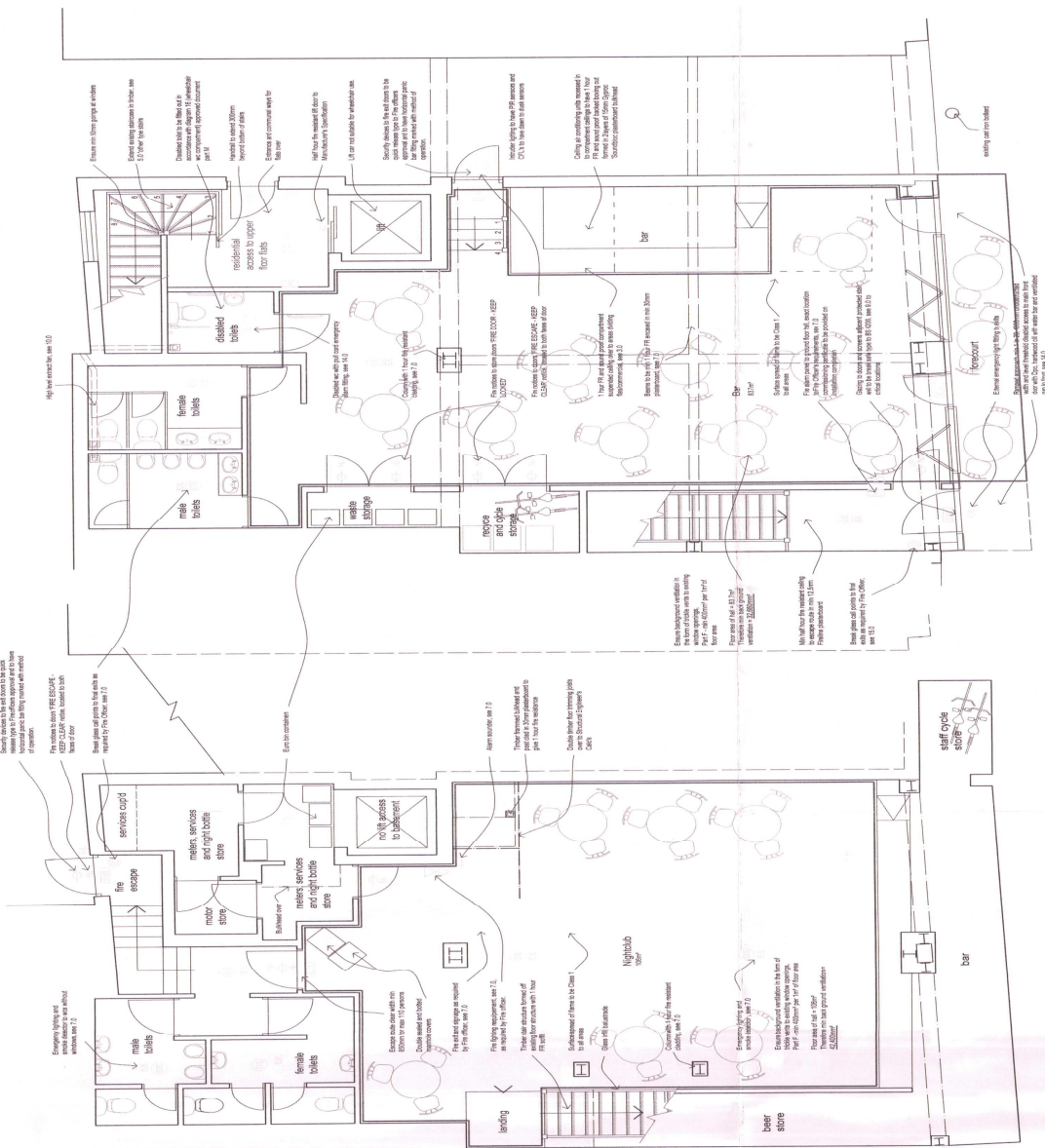
**c) Public safety**

**d) The prevention of public nuisance**

**e) The protection of children from harm**



## APPENDIX B



Ground Floor Plan @ 1/50

Basement Plan @ 1/50

[illegible]

**6. STRUCTURE:** Drawings to be used in conjunction with Structural Engineer's calculations and drawings. See Structural Engineer's calculations also for details and specification of all structural members including floor joists, beams, piers, inlets, bearings, pedestals, etc. Form trial holes to assess depth and construction of existing footings. Additional structural members or supporting tie bars in accordance with the Structural Engineer's requirements as found necessary. All elements of Structure to be min 1 ft fire resistant. Footing structure to be 8" thick and 12-15 mm Fiberglass plasterboard applied extending if found to be inadequate. Limits to have min 150mm bearing each side, precast concrete slabs to be 150mm deep and 12-15 mm Fiberglass plasterboard applied extending if found to be inadequate. Limits to have min 150mm bearing each side, precast concrete slabs to be 150mm deep and 12-15 mm Fiberglass plasterboard applied extending if found to be inadequate. Limits to have min 150mm bearing each side, precast concrete slabs to be 150mm deep and 12-15 mm Fiberglass plasterboard applied extending if found to be inadequate.

