

Licensing Panel (Licensing Act 2003 Functions)

Date: **12 August 2022**

Time: **10.00am**

Venue **Virtual**

Members: **Councillors:** Ebel, Pissaridou and Theobald

Contact: **Penny Jennings**
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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 BRIGHTON CHRISTMAS FESTIVAL LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

7 - 40

Contact Officer: Corinne Hardcastle
Ward Affected: St Peter's & North Laine

Tel: 0127329

Date of Publication - Friday, 5 August 2022

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Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council

Subject:	Application for a Time Limited Premises Licence under the Licensing Act 2003		
Premises:	Brighton Christmas Festival Valley Gardens Gloucester Place Brighton		
Applicant:	E3 Events Limited		
Date of Meeting:	12 August 2022		
Report of:	Executive Director of Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Emily Fountain	Tel: (01273) 292143
	Email:	Emily.Fountain@brighton-hove.gov.uk	
Ward(s) affected:	St Peter's and North Laine		

1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 To determine an application for a **Time Limited** Premises Licence under the Licensing Act 2003 for **Brighton Christmas Festival**.

2. RECOMMENDATIONS:

2.1 That the Panel determine an application for a **Time Limited** Premises Licence under the Licensing Act 2003 for **Brighton Christmas Festival**.

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

3.1 The application is for a **Time Limited** Premises Licence under the Licensing Act 2003. The application proposes **Time limited premises licence from 18.11.2022 to 21.12.22**.

St. Peter's Plaza, Richmond Square and Valley Gardens North comprise public squares and greenspace, licenced by Brighton and Hove City Council to E3 Events Limited for the delivery of a Christmas Market, associated attractions, and entertainment to be known as Brighton Christmas Festival.

The festival will feature - Christmas Market: Stands/stalls/spaces comprising wooden chalets, marquee structures, stalls and specialist vehicles from which traders will display and offer for sale a variety of food, beverages, produce, products, and services. Some (registered with the Charity Commission) will promote charitable causes.

Après Ski: A themed, access-controlled structure comprising public bar for the sale of alcoholic beverages. Also featuring amplified live entertainment and recorded music.

Ferris Wheel: A 22m high, illuminated "Happy Wheel" creating a landmark centrepiece and focal point for the Christmas Market.

The Christmas Market is open access (except Après Ski) with no paid or ticketed admission (some individual attractions e.g., The Happy Wheel) attractions may charge. Visitors may flow freely throughout the premises, and the event will encourage integration of the city's shops, restaurants, and local attractions under the umbrella of the Brighton Christmas Festival. It is anticipated that the overall capacity of the premises is unlikely to exceed 5,000 at any one time.

3.2 Part M of the application is detailed at Appendix A and the plan of the premises is attached at Appendix B

3.3 Summary table of proposed activities

	Proposed
Live music	Monday – Sunday 10:00 – 23:00
Recorded Music	Monday – Sunday 10:00 – 23:00
Supply of Alcohol	Monday – Sunday 10:00 – 23:00 On and off premises
Hours premises are open to public	Monday – Sunday 10:00 – 23:00

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

Representations received

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

3.6 1 representation was received. It was received from a local resident.

3.7 Representation received had concerns relating to Prevention of Public Nuisance.

3.8 Full details of the representation is attached at Appendix C. A map detailing the location of the premises is attached at Appendix D. Agreed conditions with Sussex Police are 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

