

Licensing Panel (Licensing Act 2003 Functions)

Date: 10 September 2021

Time: **10.00am**

<u>Venue</u> Virtual

Members: Councillors: Deane, Moonan and Simson

Contact: Lesley Campbell

Democratic Services Officer

01273 291065

lesley.campbell@brighton-hove.gov.uk

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PART ONE Page

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.

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.

3 MY YUMMIE PIZZA LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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Report of the Executive Director of Housing, Neighbourhoods & Communities (copy attached)

Contact Officer: Corinne Hardcastle Tel: 0127329

Ward Affected: Rottingdean Coastal

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FURTHER INFORMATION

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

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- Do not stop to collect personal belongings;
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- Do not re-enter the building until told that it is safe to do so.

LICENSING PANEL (Licensing Act 2003 Functions)

Agenda Item 3

Brighton & Hove City Council

Subject: Application for a Variation of a Premises Licence

under the Licensing Act 2003

Premises: My Yummie Pizza

41 Longridge Avenue

Saltdean BN2 8LG

Applicant: Khaled Mohamed

Date of Meeting: 10 September 2021

Report of: Executive Director of Housing, Neighbourhoods &

Communities

Contact Officer: Name: Sarah Cornell Tel: (01273) 295801

Email: sarah.cornell@brighton-hove.gov.uk

Ward(s) affected: Rottingdean Coastal

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for My Yummie Pizza.

2. RECOMMENDATIONS:

2.1 That the Panel determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for My Yummie Pizza.

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a Variation of a Premises Licence under the Licensing Act 2003. The application proposes a premises variation. Fast food delivery, takeaway and eat-in. It is situated in a parade of shops on the main shopping road of Saltdean. There are residential flats on top of the shop and a block of flats to the rear. There is a large eating area to the front of the shop, access to customer toilets and counter area. Through door into large kitchen area and another door into rear yard and store room. Gate at the back of yard leads to rear road that allows deliveries, waste collection and delivery card to park. Currently the shop is open until 00:00 on weekdays and 01:00 on Friday & Saturday. I am hoping to apply for a 2-hour extension to 02:00 on weekdays and 03:00 Friday & Saturday. The extended hours are for delivery only
- 3.2 Section 16 (operating schedule) of the application is detailed at Appendix A

3.3 Summary table of existing and proposed activities

| | Existing | Proposed |
|--------------------|-------------------|-------------------|
| Late Night | Sunday – Thursday | Sunday – Thursday |
| Refreshment | 23:00 - 00:00 | 23:00 – 02:00 |
| | Friday – Saturday | Friday – Saturday |
| | 23:00 – 01:00 | 23:00 – 03:00 |
| | Deliveries only | Deliveries only |
| Hours premises are | Every Day | Every Day |
| open to public | 11:00 – 23:00 | 11:00 – 23:00 |

- 3.4 Existing licence attached at Appendix B.
- 3.5 The premises does not fall in the Cumulative Impact Area or the Special Stress Area.

Representations received

- 3.6 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:
- 3.7 20 representations were received. They were received from local residents, a local Councillor, Sussex Police & The Licensing Authority.
 - One representation was withdrawn.
- 3.8 Representations received had concerns relating to Prevention of Crime and Disorder and Prevention of Public Nuisance.
- 3.9 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. 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.

3.3 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 10 pm. For further advice and guidance on "alcohol in shared workplaces" please see paragraph 3.3.4-3.3.6.

4 Prevention of Crime and Disorder

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.

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

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

4.2 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, e.g. 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.

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 (e.g. in order to smoke).
- 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).

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.

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.

Date: 25/08/21

Finance Officer Consulted Michael Bentley

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: 25/08/21

Equalities Implications:

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

Sustainability Implications:

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

SUPPORTING DOCUMENTATION

Appendices:

- 1. Appendix A Section 16 (operating schedule) of the Application
- 2. Appendix B Part A of Premises Licence
- 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 2021.

