

# Licensing Panel (Licensing Act 2003 Functions)

Date:           **4 March 2022**

Time:           **10.00am**

Venue           **Virtual**

Members:   **Councillors:** Deane, Simson and Theobald

Contact:       **Clare Chapman**  
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# AGENDA

## 1 TO APPOINT A CHAIR FOR THE MEETING

### WELCOME & INTRODUCTIONS

## 2 PROCEDURAL BUSINESS

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

(b) **Declarations of Interest:**

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

In each case, you need to declare

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

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(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.

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A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

## 3 REAL GREEK GYROS LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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Contact Officer: Kerrie Denton  
Ward Affected: Queen's Park

Date of Publication - Thursday, 24 February 2022

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For further details and general enquiries about this meeting contact Clare Chapman, (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)

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# Licensing Panel (Licensing Act 2003 Functions)

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>Real Greek Gyros 116 -117 St James's Street Brighton East Sussex BN2 1TH</b>		
<b>Applicant:</b>	<b>Karwan Abba</b>		
<b>Date of Meeting:</b>	<b>04 March 2022</b>		
<b>Report of:</b>	<b>Executive Director of Housing, Neighbourhoods &amp; Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Sarah Cornell</b>	<b>Tel: (01273) 295801.</b>
	<b>Email:</b>	<b>Sarah.Cornell@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>Queen's Park</b>		

## 1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a **Variation of a Premises Licence** under the Licensing Act 2003 for **Real Greek Gyros**.

## 2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a **Variation of a Premises Licence** under the Licensing Act 2003 for **Real Greek Gyros**.

## 3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a Variation of a Premises Licence under the Licensing Act 2003. The application proposes the two premises 116 and 117 St James's Street have now merged into one, so would like the current licence to have effect for 117 also. The premises is still active as a take-away and dine in restaurant. The premises is willing to serve alcohol on premises with vertical dining purpose only.
- 3.2 Section 16 of the application and email from Sussex Police confirming conditions is detailed at Appendix A and new plan of the premises is attached at Appendix B.

**3.3** Summary table of **existing and** proposed activities .

	<b>Existing</b>	<b>Proposed</b>
<b>Late Night Refreshment</b>	Monday – Saturday 23:00 – 00:00 Indoors only.	
<b>Supply of Alcohol</b>	None	Monday – Sunday 12:00 – 23:30 Sunday 12:00 – 22:30 On Premises
<b>Hours premises are open to public</b>	Monday – Saturday 11:00 – 00:00 Sunday 12:00 – 23:00	Monday – Saturday 11:00 – 00:00 Sunday 12:00 – 23:00

**3.4** Existing licence attached at Appendix C

**3.5** Cumulative Impact. The premises falls within the Cumulative Impact Area (“The Area”) (see paragraphs 3.1 – 3.1.10).

**Representations received**

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

**3.7** 3 representations were received. They were received from local residents.

**3.8** Representations received had concerns relating to Cumulative Impact, Prevention of Public Nuisance.

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

**4. COMMENTARY ON THE LICENSING POLICY**

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

**1 Introduction**

**1.1** This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. This policy takes effect from the 4th February 2021. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if ‘relevant



representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol.
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club.
- The provision of regulated entertainment.
- The provision of late night refreshment.

## **1.2 The licensing objectives are:**

- (a) the prevention of crime and disorder.
- (b) public safety.
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

## **1.3 Scope**

1.3.1 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. 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.