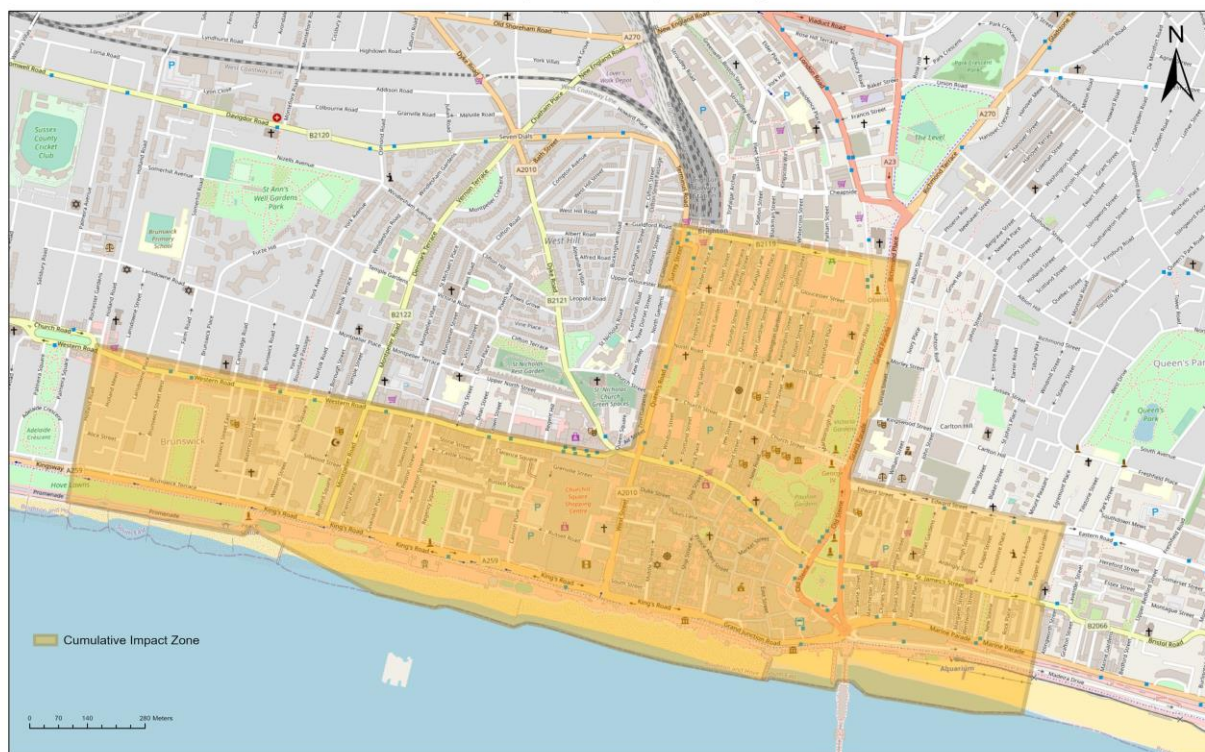
3.1.1 The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with 'need' which relates more to the commercial 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)

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

3.5 Off licences

In recent years there has been a noticeable shift towards more people buying alcohol from shops and drinking at home prior to going into premises such as pubs and clubs. The council is concerned that alcohol loading from off-licence sales is a significant problem in the city and adversely affects the licensing objectives as it gives rise to problems of drunkenness, disorderly behaviour and a higher risk of alcohol sales to children. Representations from the police, local residents and the director of public health at licensing panel hearings have testified to these problems and Information published in the Public Health Framework for assessing alcohol licensing presents a ward by ward analysis of crime and disorder and health data which is relevant in this respect.

3.5.1 The special policy on cumulative impact and the special stress areas apply to off licences as explained in the matrix approach at 3.3. But in general, where applications are made for new premises or variations to existing licences, and where the police or others make representations against the grant of a further licence for off sales, the council will give specific consideration to restricting the number, type, and the hours of premises selling alcohol exclusively for consumption

off the premises. Decisions will be grounded in the Public Health Framework for assessing alcohol licensing. The council will want to be assured that the operating schedule of premises, and their overall management, training and levels of staffing, are appropriate to ensure that the licensing objectives are promoted in what may be challenging circumstances. Retail outlets and stores where the provision of fresh produce is the principal product sold maybe considered more favourably.

3.5.2 The Licensing Authority encourage off licences to join the Council led “Sensible on Strength” scheme to reduce the availability of cheap super strength beers and ciders. Off licences voluntarily sign up not to sell cheap super-strength beers and ciders over 6% ABV and operate good practice measures (see 3.5.3) for which they receive an accreditation as a responsible retailer.

3.5.3 Areas of best practice that may be included in an Operating Schedule include

- the installation of a digital CCTV system by liaison with, and to a standard approved by Sussex Police
- Challenge 25 policy
- Refusals system
- Documented staff training including underage sales, drunkenness and proxy sales
- Voluntary restriction of high strength alcohol - operating schedules may be used to limit high ABV beers and ciders
- BCRP membership (or other accredited scheme)
- No sale of single cans
- Displays should not be located at the entrance/exit points or near checks out

3.5.4 The Licensing Authority and Sussex Police have specific concerns around the delivery of alcohol off the premises due to issues around the end location of delivery, age verification checks (Challenge 25), the increased possibility of the alcohol coming into the CIZ and SSA from other areas, as well as the personal safety of drivers when having to refuse a delivery at the end destination.

