




Brighton & Hove
City Council

Licensing Panel

(Licensing Act 2003 Functions)

Title:	Licensing Panel (Licensing Act 2003 Functions)
Date:	27 April 2018
Time:	10.00am
Venue	Hove Town Hall, Room G90 - Hove Town Hall
Members:	Councillors: Hyde, Morris and O'Quinn
Contact:	Penny Jennings Democratic Services Officer 01273 29-1214 greg.weaver@brighton-hove.gov.uk

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AGENDA

105 TO APPOINT A CHAIR FOR THE MEETING

106 WELCOME & INTRODUCTIONS

107 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.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

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

108 CHAPTER XIII LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

NOTES: *Applicants, Agents, Representatives from Statutory Authorities and Other Interested Parties are kindly requested to wait outside before the beginning of the hearing until called in together by the clerk.*

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

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For further details and general enquiries about this meeting contact Penny Jennings, (01273 29-1214, email greg.weaver@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Thursday, 19 April 2018

Licensing Panel (Licensing Act 2003 Functions)

Agenda Item 108
Brighton & Hove City Council

Subject:	Application for a New Premises Licence under the Licensing Act 2003		
Premises:	Chapter XIII 11 - 12 Pool Valley Brighton BN1 1NJ		
Applicant:	Jessica Stocker		
Date of Meeting:	27 April 2018		
Report of:	Executive Director of Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	Becky Pratley	Tel: (01273) 292143
	Email:	becky.pratley@brighton-hove.gov.uk	
Ward(s) affected:	Regency		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for Chapter XIII.

2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for Chapter XIII.

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a New Premises Licence under the Licensing Act 2003. The application proposes a café bar with event/gallery space.
- 3.2 Part M of the application (operating schedule) is detailed at Appendix A and the plan of the premises is attached at Appendix B.

3.3 Summary table of proposed activities

	Proposed
B) Films	Every Day 09:00 – 23:00
M) Supply of Alcohol	Every Day 09:00 – 23:00 On the premises
O) Hours premises are open to public	Every Day 09:00 – 23:00

3.4 Cumulative Impact. The premises falls within the Cumulative Impact Area (“The Area”) (see paragraphs 3.1 – 3.1.8).

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 Four representations were received. They were received from a local action team, Sussex Police, The Environmental Protection Team and The Licensing Authority.

3.7 Representations received had concerns relating to Prevention of Crime and Disorder, Cumulative Impact, Public Safety and Prevention of Public Nuisance.