### 2.0 COMPARTMENT FLOOR CONSTRUCTION:

To ground and firm areas supporting the 1st floor, 2nd and 3rd floor slabs in accordance with approved document E2 of BS 5268-1 and all surrounding walls to follow with approved document E2 of BS 5268-1. To ground and firm areas supporting the 1st floor & 2nd floor slabs in accordance with approved document E2 of BS 5268-1 and all surrounding walls to follow with approved document E2 of BS 5268-1.

### 3.0 COMPARTMENTATION GENERALLY:

[illegible]

## ADDITIONS:

4.3. **PAINTING.** All landings and hallway walls to be 1/2 hour fire resistant lined with 12.5mm plasterboard. 100 or 75 x 50mm softwood C16 studwork @ 400mm c/c with head and sole plates and horizontal nogging @ 1200mm c/c. 15mm Gyproc 'bondibond' each side (to achieve min mass 10kg/m<sup>2</sup> each side) Or 12.5mm plasterboard each side and wire reinforced 25mm mineral wool (min density 10kg/m<sup>3</sup>) absorbent liner in cavity (min 75mm spacing between linings). All gaps between walls and floors to be sealed.

[illegible]

**RESEARCH DESIGN**

**6.0 TIMBER TREATMENT:** All structural and exposed timber to be treated with preservative against rot and infestation in accordance with British Standard Code of Practice 88. Treat cut ends liberally with treated preservative. All timber windows and door frames to be knotted and primed.

## 7.0 FIRE PROTECTION AND ESCAPE:

[illegible]

**8.0 FIRE DOORS:** See key for door symbols

**Min** ½ hour fire resistant doors as indicated with intumescent strip and smoke seal; paint steel butt hinges and min. 15mm<sup>2</sup> hardwood bedding each side. Doors not open onto stairwell and look to be operable in emergency without a key. Vaion panel min 0.1m<sup>2</sup> fireproof assembly test to BS 4786. Any fire doors required to be open onto stairwell and looks to be operable in emergency without a key. Vaion panels min 0.1m<sup>2</sup> fireproof assembly test to BS 4786. Part 22 p.31.1.

99 WINDOWS AND GLAZING

Windows and glazed doors to achieve an average U-value of 1.8 W/m<sup>2</sup>K in timber frame 15mm gap double glazed Low E with full draught excluding and weather stripping and not exceed 25% of the total floor area. Window frame head and joints to have mastic sealed externally and internally. External and internal oil boards to be Georgian sealed. Glazing below 800mm for windows and 1500mm high for doors or screens to be safety glass to BS 6206 class C. Half hour fire resistant glass to be Georgian sealed. Glazing below 800mm and 1500mm clear Pilkington Proglor<sup>®</sup>, all with min 15mm hardwood beading each side.

## 10.0 VENTILATION:

Main and other areas to have Rapid ventilation window opening of min 120% of floor area. Background ventilation of 400 per m<sup>2</sup> of floor area. Regulation Part F refers to current I.E.E regulations.  
Conditioning to achieve 1 litres per second or greater and designed in accordance with Building Regulation Part F refer to note 11.C. To current I.E.E provisions.

Commercial to have rapid ventilation window opening of min 120% of floor area. Background ventilation of 400 per m<sup>2</sup> of floor area. Ventilation provided through external wall.

Sitting area to have Rapid ventilation window opening of mins 120% of floor area. Background ventilation of 400 per m<sup>2</sup> of floor area. Ventilation provided by air conditioning to achieve 1 litrs per second or greater and designed in accordance with Building Regulation Part F. Air's mechanical extract fans min 15 litres/sec with 15 electric motor to drive fan.

#### 4.6 AIR CONDITIONING AND SPACE HEATING

[illegible]

The AIC is to have a max 10.3 Carbon Pe

**12.9 ABOVE GROUND DRAINAGE:**  
Above ground 110mm uPVC stacks with large radius bend to base and rodding access. SVP at head of the run terminating with cap, min 800mm above opening window  
within 3000mm and provide weather collar passing through roof. Stub stack with air admittance valve to have vented housing and access panel. All appliances with  
above height. Above for

## sinks up to 3000mm length, 50mm throat

**13.9 ELECTRICAL SAFETY:** Electrical commissioning certificate to BS 7671 to be provided by suitably qualified person in respect of the design, installation and testing of relevant electrical installations upon completion of the works. Evidence of qualification to be provided.