## **3 Special Policies and Initiatives**

### **3.1 Cumulative impact**

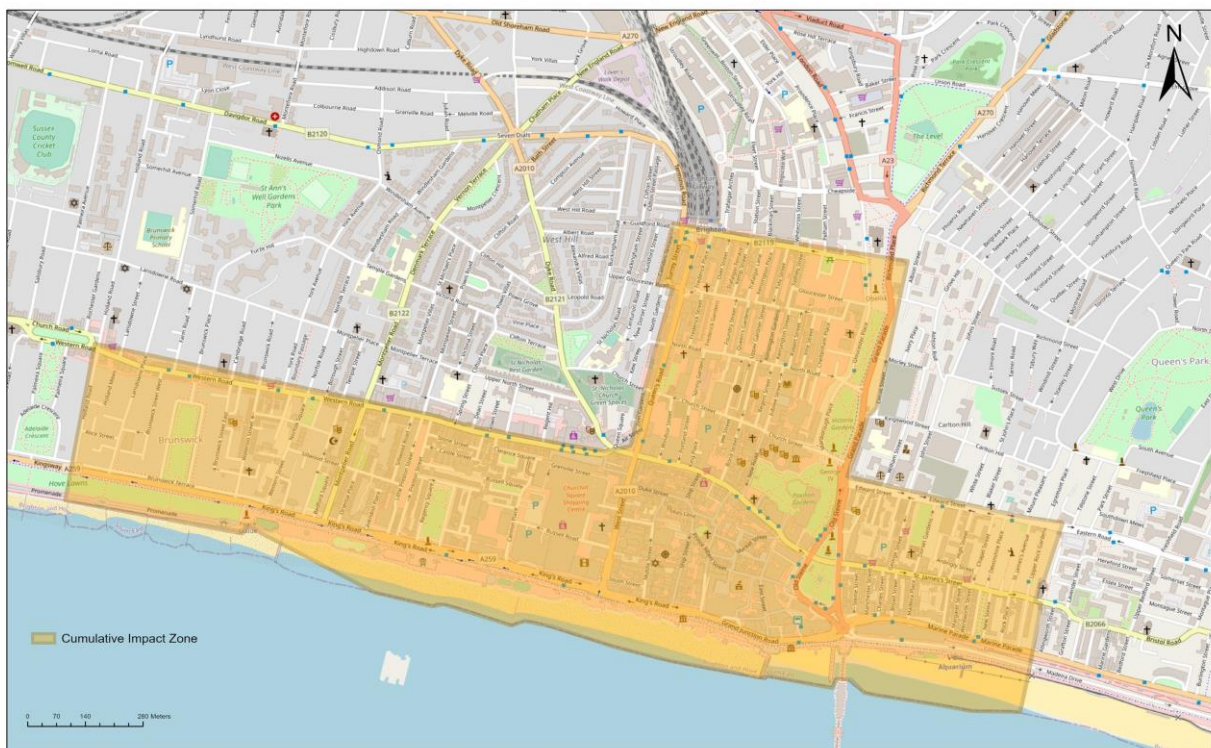
3.1.1 The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore, does not form part of this licensing policy statement.

3.1.2 **Special Policy** - Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

3.1.3 The licensing authority, after careful consideration, has determined that the concentration of licensed premises in an area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to 'Cumulative Impact' is necessary as part of its statement of licensing policy. The first Special Policy incorporating a Cumulative Impact Zone (CIZ) and Special Stress Areas (SSA's) was adopted in March 2008. Since that date, the licensing authority has kept the CIZ and SSA's under review. On 15 December 2011 Full Council resolved to expand the CIZ and the special stress area, covering 1.5% of the administrative area of Brighton & Hove City Council. On 20th November 2014 Licensing Committee resolved to confirm the current CIZ and SSA as defined in the current Statement of Licensing Policy. On the 29th November 2018 Licensing Committee resolved to expand the SSA into Central Hove. It is now proposed to expand the SSA into Preston Road and Beaconsfield Road. The licensing authority has published a Cumulative Impact Assessment which can be found at Appendix E.

3.1.4 This special policy will refer to a Cumulative Impact Zone ("the CIZ") in the Brighton city centre, a detailed plan of which is shown below.

Cumulative Impact Zone, January 2021



Brighton & Hove Public Health Intelligence, 2021  
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3.1.5 The Cumulative Impact Zone comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Holland Road to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Air Street with the west side of Queens Road and then northward to the north-west corner of Surrey Street junction with Queens Road; thence along the north side of Trafalgar Street eastwards to its junction with York Place and continuing south-east across to Grand Parade, then south to the junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the

eastern sides of Upper Rock Gardens and Lower Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Holland Road; northward to that point and along the west side of Holland Road to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Holland Road.

3.1.6 The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.

3.1.7 This special policy also applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments. Off licences also come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder.

3.1.8 The presumption of refusal does not relieve responsible authorities or other persons of the need to make a relevant representation. If there are no representations, the licensing authority must grant the application in terms consistent with the operating schedule submitted.

3.1.9 Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the cumulative impact of the area, it may be granted. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant, theatre or live music venue (where alcohol is not the primary activity) may be considered exceptional circumstances. The fact that a premises will be/is exceptionally well managed with a well-qualified applicant, or that there are no residential premises nearby, will not be considered exceptional.

3.1.10 If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved.

### **3.3 The Matrix Approach**

#### **The Licensing Authority will support:**

3.3.1 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.

3.3.2 A “matrix” approach to licensing decisions has been adopted and is set out below. It provides a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investor and businesses making applications.