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

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

1.3 Scope

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

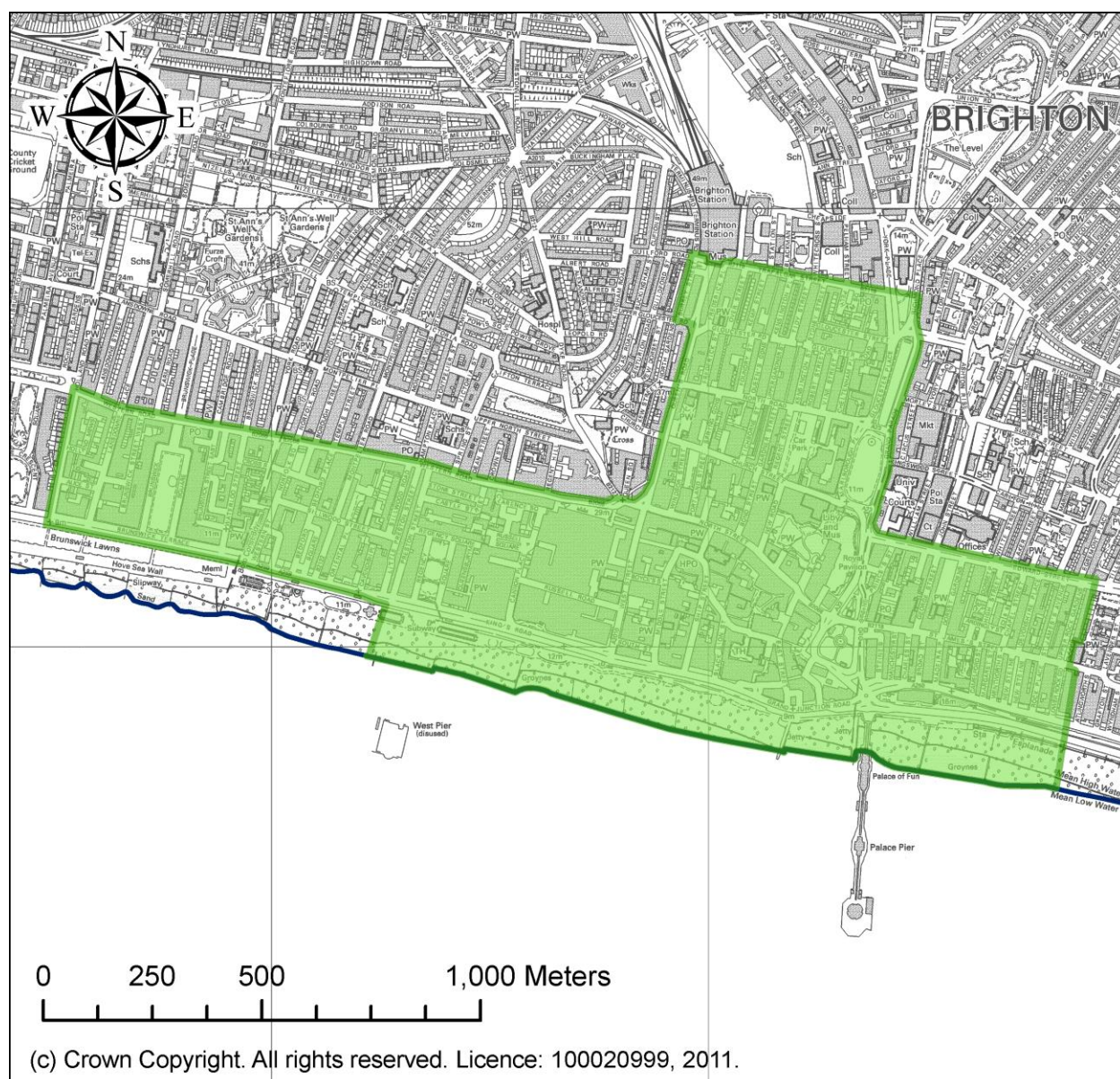
3.1.1 The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with 'need' which relates more to the commercial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

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) were 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.

3.1.3 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.

Brighton & Hove City Council - Cumulative Impact Area



The Cumulative Impact Area comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of 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 Ayr 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 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.

- 3.1.4 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.
- 3.1.5 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.
- 3.1.6 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.
- 3.1.7 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.
- 3.1.8 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	Marina	Other Areas
Restaurant	Yes (midnight)	Yes (midnight)	Yes	Yes (midnight)
Café bar	Yes (11.30)	Yes (midnight)	Yes	Yes (midnight)
Late Night Takeaways	No	Yes (midnight)	Yes	Yes (midnight)
Night Club	No	No	Yes	No
Pub	No	Yes (11pm)	Yes	Yes (midnight)
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes	Yes (favourable)
Off-licence	No	No	Yes	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	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 off set 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 café bars, 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 and the Street Community and Drug Activity Profile. These documents are available on the following page of our website www.brighton-hove.gov.uk/licensingact.
- 8) In an area where there are already several existing off-licences 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.
- 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.

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

- The sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables.
- Substantial food shall be available at all times.

4 Prevention of Crime and Disorder

4.1.1 The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.

4.1.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.

4.1.3 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.

4.1.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

4.1.5 Measures put in place should support the intentions of Operation Marble (police operational order), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the city centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

4.3 Care, control and supervision of premises

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

and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.

- 4.3.2 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, eg type of licence, capacity, operating hours restrictions.
- 4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.
- 4.3.4 This policy recognises the use of registered Door Supervisors All Door Supervisors will be licensed by the Security Industries Authority. Mobile security units and similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. The Licensing Strategy Group has sought to define the standards and operating guidance for such mobile units, which will be in need of regular review. This policy endorses the use of units following such guidance and standards in appropriate circumstances. A copy can be found on the licensing pages of the council's website.
- 4.3.5 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.