3.5.5 Alcohol delivery poses a unique set of challenges as it often transfers the final age verification to a person who has no responsibility in relation to the Premises Licence which authorised the sale of alcohol. A premises licence holder needs to be satisfied that their drivers or the delivery drivers of the third party company they chose to use, have received regular and comprehensive training in age verification and identifying persons who have consumed too much alcohol.

3.5.6 Evidence has shown that customers have previously used landmarks/businesses not related to them as addresses for delivery so that alcohol could be consumed in open spaces/parks. The risk being that this may lead to increased crime and disorder including anti-social behaviour and criminal damage, as well as the possibility that underage persons can gain access to alcohol. Concerns have also been raised about the delivery of alcohol to known street drinking hotspots. Therefore, a condition requiring all deliveries to be to a verifiable residential or business address and a face to face ID verification is vital in mitigating some of this risk.

3.5.7 While the Licensing Authority and Sussex Police recognise this is a growing area of business, new or variation applications to include the delivery of alcohol off the

premises will be subject to increased scrutiny. Suggested conditions for the provision of an alcohol delivery service can be found at Appendix A. These are not exhaustive and each application will be considered on its own merits.

3.6 Street drinking

3.6.1 The Licensing Authority will have regard to areas highlighted by Sussex Police that are at risk from alcohol related anti-social behaviour. The nature of these areas can be fluid/seasonal and so updated maps and data will be produced regularly to ensure the information is current. These hot spot areas are considered high risk for street drinkers and the Licensing Authority will have regard to prevention of crime and disorder by virtue of street drinking and anti-social behaviour when considering applications in this area.

3.9 Promoters and irresponsible drinks promotions

3.9.1 The Licensing Act 2003 makes no mention or provision for the use of promoters within licensed premises. Many of the late night bars and clubs within the Brighton & Hove Cumulative Impact Zone regularly hire promoters to sell nights at their venues. In recent years with the introduction of promoters within the Brighton night time economy, several issues have arisen. This includes promoters vouching for underage customers to get them inside licensed premises where they can access alcohol, providing flyers to passers-by who throw them on the floor and irresponsible promotions for their nights. Many premises now have an agreement with their promoter for acceptable promotions and behaviour which includes the signing of a written contract of expectations. This shows premises evidencing their due diligence and ensures that promotion companies know what is expected of them. The contract could include, obligations to pick up self-generated litter, verification of ages of their customers and users of their social media, promoters being over the age of 18 and responsible advertising on social media.

3.9.2 The Licensing Authority expect licensed premises to develop staff policy and training on recognising signs of drunkenness and vulnerability, for example, offering drinking water and tips for refusing customers who appear drunk. And discourage company policies that promote bonuses and sales incentives for selling alcohol. Licensing Authority will expect necessary precautionary processes to restrict drunkenness, e.g. Licensing Guidance states happy hours should not be designed to encourage individuals to drink excessively or rapidly.

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.

6.1.3 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.

6.1.4 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.

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.

8.3 Enforcement (delete if not applicable)

8.3.1 The Enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at Appendix D (Lead Agency Status) of the Statement of Licensing Policy. In addition, the Licensing Authority will have regard to its published Licensing Enforcement Policy in making enforcement decisions in accordance with Brighton & Hove City Council's Statement of Licensing Policy (Appendix B). In order to better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements.

8.3.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the protocol. A number of other council and government policies, strategies and guidance documents must be taken into account to complement the policy, including:

- Community Safety & Crime Reduction Strategy
- Drugs and alcohol strategies – local alcohol harm reduction strategy
- Objectives of the Security Industry Authority
- The Anti-Social Behaviour Act 2003/ASBPC Act 2014
- The Health Act 2006
- The Violent Crime Reduction Act 2006
- Policing and Crime Act 2009

10 Live Music, Dancing & Theatre

10.1.1 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.

10.1.2 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. All members of the Licensing Committee will be trained on Licensing Act 2003 and S182 Guidance. 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 appropriate, proportionate and reasonable licensing conditions should impose any restrictions on such events.

10.1.3 The licensing committee will support the cultural zones, outdoor eating areas, food led operations, community pubs, live entertainment and protect living conditions in mixed use areas.