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

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

Background Documents

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

APPENDIX A

Section 16 of 18 LICENSING OBJECTIVES Describe the steps you intend to take to promote the four licensing objectives: a) General - all four licensing objectives (b,c,d,e) List here steps you will take to promote all four licensing objectives together. The store will not be open to the public any later than 23:00 as it is at the moment, the front of the shop will have the door closed so no members of the public can enter. Drivers will work from the rear of the shop and will drive slowly and carefully up to the main road making as little noise as possible. There will be no talking outside of the main building. On return drivers will turn off engine and wait for their delivery quietly. b) The prevention of crime and disorder The shop will not be open to the public after 23:00, so existing requirements are in place. Drivers will carry minimal cash on their person or in vehicle. c) Public safety Drivers will have been instructed to drive considerately and safely. d) The prevention of public nuisance Staff and drivers will be told that noise levels for example talking, car doors and cars pulling away must be as quiet as possible to avoid upsetting neighbours. no car stereos to be played, no noisy exhausts or engines. e) The protection of children from harm

No public access to the store after 23:00 which is the same as present.

APPENDIX B

Schedule 12 Part A

Regulation 33, 34

Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2020/01964/LAPREN

Part I - Premises Details

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

My Yummie Pizza 41 Longridge Avenue Saltdean Brighton BN2 8LG

Telephone number 01273 305405

Licensable activities authorised by the licence

Late Night Refreshment

Times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Friday-Saturday 23:00 - 01:00

Late Night Refreshment

Sunday-Thursday 23:00 - 00:00

The opening hours of the premises

Every Day 11:00 - 23:00

Licence issued:09.07.2020 Page 1 of 6

| Where the licence authorises supplies of alcohol whether these are on and / or off supplies |
|--|
| N/A |
| Part 2 |
| Name, (registered) address, telephone number and email (where relevant) of holder of premises licence |
| Khaled Mohamed REDACTED |
| Registered number of holder, for example company number, charity number (where applicable) |
| N/A |
| Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol |
| N/A |
| |
| Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol |
| N/A |
| |
| |
| |
| |

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Annex I - Mandatory conditions

S 21; mandatory condition: door supervision

- I. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001: or
 - b) Be entitled to carry out that activity by virtue of section 4 of the Act.
- 2. But nothing in subsection (I) requires such a condition to be imposed:
 - a) In respect of premises within paragraph 8 (3)(a) of Schedule 2 to the Private Security Industry act 2001 (c12) (premises with premises licences authorising plays or films): or
 - b) In respect of premises in relation to:
 - I. Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence) or
 - II. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- 3. For the purposes of this section:
 - a) "Security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for purposes of that Act, (see Section 3(2) of that Act) and
 - b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

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Annex 2 - Conditions consistent with the Operating Schedule

General:

- I. The premises will not be open to members of the public after 23:00, the premises will only remain open after 23:00 for deliveries
- 2. All vehicle engines will be switched off when delivery drivers are outside the premises awaiting and picking up orders.

For the Prevention of Crime and Disorder:

- 3. (a)Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas. The system shall be on and recording at all times the premises licence is in operation.
- (b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- (c)CCTV footage will be stored for a minimum of 31 days
- (d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
- (e)The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- (f)Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.
- (g)Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
- (h)In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
- 4. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The incident log will be inspected and signed off by the Premises Licence Holder (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.
- 5. SIA licensed door supervisors shall be employed on any occasions when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City

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Centre Events e.g. Pride. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.

Public Safety: None

For the Prevention of Public Nuisance:

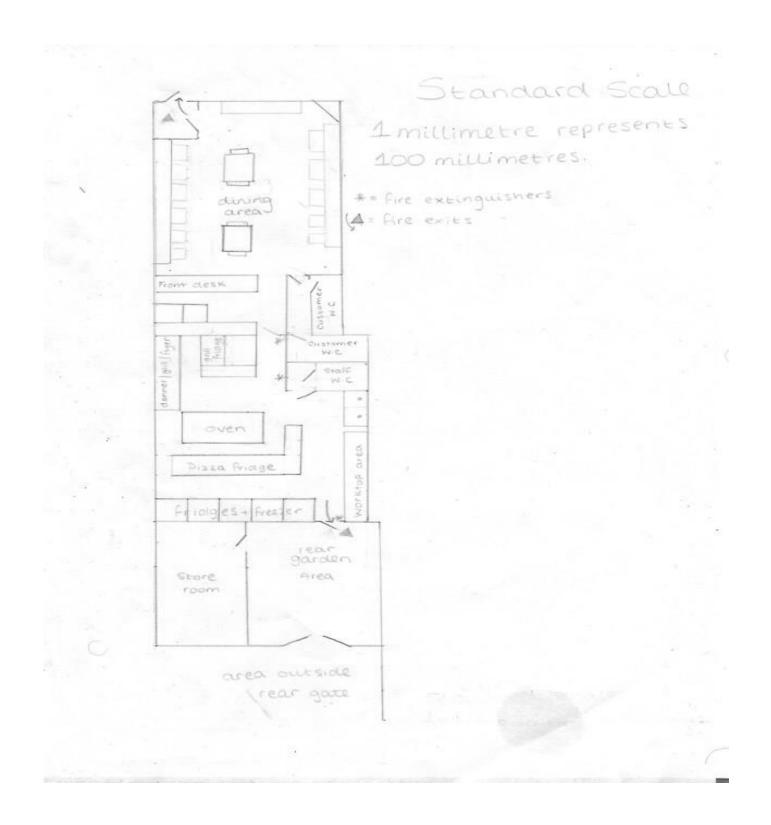
- 6. The licence holder will display prominent notices in the premises reminding customers to respect local residents, keep noise down and leave quietly.
- 7. Management will take responsibly to ensure that delivery drivers do not cause a public nuisance outside the premises

For the Protection of Children from harm: None

Annex 3 - Conditions attached after a hearing by the licensing authority

Annex 4 - Plans

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APPENDIX C

From: REDACTED

Sent: 09 August 2021 13:46

To: REDACTED

Subject: Premises Variation Licence 1445/3/2021/02388/LAPREV

SC CON ENDS 16.08.21 VALID PCD & PPN (A)

Reference: premises variation licence 1445/3/2021/02388/LAPREV.

Applicant: My Yummie Pizza, 41 Longridge Avenue, Saltdean, Brighton.BN2 8LG.

My name & residence: REDACTED.

I wish to make an objection to the above licence, premises variation, on the grounds that it will increase noise and public nuisance late at night. In particular between the hours of I2.00 & 3.00. The noise and public nuisance will include slamming of car doors, general noise such as shouting and singing in the street and sounding of car horns. This extra noise is intimidating and at such a late hour will disturb my and others sleep on a regular basis. We are already experiencing noise and public nuisance issues from people leaving the premises known as the LABar and LABistro, which are also in the parade of shops. The problems are happening mainly between I2.00 and 2.00 in the morning and can happen on all days of the week but especially on Fridays and Saturdays. This can include drunken behaviour and singing and shouting in the street. Therefore I believe that the extended opening hours of My Yummie Pizza will only worsen this situation, as people leaving the LABar or returning from clubbing could potentially visit My Yummie pizza to buy food, extend their evening and continue their bad behaviour.

Longridge Avenue has a parade of shops but is mainly a residential area. All the shops have flats above. There are also small blocks of flats behind and in front of My Yummie pizza as well. I don't believe we are being considered when licences are being granted for late night opening and how the cumulative impact is affecting local residents. My sleep is regularly disturbed by noise and disturbance occuring outside in the street. From car doors being slammed, horns sounded, loud music coming from the cars and shouting. This is all due to premises already open and will get worse. The vehicle noise mainly comes from people leaving to go home after 12.00 but can also come from delivery vehicles.

The cumulative impact of more late licences will only make the problem worse and will have an effect on our local community and area. It will encourage both anti-social behaviour and worsening of the local environment, such as rubbish not being put in bins. A lot of the flats in this street have inset doorways where people gather and leave rubbish such as food containers, cans, bottles and cigarette butts. Even worse they sometimes urinate and smoke recreational drugs in our doorways. This primarily happens because premises are open late. It is not a problem before midnight. This rubbish is also thrown in the street and especially the local bus shelter near My Yummie pizza.

I do hope you take this objection seriously and into consideration.

This licence request was brought to my attention by a concerned neighbour. The placement of the notice of application is not very obvious when walking past the premises. It has been placed quite high on their window surrounded by other adverts and notifications. It also appears that the beginning of the hand written part of the application has either been erased or substantially faded. It does not mention the extended eat in hours. I only became aware of this when I looked on the licencing website of B&H council. I have attached 2 photos to show this.