5 Public Safety

- 5.1 The following details and measures are intended to address the need for the protection of public safety which may be associated with licensed premises and certificated club premises.
- 5.1.1 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.
- 5.1.2 Normally in the city centre, pubs and clubs will be expected to operate using polycarbonate or toughened/shatterproof glass.
- 5.1.3 Conditions may be imposed in accordance with operating schedules to protect public safety including where justified:
- (a) provision of closed-circuit television and panic buttons.
 - (b) use of shatterproof drinking vessels; bottles requiring use of toughened glass or plastic should normally be required unless applicants can show exceptional reasons.
 - (c) use of door supervisors, licensed by the Security Industry Authority.
 - (d) occupant capacity conditions will be applied where appropriate.
 - (f) the provision of designated and suitably trained first aiders.
- 5.1.4 Where appropriate, licence holders or their authorised representatives will submit event safety plans and operating manuals, attend Event Planning Teams or Safety Advisory Groups and similar meetings prior to large events and shall be part of Event Liaison Teams during such events. Due regard shall be had to relevant guidance and publications including, for example: HSE approved code of practice for events.

6 Prevention of Public Nuisance

- 6.1 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 (e.g. 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 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

8.2 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.

8.3 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.

8.4 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.

- 8.5 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.
- 8.6 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.

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: 04/04/18

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: 10/04/18

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 – Representations
4. Appendix D – Map of area

Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2017.

Public Health Framework for assessing Alcohol Licensing. Annual Report – Ward. 4th edition. Public Health Intelligence. October 2017

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.

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)

Chapter 111 updates & supports the licensing objectives our customers are always asking if we serve Alcohol while they are sitting waiting for the National express coaches (see valley) this is a service we would like to offer to meet our customers demands.

b) The prevention of crime and disorder

I have CCTV fitted covering the inside & outside of the premises, there will always be a DPS on site, we will be closed before peak times. the cafe is not on a high impact route. we will open only till 11pm Fridays & Saturdays if we have a special event on

c) Public safety

Our premises capacity is 150 including the outside seating area. We only serve in plastic glasses. CCTV will be in operation at all times. 3 x A staff will be on duty during special events. there will be one fully trained first Aider on site during opening hours.