Matrix approach for licensing decisions in a Statement of Licensing Policy (times relates to licensable activities)

	<b>Cumulative Impact Area</b>	<b>Special Stress Area</b>	<b>Other Areas</b>
<b>Restaurant</b>	Yes (midnight)	Yes (midnight)	Yes (midnight)
<b>Café</b>	Yes (10 pm)	Yes (10 pm)	Yes (10 pm)
<b>Late Night Takeaways</b>	No	Yes (midnight)	Yes (midnight)
<b>Night Club</b>	No	No	No
<b>Pub</b>	No	Yes (11pm)	Yes (midnight)
<b>Non-alcohol lead (e.g. Theatre)</b>	Yes (favourable)	Yes (favourable)	Yes (favourable)
<b>Off-licence</b>	No	No	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
<b>Members Club (club premises certificate)</b>	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes

Notes on matrix

Subject to the following notes, the policy, as represented in the matrix, will be strictly adhered to:

- 1) Each application will be considered on individual merit

2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.

3) Departure from the matrix policy is expected only in exceptional circumstances

4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.

5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).

6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.

7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or cafes, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing on our website [www.brighton-hove.gov.uk/licensingact](http://www.brighton-hove.gov.uk/licensingact).

8) In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops.

9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The licensing authority will have regard to Noise Council guidance.

10) Non-alcohol led category does not include "alcohol in shared workplaces". It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on "alcohol in shared workplaces" please see paragraph 3.3.4-3.3.6.

**3.3.3 Cafes** - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following conditions that will prevent the premises becoming a public house.

- The sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables.
- Substantial food shall be available at all times. The licensing authority shall judge each case on its own merits but as a general rule, a bowl of crisps, nuts, or olives does not constitute substantial food.

**3.3.3 Restaurants** - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following restaurant condition.

- Intoxicating liquor shall not be supplied or sold on the premises otherwise than to persons taking table meals there and for the consumption by such a person as an ancillary to their meal. There will be no vertical drinking.
- Restaurants with outside service - the licensing authority will also consider applications from restaurants that request to serve alcohol to areas adjacent to or immediately outside their premises. In addition to the above conditions for cafes, the licensing authority will require evidence that the applicants have an agreement with the local authority to use the area as defined on a plan provided. The following condition may also apply:
- The sale and supply of alcohol for consumption off the premises shall be restricted to an area licensed by the Local Authority for use of the public highway as shown on the plan deposited and such area shall be defined by a physical barrier acceptable to the licensing authority.

## **6 Prevention of Public Nuisance**

The following details and measures are intended to address the need for the prevention of public nuisance which may be associated with licensed premises and certificated club premises:

6.1.1 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, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (eg in order to smoke).

6.1.2 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. Noise emanating from within licensed premises should not normally be audible outside.

6.1.5 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.

6.1.6 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 6.2 below).

## **6.2 Smoking Advice**

6.2.1 Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc. have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence you may find it necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for

rapid police response and alert other venues where customers and staff are endangered.

- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.
- Use CCTV to manage outside areas.

6.2.2 Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

## **8 Integration of Strategies**

8.1.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by:-

- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
- Liaising and consulting with Public and Alcohol Programme Board
- Liaising and consulting with the East Sussex Fire & Rescue Service
- Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
- Liaising and consulting with the Planning authority
- Liaising and consulting with the Highways authority
- Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
- Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice

8.1.2 In line with statutory requirements and the council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.

8.1.3 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.

8.1.4 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.



8.1.5 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. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.

8.1.6 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.

## **APPENDIX A – Licensing Best Practice Measures**

Best Practice Measures to be included for consideration, in particular in SSA:  
Matters that would normally be expected in operating schedules:

- the adoption of a policy (e.g. Challenge 25) 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

Items to which positive consideration would be given:

- membership of Business Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of 'Night Safe' 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

Recommend best practice for both on and off premises

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences
- Signage on premises should set out legal duties
- Voluntary restriction of high strength alcohol – operating schedules may be used to limit high ABV beers and ciders
- Staff training – in addition to personal licence holders training, staff must be adequately trained for duties
- Challenge 25 would be the norm, particularly in the off licence trade
- Signage – proxy sale – deterrence

## 5. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

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

*Finance Officer Consulted Michael Bentley*

*Date: 23/02/22*

### Legal Implications:

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

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

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

*Lawyer Consulted: Rebecca Sidell*

*Date: 23/02/22*

### Equalities Implications:

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

### Sustainability Implications:

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

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Appendix A – Section 16 of the Application and email from Sussex Police confirming conditions
2. Appendix B –New Plan of Premises
3. Appendix C – Part A of Premises Licence
4. Appendix D – Representations
5. Appendix E – Map of area