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: 03/08/22

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: 04/08/22

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 – Part M of the Application
2. Appendix B – Plan of Premises
3. Appendix C – Representation
4. Appendix D – Map of area
5. Appendix E – Agreed conditions from Police

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 – January 2022.

Background Documents

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

Appendix A

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The purpose, policy, context, location, and recommendations for a Christmas Market was determined by Brighton and Hove City Council (BHCC) to deliver the objectives set out in the Tourism, Equalities, Communities and Culture Committee Report of 11th March 2021.

The constituent parts and layout of the festival site are subject to consultation with, and approval of BHCC, the Safety Advisory Group (SAG). The event organisers are also engaging and working in partnership with local business organisations and community stakeholders. Over the three-year term of the event licence, the licensees aim to adopt a cohesive approach in developing the original Christmas Market concept into a regional festival, with all stakeholders invested in supporting and meeting the licensing objectives to ensure the exponential growth and success of the event throughout this, and subsequent seasons for the benefit of the city, its community, and businesses.

An Event Management Plan has been created, and will be further developed to focus on the recommendations of and compliance with-

- BHCC Outdoor Events Policy
- Sussex Local Authorities Emergency Planning Group Guidance on Event Planning
- The Events Industry Forum Guide to Health Safety & Welfare (Purple Guide)
- Technical Standards For Places of Entertainment (Yellow Book)
- HSE Guidance on Running Events Safely

b) The prevention of crime and disorder

The BHCC events licence requires that “the area will be open access, but control measures put in place to manage security, crowd movement and behaviour.

SIA licensed staff will be deployed to manage access at the Après Ski Lodge.

A security presence will remain onsite throughout the night.

Full bar service will be restricted to the controlled access Après Ski area, restricting the sale of mulled wine and fortified hot drinks only from trader chalets.

Some traders will offer for sale a variety of alcoholic beverages by the bottle. It is a condition of sale that such off-sale purchases (intended as gifts or for consumption at home), remain unopened and may not be consumed within the premises.

A Challenge 25 policy will apply to all alcohol sales.

c) Public safety

The event organiser will establish an Event Control facility as an operations and communications base for event duty management. Event control will be occupied throughout the opening hours of the event.

An experienced Health and Safety consultant is appointed to provide professional advice, monitor, and manage all aspects of public safety, together with staff and contractor welfare. Together with event management the H&S consultant will work with BHCC Environmental Health, Agencies, Security Providers and Contractors to ensure Risk Assessment of the overall event and specifically-

- Certification and Risk Assessment of temporary structures and other infrastructure elements
- Control of contractors, working practices and welfare arrangements
- Safe and effective installation of event infrastructure
- Traders portable electrical, gas and other equipment (including required PAT testing and gas certification)
- Site vehicle movement including trader deliveries during prescribed access times.
- Prevailing weather conditions

No food or beverages will be served in glass containers and only disposable cutlery will be permitted anywhere within the festival site.

Unopened bottle sales (beers, wines, and spirits) will be permitted in their original, sealed, glass containers, to take home or as gifts.

d) The prevention of public nuisance

Event management will respond promptly to any instance of public nuisance within, or on the immediate periphery of, the site.

A Noise Management Plan will be developed by the event sound equipment provider. In partnership with BHCC Environmental protection, noise will be measured and monitored for comparison with ambient noise values throughout the duration of the event.

A dedicated festival noise telephone helpline will be established at event control. The helpline number will be published on the festival website and advised to BHCC Environmental Protection.

Event management will ensure that potential noise creating activities (e.g., tipping of bottles, removal of waste, or servicing of temporary toilet facilities) does not take place after 2300hrs or prior to 0800hrs.

Event management and the H&S consultant will work closely with BHCC Environmental Protection to monitor and respond to concerns and complaints.

e) The protection of children from harm

A Challenge 25 policy will be enforced by all alcohol traders, with evidence of photo ID required for the purchase or consumption of alcoholic beverages. Signs will be prominently displayed by each trader where alcohol is available.