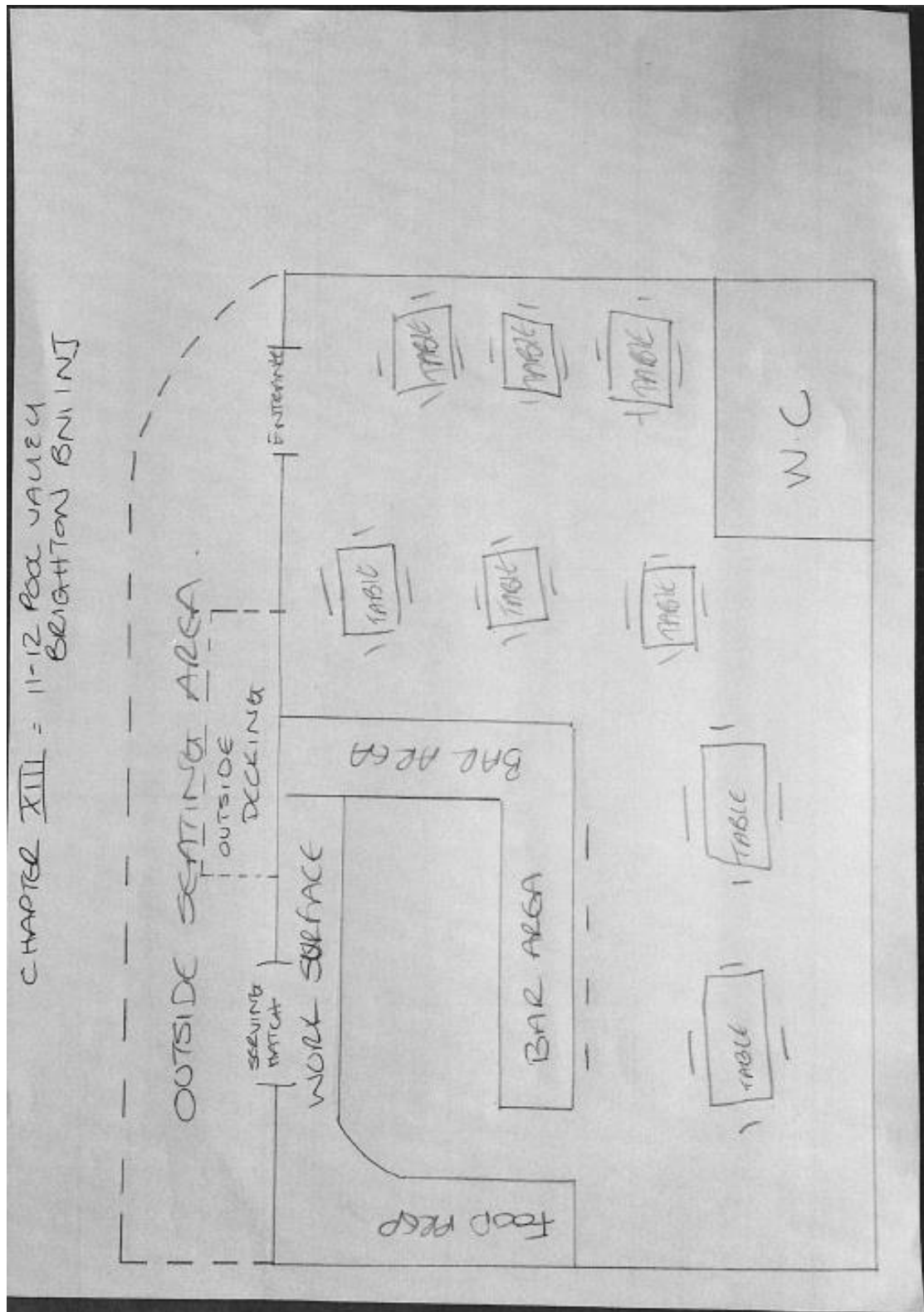
d) The prevention of public nuisance

The premises is not in a built up area & is not residential. We have no covered area for smoking. Alcohol will not be allowed out of the designated outside seating area.

e) The protection of children from harm

No children will be allowed on the premises after 18:00 - children will not be allowed onto the premises without an adult. We operate challenge 25 & will keep a record of all due diligence on site at all times.

APPENDIX B



APPENDIX C

Jim Whitelegg
Head Of Licensing
Brighton and Hove City Council
(via email)

Date: 26th March 2018
Our Ref: 2018/01586/EPLIC/EH
Contact:
Phone:
Fax:
Email:

BP CON ENDS 03.04.18 VALID PPN & PS (A)

Dear Mr Whitelegg

Formal representation for an Application for New Premises License at Chapter XIII, 11-12 Pool Valley, Brighton Licensing Act 2003
Complaint Reference : 2018/01586/EPLIC/EH

I write to formally place a representation in terms of the application for a new premises license at Chapter XIII, 11-12 Pool Valley, Brighton.

Ms Jessica Stocker, the applicant has submitted an application for a new premises license proposing to carry out a business which involves the use of the premises for licensable activities. This representation is made for this application on the grounds of “**prevention of public nuisance**” and “**public safety**”, two of the 4 threads woven through the Licensing Act 2003.

Ms Stocker opened Chapter XIII in 2015 as a tattoo parlour with a small cafe. Since opening Ms Stocker has applied for a number of temporary event notices most of which there have been no problems although there were noise complaints in 2015. There were also problems during Pride 2016 which resulted in Police and Environmental Health attending and closing down the event. So, when Ms Stocker applied for a temporary event notice for Pride 2017 the Environmental Protection team put in a representation but at the hearing the panel agreed that Ms Stocker could have the TEN. Again there were serious problems which resulted in the Police and Environmental Health Officers having to close down the event.