### **Documents in Members' Rooms**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018.

Public Health Framework for assessing Alcohol Licensing. Annual Report – Ward. 5<sup>th</sup> edition. Public Health Intelligence. January 2019

### **Background Documents**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.



## Appendix A

<b>Section 16 of 18</b>
<b>LICENSING OBJECTIVES</b>
Describe the steps you intend to take to promote the four licensing objectives: a) General – all four licensing objectives (b,c,d,e) List here steps you will take to promote all four licensing objectives together. <div style="border: 1px solid black; padding: 5px;"><ol style="list-style-type: none"><li>1. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.</li><li>2. Intoxicating liquor shall not be supplied or sold or supplied on the premises otherwise than to persons taking table meals there and for the consumption by such a person as an ancillary to their meal.</li><li>3. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the premises.</li><li>4. Alcohol will be served by waiter/waitress service to persons seated at tables and ancillary to a main table meal only. There will be no vertical drinking.</li><li>5. There will be no off sales of alcohol under this licence.</li><li>6. Any outside area as shown on the plans will be subject to approval for use by the lease holder or relevant pavement and chairs licence. Should the termination time of use on any outside area licence be early than that stated within the permitted times on this licence, the earlier times will apply.</li></ol></div>

*Continued from previous page...*

b) The prevention of crime and disorder

5. a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.

b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.

c) CCTV footage will be stored for a minimum of 31 days.

d) 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.

e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.

g) Any breakdown or system failure will be notified to the police immediately and remedied as soon as practicable.

h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

6. a) An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week.

b) The logbook should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.

c) Any refusals made for alcohol service e.g. underage, will be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty-four (24) months.

7. The premises will become a member of the Business Crime Reduction Partnership or similar scheme approved by the Licensing Authority. The scheme must operate, subject to local coverage, radios and additionally an exclusion/banning scheme of named individuals within both the day and night-time economy.

8. At all times the premises are open to the public, the management will contract the back-up services of an approved mobile support unit (MSU) 24 hours a day, with a minimum of 2 SIA registered Door Supervisors operating from it. A copy of the MSU contract will be retained at the premises and made available for immediate inspection upon request by Sussex Police or Council Officials. The MSU will be accredited by the Brighton Business Crime Reduction Partnership (BCRP) or other similar organisation approved by Sussex Police should the BCRP not be in existence.

c) Public safety

NONE

d) The prevention of public nuisance

9. Provide signage at all exits and outdoor area used for smoking by staff and patrons "Please respect the needs of local residents, including leaving quickly and quietly; do not disturb the neighbours"

10. That the placing of refuse, such as bottles into receptacles outside the premises takes place no later than 21-00hrs and no earlier than 07-00hrs.

11. Keep the premises and immediate vicinity free from litter at all times, including at close of trading.

e) The protection of children from harm

12. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of

**Continued from previous page...**

~~recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.~~

13. Signage advertising the 'Challenge 25' policy will be displayed in prominent locations in the premises.

14. a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive induction training. This training will take place prior to the selling of such products:

❖ The lawful selling of age restricted products

❖ Refusing the sale of alcohol to a person who is drunk

b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.

c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

**From:** Claire.Abdelkader@sussex.police.uk <Claire.Abdelkader@sussex.police.uk> **On Behalf Of** Brighton.Licensing@sussex.police.uk  
**Sent:** 26 January 2022 08:42  
**To:** EHL Safety <EHL.Safety@brighton-hove.gov.uk>  
**Cc:** Sarah Cornell <Sarah.Cornell@brighton-hove.gov.uk>; Emma Grant <Emma.Grant@brighton-hove.gov.uk>  
**Subject:** RE: Variation application for 116-117 St James's Street

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Sarah,

**116-117 St James's Street, Brighton, BN2 1TH**

**Application No: 1445/3/2022/00049/LAPREV**

With the conditions confirmed as below, Sussex Police have no representations to raise regarding the premises licence variation for 116-117 St James's Street, Brighton, BN2 1TH. The applicant consulted with Sussex Police prior to submitting their application and conditions have been agreed.

I have copied the applicant into this email and their confirmation re conditions can be seen below.

Many thanks.