#### 4.0 ACCESS/FACILITIES FOR DISABLED

[illegible]



## **APPENDIX C**

### **Schedule 12**

#### **Part A**

**Regulation 33, 34**

### **Premises Licence**

#### **Brighton and Hove City Council**

**Premises Licence Number**

1445/3/2008/02156/LAPREV

#### **Part 1 – Premises Details**

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

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

**Telephone number** 07980 680 352

**Where the licence is time limited the dates**

**Licensable activities authorised by the licence**

Performance of Dance	Dancing
Making music	Entertainment of a similar description
Performance of Live Music	Performance of Recorded Music
Late Night Refreshment	Sale by Retail of Alcohol

**Times the licence authorises the carrying out of licensable activities**

**Performance of Dance**

Every Day	10:00 - 02:00	Ground floor and basement.
<b>Dancing</b>		
Every Day	10:00 - 02:00	Ground floor and basement.
<b>Making music</b>		
Every Day	10:00 - 02:00	Ground floor and basement.
<b>Entertainment of a similar description</b>		
Every Day	10:00 - 02:00	Ground floor and basement.
<b>Performance of Live Music</b>		
Every Day	10:00 - 02:00	Ground floor and basement.
<b>Performance of Recorded Music</b>		
Every Day	10:00 - 02:00	Ground floor and basement.
<b>Late Night Refreshment</b>		
Every Day	23:00 - 02:30	Only on the ground floor
<b>Sale by Retail of Alcohol</b>		
Every Day	10:00 - 02:00	Ground floor and basement.

#### **The opening hours of the premises**

Every Day 10:00 - 02:30

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

Alcohol is supplied for consumption on the Premises.

## **Part 2**

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

Laden And Mehrdad Eshghi-Nikkhah

Caps

5 - 6 Western Road

Hove

East Sussex

BN3 1AE

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

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

Laden Eshghi-Nikkhah

5 - 6 Western Road

Hove

East Sussex

BN3 1AE

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

Party Reference: 2005/03492/LAPERL Licensing Authority: Brighton & Hove City Council

## **Annex 1 – Mandatory conditions**

S 19; mandatory conditions where licence authorises supply of alcohol

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

S 21; mandatory condition: door supervision :

- where a premises licence includes a condition relating to security activity, the licence must include a condition that each individual must be licensed by the Security Industry Authority.

## **Annex 2 – Conditions consistent with the Operating Schedule**

### **For the prevention of crime and disorder:**

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

**Public Safety: N/A**

**The Prevention of Public Nuisance: see Annex 3**



### **The Protection of Children from Harm:**

2. The premises shall 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 licences 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.
3. Children under the age of 16 will not be admitted to the premises after 24.00 hours.

### **Annex 3 – Conditions attached after hearing by the licensing authority 26<sup>th</sup> January 2009**

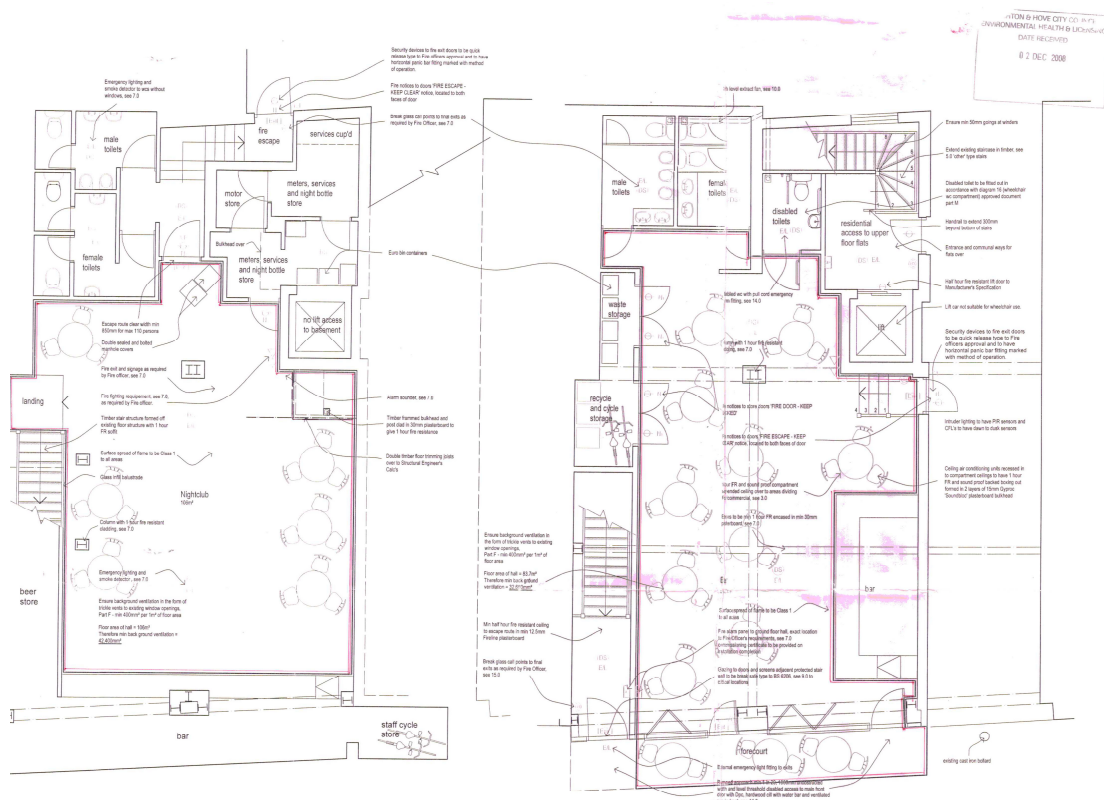
#### **For the prevention of crime and disorder:**