On 20th July 2016 I visited with a colleague and spoke to Jessica Stocker on the basis of an advertisement seen online indicating that Chapter XIII was working with a local radio station to put on a local party in Pool Valley during Pride weekend. Ms Stocker denied any external party and misled the local authority as to the arrangements being made for the Pool Valley area. On the Saturday of Pride, 6th August 2016, this department was called to the Pool Valley area and were faced with a large unlicensed gathering, there was a large number of individuals in the area, speakers outside and a stage. This area of land is Council land and used as a bus and coach station. The Department required the services of the Police on that day to close down the party, disperse the large gathering, and protect public safety and prevent public nuisance. This became even more of an issue when a national express coach tried to gain access to the Pool valley coach stop.

As a result of the circumstances seen on the day a noise abatement notice was served under section 80 of the Environmental Protection Act on Jessica Stocker, preventing any further parties in the Pool Valley area as it believed from the information seen that Chapter XIII was instrumental in the organisation of the event. The noise abatement notice was not appealed and remains in force as a legal document all the time that Jessica Stocker remains at Chapter XIII.

On 3rd April 2017 Miss Stocker was visited by a colleague from this department and also colleagues from the Police Licensing Team to discuss prospective future TENs also the need to comply with the noise abatement notice previously served.

On the afternoon of Saturday 5th August 2017 the day of Pride this department and the Police were called to Pool valley and were faced with a large unlicensed gathering of hundreds of people in the pool valley/coach station area with a DJ and decks on a stage outside the premises. It took a considerable amount of Police and local authority time and resource to clear this area of all the people that had congregated outside Chapter XIII and manage and reduce the risk to public safety and prevent public nuisance. Coaches were backed up along the Old Steine because they were not able to come into the Pool Valley area and coach station.

In February 2018 Ms Stocker applied for a Temporary Event Notice (TEN) for Sunday 1st April 2018 which is Easter Weekend, this application had very limited information and when asked to provide more information this was not forthcoming. Ms Stocker also said that there would be 75 people but after a visit by East Sussex Fire and Rescue it was deemed that Ms Stocker could only have a maximum of 60 people in the premises. Police and Environmental Protection repped the application and at a licencing panel hearing a counter notice was issued. Ms Stocker has applied for a further TEN for this date but appears to have taken on board comments made by the panel.

The current notification is for a premises license. Having regard to the above incidents responded to by the local authority and the Police this department has no confidence in the management and running of events at this premises and that to have a full license will result in more frequent events and noise complaints and the likelihood for a breach of the current noise abatement notice. This premises is in an area surrounded by residential and hotel accommodation, and an area where buses and coaches have free access and commercially operate. I am concerned that public nuisance will result and public safety will be at risk. For breaching a noise abatement notice if found guilty in a magistrates court there is a fine of up to £20,000.

Please do not hesitate to contact me should you wish to discuss the matter further.

Yours sincerely

M L Hayward
Environmental Protection Officer

From: Debbie Leigh

Sent: 26 March 2018 15:20

To: EHL Safety

Cc: Debbie Gibson-Leigh; Alex Phillips; Tom Druitt; Alex Phillips; Caroline Brennan; stuart lauchlan

Subject: 1445/3/2018/00823/LAPREN OBJECTION CHAPTER XIII POOL VALLEY

BP CON ENDS 03.04.18 VALID PPN, PS, PCD & CIZ (B)

Good afternoon,

I want to register an objection regarding this license application from CHAPTER XIII.

The objection relates to the following licence objectives:

Prevention of Crime and Disorder

Public Safety

Prevention of Public Nuisance

Chapter XIII is situated in an area that is already saturated with bars and clubs. It is directly within the Cumulative Impact Zone and is surrounded by licensed premises. In Pool Valley alone, there is the HAUNT nightclub, the YHA, HOSTEL POINT and a licensed Turkish restaurant. Further up towards East Street, there is the East Street Tap and the Casino, the Pitcher and Piano, the Queens Hotel, Bau Wau nightclub and a licensed sex club.