Kind regards,

Claire

---

**Claire Abdelkader**  
Police Licensing Officer





**Brighton & Hove Licensing Unit : John Street, Brighton**

**Telephone:** 01273 404 535 **Ext:** 550828 **Mobile:** 07920 740958

**Twitter:** @SusPolLicensing @Sussex\_Police

(My working days are Monday, Tuesday and Wednesday. Please send any urgent enquiries outside of those days to [brighton.licensing@sussex.police.uk](mailto:brighton.licensing@sussex.police.uk))



**From:** Abdelkader, Claire 30390 **On Behalf Of** Brighton Licensing

**Sent:** 24 January 2022 14:28

**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>

**Cc:** Sarah Cornell <[Sarah.Cornell@brighton-hove.gov.uk](mailto:Sarah.Cornell@brighton-hove.gov.uk)>; Emma Grant <[Emma.Grant@brighton-hove.gov.uk](mailto:Emma.Grant@brighton-hove.gov.uk)>

**Subject:** FW: Variation application for 116-177 St James's Street

Dear Emma,

Please see below re Mac Doner (Real Greek Gyros) – they will go with offered condition 4) and remove 2).

Kind regards,

Claire

---

**Claire Abdelkader**  
Police Licensing Officer

**Brighton & Hove Licensing Unit : John Street, Brighton**



**Telephone:** 01273 404 535 **Ext:** 550828 **Mobile:** 07920 740958

**Twitter:** @SusPolLicensing @Sussex\_Police

(My working days are Monday, Tuesday and Wednesday. Please send any urgent enquiries outside of those days to [brighton.licensing@sussex.police.uk](mailto:brighton.licensing@sussex.police.uk))



**From:** Redacted <Redacted >

**Sent:** 24 January 2022 14:02

**To:** Brighton Licensing <[Brighton.Licensing@sussex.police.uk](mailto:Brighton.Licensing@sussex.police.uk)>

**Subject:** Re: Variation application for 116-177 St James's Street

**\*\*External Email- Think before you click. If you do not trust the sender, do not click on any links or open any attachments. Further information can be found [here](#).\*\***

Good afternoon Claire,

That's absolutely fine. As their intention does meet the description we can go ahead with offered condition.

Many thanks,

Derya Yilmaz

On 24 Jan 2022, at 13:59, [Brighton.Licensing@sussex.pnn.police.uk](mailto:Brighton.Licensing@sussex.pnn.police.uk) wrote:

Dear Derya,

Many thanks for coming back to me. I have been looking through the submitted application and just want to raise one thing. There are two conditions relating to table service – numbered 2) and 4). Are you happy to have the wording of 4) instead of 2)?

So the following will be removed:

~~2) Intoxicating liquor shall not be supplied or sold or supplied on the premises otherwise than to person taking table meals there and for the consumption by such a person as an ancillary to their meal.~~

And 4) retained alongside the other offered conditions:

4) Alcohol will be served by waiter/waitress service to persons seated at tables and ancillary to a main table meal only. There will be no vertical drinking.

If you could please come back to me confirming that your client is happy with the above.

Kind regards,

Claire

---

<image001.jpg>

**Claire Abdelkader**  
Police Licensing Officer

**Brighton & Hove Licensing Unit : John Street, Brighton**

**Telephone:** 01273 404 535 **Ext:** 550828 **Mobile:** 07920 740958

**Twitter:** @SusPolLicensing @Sussex\_Police

(My working days are Monday, Tuesday and Wednesday. Please send any urgent enquiries outside of those days to [brighton.licensing@sussex.police.uk](mailto:brighton.licensing@sussex.police.uk))

You can report crime and incidents online at

<https://www.sussex.police.uk/report-online>

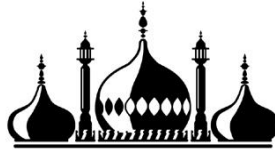
We want to know your views - see what's new and give us your feedback and suggestions at [www.sussex.police.uk](http://www.sussex.police.uk)

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# Brighton & Hove City Council

## Appendix C

### Schedule 12 Part A

Regulation 33, 34

## Premises Licence Brighton and Hove City Council

**Premises Licence Number**

1445/3/2016/05705/LAPRET

### Part I – Premises Details

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

Mac Doner  
116 St James's Street  
Brighton  
BN2 1TH

**Telephone number** 01273 875602

**Licensable activities authorised by the licence**

Late Night Refreshment

**Times the licence authorises the carrying out of licensable activities**  
**Late Night Refreshment**

Monday – Saturday 23:00 - 00:00

**The opening hours of the premises**

Monday - Saturday 08:00 - 00:00  
Sunday 09:00 - 23:00

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



## Brighton & Hove City Council

N/A

### Part 2

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

Redacted

Redacted

Redacted

Redacted

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

N/A

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

N/A





## Brighton & Hove City Council

### **Annex 1 – Mandatory conditions**

None

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

**For the Prevention of Crime and Disorder:** None.

**For Public Safety:** None.

#### **For the Prevention of Public Nuisance:**

Customers will be discouraged from congregating outside the premises.