4. At any time the basement is open from 20:00 onwards then a minimum of one Door Supervisor shall be on duty with the responsibility of controlling the entrance to the Basement and at any time on a Friday, Saturday or Sunday of a Bank Holiday Weekend when the Ground Floor venue is open, then from 22:00 hours an additional Door Supervisor with the sole responsibility of controlling entrance to the Ground Floor will also come on duty. Both Door Supervisors or their replacements will remain on duty until their particular venue closes to the public, but if both venues are open after 22:00 on a Friday, Saturday or Sunday of a Bank Holiday Weekend then one additional Door Supervisor [thus a minimum of three Door Supervisors after 22:00 when both floors are open] will always be employed, and at all times when either venue is open then a risk assessment will be carried out by the DPS or other responsible person and Door Supervisors additional to the stated minimum requirements will be employed based on that risk assessment and with specific roles to either one or both venues as is required.

#### **The Prevention of Public Nuisance:**

5. The front doors and windows on the ground floor must be kept shut when any regulated entertainment is being performed except for entry and exit.

6. No drinks are to be taken outside between 23:00 and 10:00.
7. All Live and Recorded music to be controlled via noise limiting devices and these are to be set at levels agreed by the Licensing Authority.



Placement Plan @ 1/50

Ground Floor Plan @ 1/50

- Fire extinguisher** (see p. 75)
- Emergency lighting (see p. 100) (performance to be based on compliance)
- Smoke detectors, or BS 5839 (smoking materials)
- Heat detectors (to monitor unwanted vehicles, see above)
- Alarm audibles, or BS 5839
- Break glass call points
- Fire alarm indicator panel
- Fire safety signs in accordance with BS 5499 Part 1 and Health & Safety (Safety Signs and Signals) Regulations 1996
- Fire alarm control panel  
FIRE CONTROL - KEEP LOCKED
- WYE ESCAPE - KEEP CLEAR route, located to external alarm
- WYE ESCAPE - KEEP CLEAR route, located to external alarm
- WYE (warning panel) signs, check above door openings
- Warning panel during the lighting operation, to comply with BS 5499 Part 1
- Extinguisher, well maintained on brackets, up to compliance with 1.3m above door, appliance to be regularly maintained
- Section 4.6.2**
- 3000 half hour fire resistance with self-closing device
- 3000 half hour fire door 'German standard' up to 810 kg weight
- Outline of relevant product data

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	AH	AI	AJ	AK	AL	AM	AN	AO	AP	AQ	AR	AS	AT	AU	AV	AW	AX	AY	AZ	BA	BB	BC	BD	BE	BF	BG	BH	BI	BJ	BK	BL	BM	BN	BO	BP	BQ	BR	BS	BT	BU	BV	BW	BX	BY	BZ	CA	CB	CC	CD	CE	CF	CG	CH	CI	CJ	CK	CL	CM	CN	CO	CP	CQ	CR	CS	CT	CU	CV	CW	CX	CY	CZ	DA	DB	DC	DD	DE	DF	DG	DH	DI	DJ	DK	DL	DM	DN	DO	DP	DQ	DR	DS	DT	DU	DV	DW	DX	DY	DZ	EA	EB	EC	ED	EE	EF	EG	EH	EI	EJ	EK	EL	EM	EN	EO	EP	EQ	ER	ES
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## APPENDIX D

### 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 E

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





Document is Restricted



## BHCC A4 Portrait Plot

CAPS & SARASOTA. 5-6 WESTERN ROAD. HOVE