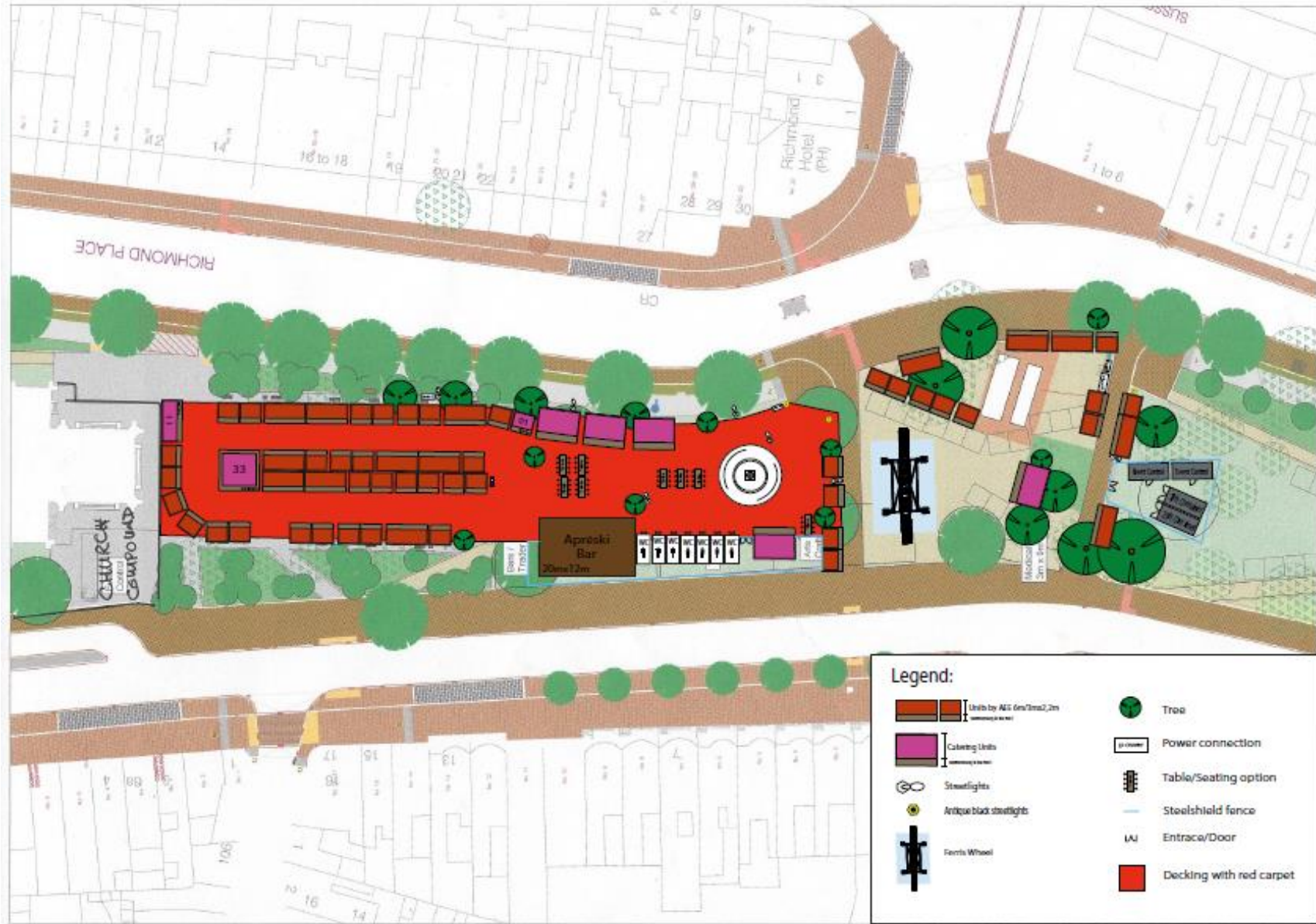
The festival trader Terms and Conditions preclude the sale of a broad range of goods considered by the organisers to be inappropriate for a family audience including –

- tobacco products
- psychoactive substances (so called legal highs)
- vape or e-cigarette products
- tattoos and body piercing services
- knives and weapons (including replicas)
- fireworks

A lost children facility will be established and managed by appropriately experienced, DBS certified personnel.

A lost children reporting procedure will be implemented and managed via event control to communicate with event management, staff, and the police.