**For the Protection of Children from Harm:** None.

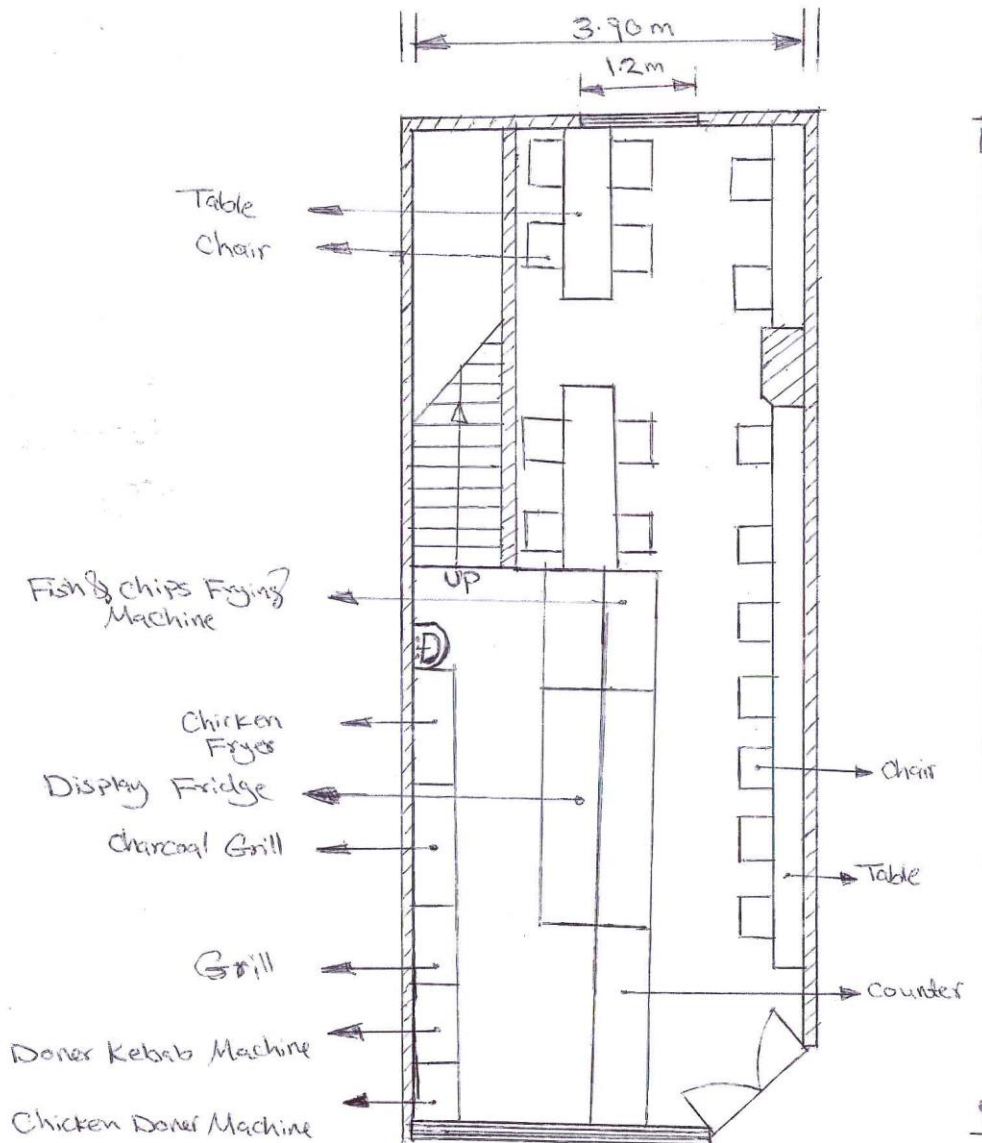
### **Annex 3 – Conditions attached after a hearing by the licensing authority**

1. The provision of late night refreshment shall be permitted Monday to Saturday from 23.00 to 24.00. The hours the premises are open to the public are Monday to Saturday 15.00 to 24.00 and on Sunday 15.00 to 23.00.  
(Above opening hours amended by Licensing Officer decision on 26/01/06 to: 'The hours the premises are open to the public are Monday to Saturday 08:00 to 24:00 and on Sunday 09:00 - 23:00'.)
2. A sign shall be displayed in a prominent position showing opening times for the provision of late night refreshment.
3. The licensee must take all reasonable steps to ensure that people on or leaving the premises conduct themselves in an orderly manner at all times and do not in any way cause annoyance to residents and people passing by the premises.