Recently, a new block of residential flats has been built in Pool Valley and its residents will be subjected to potential noise nuisance, threats to public safety and possible crime and disorder if this premises was to be given a full license.

Brighton and Hove's Public Health Framework for Assessing Alcohol Licensing 2017 clearly shows that Regency Ward in which CHAPTER XIII is situated, is rated "worst" for alcohol related Crime and Disorder. CHAPTER XIII is directly within the hotspot area of police recorded alcohol related incidents.

Prevention of Crime and Disorder

Public Safety

Prevention of Public Nuisance

On 2 occasions in August 2016 and August 2017, police had to be called to disperse large crowds that had gathered to attend Pride parties at CHAPTER XIII. The venue had applied for and been granted temporary event notices for these parties. However, the events were not run responsibly and public safety was put at risk.

Pool Valley is not suitable for these licensed events. CHAPTER XIII is directly in front of the National Express bus station and these two incidents caused significant disruption to the bus company, who were unable to run services to Pool Valley. Bus passengers and drivers were put at significant risk and nearby residents and businesses suffered considerable noise nuisance from amplified music. The police had to use up valuable resources to prevent crime and disorder in Pool Valley.

In summary, these incidents prove that the applicant has not demonstrated that they can run a licensed premises in a responsible manner. In addition, the premises lies within the Cumulative Impact Zone and the grant of a full license will increase the potential for further anti-social behaviour and alcohol related crime and disorder in Regency ward.

Regards,

Debbie Gibson-Leigh, Chair Brighton Old Town LAT, Flat 1, Clarendon Mansions, 80 East Street, Brighton, BN1 1NF

Mrs B Pratley
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BNI IJP

Date: 29 March 2018
Our Ref: 2018/01582/LICREP/EH
Phone:
Email:

BP CON ENDS 03.04.18 VALID PPN, PCD & CIZ (C)

Dear Mrs Pratley

Licensing Act 2003

Representation in regard to the application to vary a Premises Licence under the Licensing Act 2003 (Ref: 2018/00823/LAPREN)

Re: Chapter XIII, 11 - 12 Pool Valley, Brighton BNI INJ

I write to make a representation on behalf of the Council's Licensing Team, in their capacity as a responsible authority, in relation to the above application for a new Premises Licence submitted by Chapter XIII. The applicant has applied for sale of alcohol on and off the premises between 09.00hrs to 23.00hrs and also regulated entertainment between 09.00hrs and 23.00hrs. On 28 March 2018 an email was received from the applicant asking for the 'off sales' to be removed from the application.

On Saturday 5 August 2017 the day of Pride, I was working with a colleague from the Environmental Protection team and Sussex Police. We were called to Pool Valley. We were faced with a large unlicensed gathering of hundreds of people in the pool valley/coach station area with a DJ and decks on a stage outside the premises. It took a considerable amount of Police and local authority time and resource to clear this area of all the people that had congregated outside Chapter XIII and manage and reduce the risk to public safety and prevent public nuisance. Coaches were backed up along the Old Steine because they were not able to come into the Pool Valley area and coach station. We spoke to the owner of Chapter XIII, Jessica Stocker. She felt it was not her fault or problem, but after being spoken to by Inspector Simon Morgan, she did turn off the music and started to clear the considerable amount of rubbish which consisted of broken bottles and plastic glasses.

On 6 March 2018 I visited the premises of Chapter XIII to speak to Jessica Stocker regarding false claims on her website which included 'Full Alcohol Licence' and '150 capacity plus outdoor space'. I was accompanied by colleagues PC Andre Bernascone from Police Licensing and Pavan Sreen from the Fire Service. Ms Stocker stated that she knew she did not have a full alcohol licence but she would apply for TENS. I advised these were not guaranteed, so she could not state she had a full licence. Pavan Sreen asked her where she got the '150' capacity from. Ms Stocker said I thought that was fine. Pavan advertised her that 60 would be the maximum allowed in the premises. Following this meeting I sent Ms Stocker an email which is attached.