Appendix B



Appendix C

From: Redacted <Redacted >
Sent: 12 July 2022 10:28
To: Emily Fountain <Emily.Fountain@brighton-hove.gov.uk>
Subject: Re: Brighton Christmas Market

EF CON ENDS 18.07.22 VALID PPN (A)

Hi Emily,

I was not aware that the signage stated the objection categories on it. I would regard my objection as public nuisance, as it affects the public's ability to continue with their normal exercise, destroys the land and is a continued loud presence with the potential for lewd behaviour in a public space due to alcohol consumption.

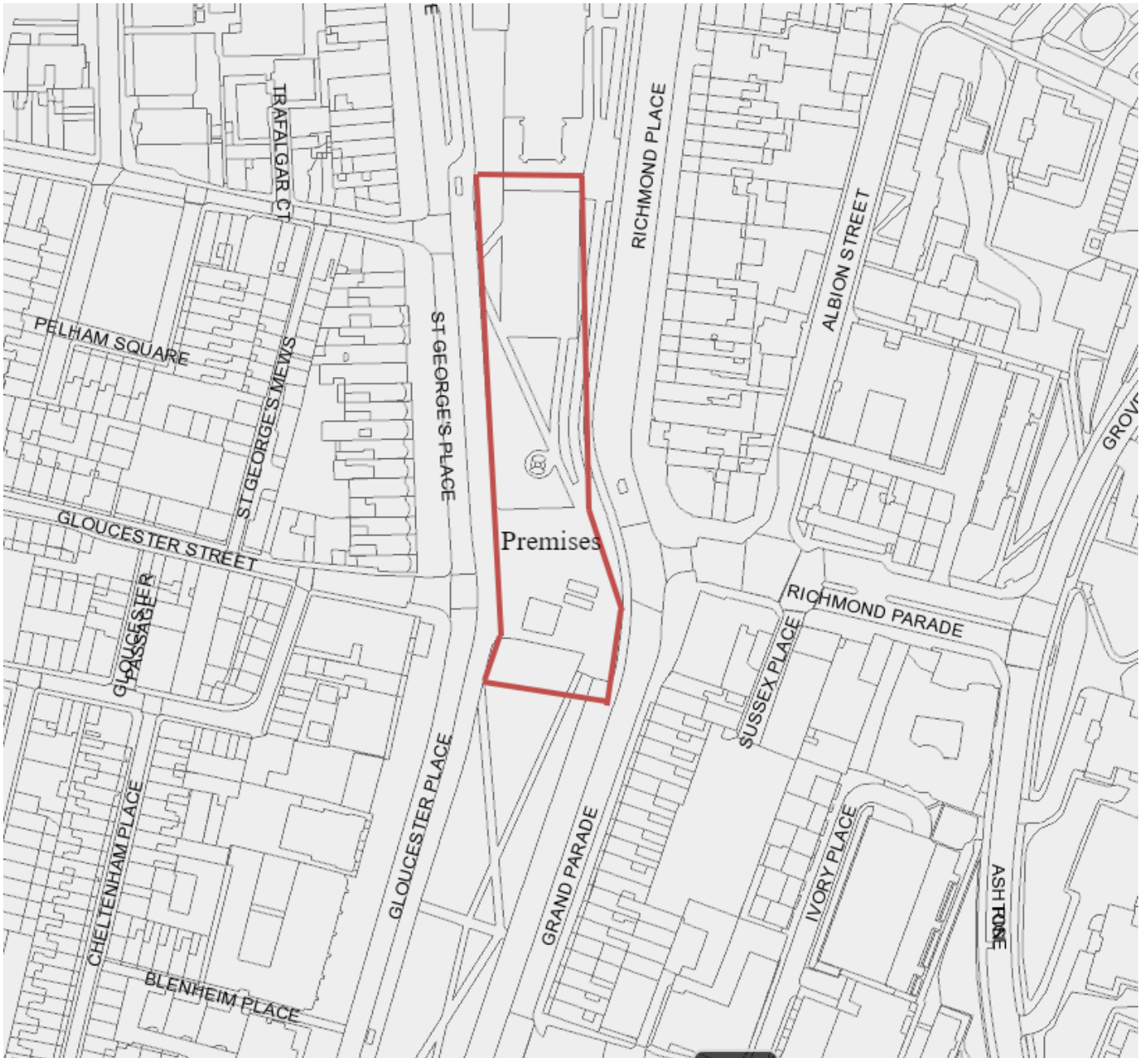
Could you possibly forward my original email onto the parks department? I find it objectionable that my local green space is limited for most of the year to me and other local residents with profiteering of private companies selling alcohol, over the health and wellbeing of their residents.