# Brighton & Hove City Council

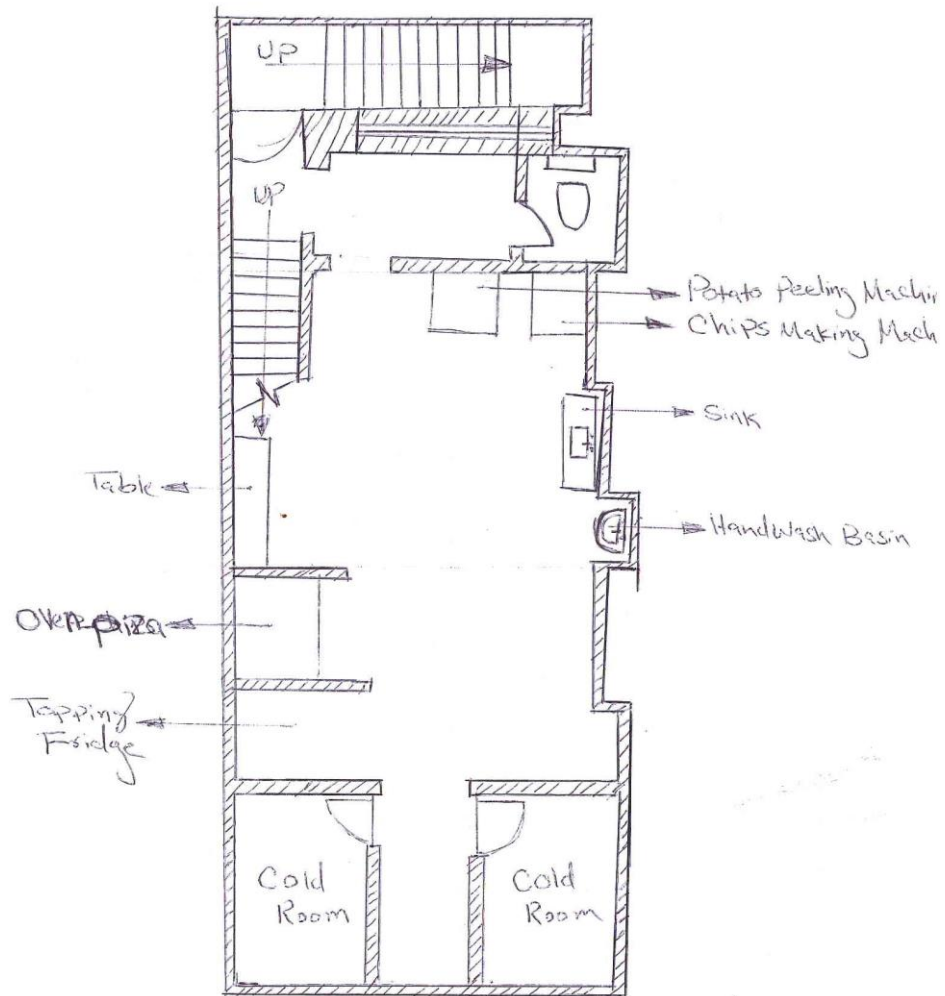
## Annex 4 – Plans



Ground Floor  
Scale 1:34



# Brighton & Hove City Council



Basement

Scale 1:50



## **Appendix D**

**From:** Redacted <Redacted>

**Sent:** 03 February 2022 22:46

**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>

**Subject:** Premises Licence Application Complaint - Licence - 1445/3/2022/00049/LAPREV

### **SC CON ENDS 04.02.22 VALID PNN (A)**

Hi,

<https://licensingregister.brighton-hove.gov.uk/licence/14453202200049laprev>

I would like to raise a serious concern with application number 1445/3/2022/00049/LAPREV. This is for Real Greek Gyros (116 St James Street BN2 1TH) which was opened with no planning permission with significant changes made to a grade 2 listed heritage building during lockdown.

The owners have unlawfully knocked through the the premises next door, essentially doubling the size of the business (allowing double the amount of customers), illegally created a patio area with a pergola, again with no planning permission which has been confirmed is required and now the venue is causing significant disruption to the residents of Charles Street through both noise and parking on Charles Street

They are trying to get a late licence for alcohol when there are many residential properties in close proximity and there are known issues with drinking on St James Street already.

The owners are allowing people to use the illegal patio area late at night which is causing significant distress due to noise created to the neighbouring properties

This business is an entirely new business and should not be allowed to simply alter an existing licence without the necessary checks. The business can now hold a significantly larger amount of customers which is causing lots of noise and those customers are now using Charles Street to park on. This is a known problem to the parking team as a result of this business and worth discussing with them.