On 7 March 2018 there was a hearing for a TEN application. At that hearing Ms Stocker produced a list of 23 previous TENS dates. I have checked this list against our records and note that on 10 of the dates listed, a TEN was not in place. It is therefore assumed that unauthorised events have taken place between 2015 and 2017.

The application is not very clear. I believe the premise is applying to be a Pub. The applicant has also not demonstrated in her application that she has not taking into consideration the Statement of Licensing Policy and that the premises falls within the Cumulative Impact Area.

This representation is made as the Licensing Team has concerns that the application could have a negative impact on the licensing objectives of prevention of crime and disorder and public nuisance. I also make reference to the Special Policy on Cumulative Impact (SPCI) contained within the Council's Statement of Licensing Policy (SoLP).

This premises falls within the Licensing Authority's Cumulative Impact Area (CIZ) which was adopted to give greater power to control the number of licensed premises within the city's centre. The SPCI was introduced because the Licensing Authority determined that the concentration of licensed premises and the subsequent numbers of people drawn into the city centre is causing exceptional problems of crime and disorder and public nuisance. The effect of the SPCI is that applications for new premises licences should normally be refused following relevant representations. This presumption of refusal can be rebutted by the applicant if they can show that their application will have no negative cumulative impact on licensing objectives, including prevention of crime and disorder and public nuisance.

The Licensing Authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its SPCI in the light of the individual circumstances of the case.

The Council's Statement of Licensing Policy also includes a Matrix approach for licensing decisions with provisions for a terminal hour for all classes of licensed premises in a particular area. The Matrix Model recognises the diverse operation and different risks presented by different classes of licensed premises. It provides a vision of what the licensing authority would like to see within its area and gives an indication of likelihood of success or otherwise to investors and local businesses making applications.

Guidance issued under S182 of the Licensing Act 2003 states in paragraph 8.38 that in completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. The guidance goes on to say in paragraph 8.40 that applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a matrix-decision making policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application, any measures they will take to mitigate the impact, and why they consider the application should be an exception to the policy. On looking at the application form, particularly section 16 (licensing objectives), it seems to me that the applicant has little understanding of these points and has not demonstrated a potential exception to our policy.

As well as being located in the CIZ, the premises is situated in the electoral ward of Regency, which according to our Public Health Framework for Assessing Alcohol Licensing 2017 is ranked (out of 21 wards) the worst for 'alcohol suspected ambulance call outs', and second worst for 'police recorded alcohol related incidents', which both further highlight the impact that licensed premises in the area can have on crime and disorder and public nuisance.

The Licensing Team make this representation to uphold our Statement of Licensing Policy. The SPCI is predicated on too much alcohol being available and, as previously stated, applications for new premises licences will be refused unless the applicant can demonstrate exceptional circumstances. The onus is on the applicant to demonstrate this and we would invite them to explain their exceptional circumstance to the Panel, so that the Panel can decide whether they are satisfied that this application will not impact negatively on the CIZ.

I do not believe that the applicant has demonstrated that there are exceptional circumstances to justify departing from the Policy, also taking into consideration previous history at the premises. I therefore request this application is refused in line with our Statement of Licensing Policy and the Matrix approach that in the Cumulative Impact Area a Pub application will not be granted.

Yours sincerely

Donna Lynsdale
Licensing Officer
Licensing Team
Regulatory Services

EMAIL

Hi Jessica

Thank you for meeting with myself, Dean, Police Licensing and Fire Service this morning.

To clarify our conversation regarding your website and following comments from the Fire Service:

PRIVATE EVENT HIRE

Looking for something a little different and alternative for your event?

We offer FREE venue hire for your event

150 capacity plus outside space

Following the Fire Service comments – this is now 60 capacity in total including outside space.

Full alcohol licence & Late opening

This cannot be advertised as you do not have a full alcohol licence. You advertised that this is based on your applying for a TEN for any event. As mentioned TENs are not guaranteed and can be objected to.

Also I advised (and guidance given) this could also constitute an offence under The Consumer Protection from Unfair Trading Regulations 2008.

Full Sound System & Lighting available

Please remember that you have a Noise Abatement Notice which was served on you in 2016. Which is still enforceable. This is also a residential area including hotels.