Also, the advertising of the alcohol license may be compliant with the Licensing Act 2003, but it is not with the Equality Act 2010, which supercedes this in regulatory power.

Thanks

Redacted

Appendix D



Appendix E

Prevention of Crime and Disorder:

1. There will be a full liaison with the relevant responsible authorities including by specifically organised Safety Advisory Group and Event Liaison Team meetings prior to and as necessary during the event. The event will be operated and managed in accordance with the Event Management Plan including its appendices, this licence and its conditions and statutory and regulatory requirements.
2. No licensable activities to take place without an EMP being submitted and all responsible authorities, specifically those authorities such as Events team, Licensing Authority and the Safety Advisory Group have sight of said plans and comments given taken on board.
3. The Premises Licence Holder shall produce an Event Management Plan (EMP) and shall submitted it to the Licensing Authority and the Safety Advisory Group. If any changes are made once submitted, notification to be sent to the responsible authorities in writing (this can be by email).

The EMP will include:

- 3.1 Names, addresses and telephone numbers of persons/organisations responsible for:
 - Overall event safety control
 - Production
 - Medical and first aid provision
 - Site management and the structural integrity of all temporary structures
 - Crowd management, steward and security
 - Fire safety and control
 - Configuration and control of sound systems
 - Management of any on-site car parking
 - Management of concessions and franchises
 - Provision and maintenance of water supplies
 - Welfare and provision of information
 - Lost & found persons and property
 - Provision and maintenance of sanitary facilities
 - Reception collection and removal of litter and other waste
- 3.2 The proposed audience capacity including guests.
- 3.3 Plans to agreed scales detailing exits, entrances, temporary bars, marquees and all facilities to be provided.

- 3.4 Details of proposals for entertainments, together with information regarding any special effects.
- 3.5 Details of proposals for concessionary activities including food franchises, bars, restaurants and non-food retail sales.
- 3.6 An Alcohol Management Plan which will include details of:
- The Designated Premises Supervisor (DPS)
 - Personal licence holders (PLH)
 - Control of the sale of alcohol
 - Proof of age policy (including Challenge 25)
 - Promotion of responsible drinking
 - Appropriate signage
 - SIA Security and PLH provisions on each bar
 - Refusals and incident log book on each bar
 - Provision of free drinking water
 - No glass policy
 - Bar staff training relating to the sale & serving of alcohol
 - Provisions within the site area to monitor and deal with proxy sales of alcohol.
- 3.7. A Safety Policy and Risk Assessment for the event
- 3.8. A detailed drug policy which includes:
- Entrance refusal policy for possession
 - Ejection policy for possession
 - Search numbers for persons and all personal property
 - Holding of drugs once removed from persons
 - Amnesty bins
 - Agreed threshold of when Police will be contacted
 - Legal highs and nitrous oxide
- 3.9. Details of arrangements for co-ordinating and controlling event safety on site.
- 3.10 A site safety plan including site safety rules, requirements for construction and breakdown of site, structural safety calculations, drawings of temporary structures and safety barriers, details of electrical installations and lighting arrangements.
- 3.11 Incident contingency and emergency plans (including a Major Incident Plan).
- 3.12 A Crowd Management Plan, including plans for access, egress, dispersal and evacuation as well as control of patron numbers.
- 3.13 A Stewarding and Security Plan which will include details of:

- Register of all stewards and security staff employed during and after the event containing full names, dates of birth, home address and Security Industry Authority (SIA) registration details
- How stewards and security staff will be identifiable e.g. tabards etc.
- The final numbers of SIA Licensed Security Staff and trained Stewards
- Log book for all Security and Stewarding staff to sign in and out of the Event
- Refusals policy for drunk and/or disorderly or under the influence of controlled substances
- Stewarding areas outside the licensed / event area
- Overnight provision
- Search and seizure policy set out for alcohol, drugs and weapons.

3.14 A medical ambulance and first aid plan.

3.15 A Fire Safety plan.

3.16 A Transport Plan including a Traffic Management Plan.

3.17 A Sound Assessment with details and proposals for monitoring and controlling sound emission and a draft Noise Management Plan.

3.18 Details for the provision of cleaning and maintenance of sanitary accommodation, washing facilities and drinking water.