I strongly oppose the changes to this licence and request that someone looks at it in great detail.

- It should not have a late licence for alcohol due to the known issues on St James Street and being in close proximity to nearby residents
- The patio is illegal and should not be used. It has no planning permission and has been built on land owned by 5 Charles Street
- The issue with parking on Charles Street due to the customers from this new business which is now double the size needs to be addressed within the licensing.
- Really a new licence should be submitted entirely rather than an alteration of an existing licence for a business that no longer exists. This is an entirely new business and the correct checks must be done.
- I would like someone to review the opening times of this venue now that it is double the size, factoring the impact that this has.

Many thanks,

Redacted

Redacted

Redacted

**From:** Redacted <Redacted >

**Sent:** 04 February 2022 11:40

**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>

**Subject:** Premises Licence Application Complaint -Licence 1445/3/2022/0049/LAPREV

## **SC CON ENDS 04.02.22 VALID PNN (B)**

We write to lodge a complaint and objection to the granting of a late night alcohol license 1445/3/2022/0049 to Real Greek Gyros 116 St James St BN21TH.

The restaurant have carried out building works to a grade 2 listed building without planning permission, some over lockdown which consequently couldn't be checked. They then applied for retrospective planning permission.

Specifically, a probable supporting wall between the two premises has been removed. This was noted by Heritage and they were advised to withdraw the application. It makes the premises twice the size with twice the amount of customers and twice the noise.

A pergola has been built at the rear, without permission, over lockdown, with no means of fire escape and partially over a parking yard (not patio as stated in their drawings) which is privately owned. The title no is ESX63396.

The documents of such state that the owners and occupiers of 116 and 117 St James St are allowed pedestrian access only and this excludes the parking area. (We are happy to provide documents)

The illegally erected outside covered area is now being used by people late at night and creates a noise nuisance to the residents. This would only increase by the granting of an alcohol license.

There is also the constant issue of illegal parking, well known to parking enforcement team.

Ironically the yard can no longer be used as the parking space it is intended for by the owners and neighbours, care vehicles etc who need it, because the gazebo has been built over part of that land making it impossible to park there. A large red bin(heavy!!) and empty cooking oil tubs are often left on the owner's land in the yard.

We have many photographs!

Charles St is a close community of residents who should be able to enjoy their homes without the constant disruption and disturbance of parked cars, impassable road, and late night noise. The granting of an alcohol license to a business who have already carried out works without permission would only exasperate this problem.

We therefore request that this is looked into in detail recommended for refusal and can be present for a site visit and provide any photographic evidence /documents needed.

Redacted

Redacted

Redacted

Redacted

Redacted



**From:** Redacted <Redacted >

**Sent:** 04 February 2022 16:25

**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>; Redacted <Redacted >

**Subject:** Licence - 1445/3/2022/00049/LAPREV

## **SC CON ENDS 04.02.22 VALID PNN & CIZ (C)**

I wish to express major concerns with the license application for *Real Greek Gyros* (116 St James Street BN2 1TH).

This business occupies what was previously two premises on St James Street.

The two previous businesses were Mac Doner and Cafe Bean.

The owner of Mac Doner taking over Cafe bean. Then carrying out extensive remodeling merging the two properties into one unit, taking out all partition/supporting walls all on a listed building, doubling the size.

Also adding an outside space building and a pergola for customers to use for smoking - To achieve this the fire exit was sealed off in the process.

To my knowledge and checkers neither Mac Doner or Cafe Bean had a license to serve alcohol. Mac Doner had a late night opening license, Cafe bean did not have a late license.

Presently this applicant *Real Greek Gyros* is operating without any license at all

It is operating as a new business in new premises ( without planning approval ).

The effect on local residents of this business is already known:

- Excessive noise late into the night from smokers often until 11.30 from the outside space.
- Continual illegal parking on Charles street by the owner and customers, Charle street has double yellow lines, is one way and very narrow, cars have to park on the pavement causing pedestrians to have to walk on the road. This parking blocks the road not only for other cars but also all emergency vehicles. Cars which can not pass are often reduced to using car horns to get the parked cars removed causing additional noise late into the night.

- I would like someone to review the opening times of this venue's licence application

\* I strongly oppose any alcohol licence being issued as this will only result in additional disturbance to the local residence with late night drinking and the problem it brings.

An alcohol licence has not been issued before.

Surely there are enough late night drinking venues on St James street without this one.

Many Thanks

Redacted.

**Appendix E**