We love hosting parties!!

You informed me that you will update your website, removing / amending the above. Could you please do these amendments by Thursday, 8 March 2018. Could you also please notify me when this has been done.

I will also forward you Becky Pratley's email regarding your Tattoo Licence separately so you can respond direct to her.

If you have any questions please do not hesitate to contact me.

Kind regards

Donna Lynsdale
Fair Trading Officer
Trading Standards
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton BN1 1JP

Police Station
John Street
Brighton
BN2 0LA

03rd April 2018

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

BP CON ENDS 03.04.18 VALID PPN, PCD, PS & CIZ (D)

Dear Becky Pratley,

RE: APPLICATION FOR A PREMISES LICENCE FOR CHAPTER XIII, POOL VALLEY, BRIGHTON, EAST SUSSEX, BN1 1NJ UNDER THE LICENSING ACT 2003. 1445/3/2018/000823/LAPREN.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds that it will undermine the Licensing Objectives of the prevention of crime and disorder, public nuisance and public safety. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy.

This is a proposed new licence application for a premises that is located within Pool Valley in an area of the City which is subject to a Special Policy adopted by Brighton & Hove City Council. The premises lies in the Cumulative Impact Zone (CIZ) (as defined in the BHCC Statement of Licensing Policy) and seeks the following hours and licensable activities:

Sale by Retail of Alcohol – On Premises

Monday – Sunday: **09:00 – 23:00**

Films - Indoors

Monday – Sunday: **09:00 – 23:00**

Opening Times

Monday – Sunday: **09:00 – 23:00**

The original application included the provisions for Off Sales of alcohol though this has now been withdrawn by the applicant on 28th March 2018.

Paragraph 3.1.4 of the Brighton and Hove City Council 2016 Statement of Licensing Policy states:

“The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licenses 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”.

Paragraph 14.30 of the Secretary of State’s Guidance to the Licensing Act 2003 provides:

“The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences...which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives”.

The applicant has not referred to the Cumulative Impact Zone or the BHCC Statement of Licensing Policy (SoLP) in their application. Further, the applicant has not offered comprehensive enforceable conditions to help mitigate any potential risk in a busy and central area of the City. Sussex Police contend that without suitable conditions, the carrying on of licensable activity and hours at these premises will add to the existing negative cumulative effect in an area already saturated with licensed premises.

Within the Public Health Framework, the Regency ward in which this premises is situated is ranked the worst across the City for Violence, Assaults and Sexual Offences which are often alcohol related and as such, is second worst for police recorded alcohol related incidents and A&E attendances as a whole.

There have been two previous incidents where Police have been called to the premises where unlicensed activities were taking place.

On the Saturday of Pride, 6th August 2016, Police were called to the premises after intelligence was received that a large number of people had gathered with a huge scaffolding stage area with DJ’s. Police supported the Local Authority to close the party and remove the large number of people from the locale.

A second incident occurred on Saturday 5th August 2017 during a period where a TEN had been granted by the Licensing Committee Panel on the understanding there would be no speakers outside with only background music playing. A visit at 18:30 by Inspector Morgan and Licensing Officers found there was 600-800 people gathered in Pool Valley outside the premises with loud music being played. The applicant, Ms Stocker was told that the music needed to be turned off as it was unlicensed which she was reluctant to do. Due to the nature of the crowds a coach was unable to access the Pool Valley Bus Station and there was a risk to public safety and the potential for crime and disorder.

There has been some communication with the applicant but assurances have not been given in regards to how the venue will be setup. No conditions confirming the premises will be operated as a café bar have been offered by the applicant. Following the events over previous Prides and further dealings with the applicant, Sussex Police do not feel confident in the management and running of this premises should it be granted an alcohol licence.

Sussex Police invite the Licensing Authority to seriously consider refusing this application however, should the panel wish to grant the licence, Sussex Police would like to have the opportunity to provide a list of suggested appropriate conditions for the panel to review and attach to the licence.

Yours sincerely, Lisa Bell Chief Superintendent Brighton & Hove Division Sussex Police

APPENDIX D