3.19 Details for the reception collection, litter and disposals of other waste.

3.20 Details of welfare arrangements facilities and provisions for information on site. Additional welfare arrangements facilities and provisions on site to deal with person under the age of 18.

3.21 Details of the arrangements and facilities for disabled persons.

4. The licence holder will abide by the Event management Plan (including all of its appendices- together called 'the EMP') for this event.
5. The licence holder will meet with the emergency services (Police, Fire, and Ambulance) at agreed intervals in advance of the event to provide information on the event and to discuss safety issues. These meetings will be minuted and circulated to all attendees.
6. All supplies of alcohol will be from the structures shown on the site plan and in accordance with the Alcohol Management Plan of the EMP in particular.
7. All log books will be made available upon request to authorised officers from the Licensing Authority, Trading Standards and Sussex Police. These include refusals, incident and SIA sign in logs.
8. Authorised officers of the Licensing Authority, the Fire Authority, the Ambulance Service and Sussex Police shall have free access to all parts of the Licensed Premises for the purpose of inspection during licensable activity and at all other reasonable times.

9. Après Ski area will be a controlled area and clearly marked by suitable fencing as described within the EMP. EMP will also give SIA / Steward requirements.
10. Alcohol sold in open containers will be consumed within the Après ski area. Excluded from this is mulled wine and fortified hot drinks purchased from trader chalets which are permitted to be in open containers for consumption around and off the festival site.
11. Items sold by traders which are intended as gifts and or for consumption at home are to be sold in manufactured sealed containers.

Public Safety:

9. The premises licence holder through its appointed Safety Officer will liaise closely with the Environmental Health and Licensing Section of the Licensing Authority and Emergency Services.
10. The event organiser will establish an Event Control facility as an operations and communications base for event duty management and a dedicated communications controller.
11. The Event Control will be occupied throughout the opening hours of the festival and at any time when public are present.
12. An experienced Communications Controller will continually monitor and maintain a log of the festival radio communications network and relay information to management, consultants, and security providers.
13. Unopened bottles sales (beers, wines and spirits) will be permitted in their original sealed glass containers to take home or as gifts.
14. Only plastic bottles, tin cans, cardboard cartons or paper cups to be supplied by vendors on site for the supply of alcoholic and non-alcoholic drinks.
15. No drinks to be in glass bottles or vessels.
16. SIA licensed security personnel will be deployed as provided by the EMP.
17. At events within tents, marquees or other temporary structures
 - a) No patrons will be admitted if in possession of alcohol unless by prior agreement with the Police and
 - b) The licence holder will have an agreed search and seizure policy for alcohol, drugs and weapons.

Prevention of Public Nuisance:

18. Noise pollution will be recognised as a potential problem and noise levels will be monitored and adjusted if necessary.
19. A noise management plan will be submitted to the Environmental Health and Licensing team.
20. Event organisers to remove all litter after the event with a security deposit held by the Events Team to ensure that this happens.
21. A dedicated festival noise telephone helpline will be established at Event Control. The helpline number will be published on the festival website and advised to BHCC Environmental Protection.
22. Bar managers and festival waste disposal contractors will ensure that potential noise creating activities (tipping of bottles, removal of waste or servicing of temporary toilet facilities) does not take place after 23.00 hrs or prior to 08.00 hrs.

23. Event Management and the H&S consultant will work closely with BHCC Environmental Protection to monitor and respond to concerns and complaints.

Protection of Children from Harm:

24. A full multi-agency approach (including the Police and Health Service) will be adopted for the planning and operation of all events. Advice will be sought from the Child Protection Unit where appropriate.
25. Entrance to under 18 year olds will be as stated within the EMP.
26. After 22.00 hrs children who appear to be under the age of 16 will be discouraged from accessing the festival site if unaccompanied.
27. A "Challenge 25" policy will be in operation 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 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.
28. Signage advertising the "Challenge 25" policy will be displayed in prominent locations.
29. A lost children's facility will be created and managed by appropriately experienced and DBS certified personnel.
30. A lost children's reporting procedure will be implemented and managed via event control to communicate with personnel supervising access points and the police.
31. The festival traders' terms and condition preclude the sale of;
- Tobacco products
 - Psychoactive substances (aka legal highs)
 - Vape or e-cigarette products
 - Tattoos or body piercing services
 - Knives and weapons (including replicas)
 - Fireworks.