Yours sincerely, REDACTED.

Sent: 09 August 2021 10:42

To: REDACTED

Subject: Opposition to a license.

SC CON ENDS 16.08.21 VALID PPN (B)

Dear team

I would like to oppose an application for a alcohol license for a mister achmed, from

My Yummie pizza and grill 41 Longridge avenue Saltdean.

The application form starting 18/07/2021 ending 15/08/2021 it was only put on the establishments window a couple of days ago, it is not in clear site for everyone to see. I presume this is a violation of the application. This has only given residents only a few days to oppose thus application. The writing is not clear to read what it is for. I googled it on the register and this came up 1445/3/2021/02388/LAPREV

It seems they want an extension of opening hours from and for into the morning hours of 14.00 / 15.00 license

I already have complaints with the police of anti social behavior over the last 3 years. Also they already deliver up until the late hours of 14/15.00 in the morning. I live REDACTED and I am awoken many times a night and morning from the banging of delivery car doors loud voices outside the premises, and screaming and drunk, dancing 20/30 teenagers who came up from the beach late about 10/11 and sit outside or standing. For 1/2 hours. Rubbish thrown onto the floor and left. This is the second year especially worse in the summer and this is starting afternoon until late at night every day.

Many residents myself included contacted police, the MP REDACTED. police said their hands were tied and that everyone should contact council. Many did but nothing was done.

I REDACTED further up the street are going through REDACTED and do not need stress, REDACTED. There are many older people here and young families who are afraid to complain as they are afraid as the staff can be a little aggressive sometimes with words or actions, and not helpful when phoned about the noise.

So I would like that that they do not get the license, you can check with the police and the MP REDACTED as well. Please do not mention my name as REDACTED and I am afraid what they will do to me or my dog know other people are going to oppose this application and will contact you.

Thank you

Sent: 09 August 2021 21:16

To: REDACTED

Subject: URGENT: Application ref: 1445/3/2021/02388/LAPREV

SC CON ENDS 16.08.21 VALID PPN (C)

Dear Sirs

Re: Extension of delivery hours for Myyummie Pizza Longridge Avenue Saltdean

I was alarmed to hear of this planning application this evening from some of my neighbours.

I live in the REDACTED of Myyummie. They are constantly waking us up with shouting and revving cars and I have told Environmental Department about it in the past.

The behaviour of Myyummie delivery staff is dreadful and they have no concern for neighbours at all. They block the rear path with all of their vehicles, and shout loudly into the early hours with no thought that neighbours might be sleeping. They rev up cars aswell. This carries on until closing time 1 am in the week and 2 am at weekends.

I am constantly woken up by them.

To grant planning permission would surely be illegal in a residential area?

Please advise and take this email as opposition against this planning application.

It is not a car park. They queue up and park in the rear path, blocking all other vehicles. There have been numerous arguments and complaints about this, as well as preventing any potential emergency vehicles from accessing the path!

I believe if they are allowed to trade until 3 am on weekends and 2 am in the week, then this would be just baffling, not least because of the terrible disturbance they make both at the front and rear of this restaurant as it is.

I am begging you to please reconsider this application as we are woken most nights by shouting and noise of car engines. We are then woken again at 6.30 either by refuse vehicles or Co-op lorries. (You will understand when you look at the map/Google view). So therefore we and our neighbours never ever get a full nights sleep. If My Yummie are allowed to open until 2 / 3 it would be our worst nightmare and we will not give up contesting any decision in favour of it. I speak for residents both REDEACTED of MyYummie.

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Sent: 10 August 2021 13:07

To: REDACTED

Cc: REDACTED

Subject: Objection to licensing application

SC CON ENDS 16.08.21 VALID PPN (D)

Dear Licensing team

Re: Licence - 1445/3/2021/02388/LAPREV

My Yummie Pizza

I am writing to object to the extension of this license to 0300 on Friday and Saturdays and 0200 Sunday to Thursday.

This is a quiet residential area where residents would be disturbed by late-night movements of both people and vehicles.

Thank you for refusing this application.

REDACTED

Sent: 09 August 2021 11:50

To: REDACTED

Subject: Oppose licence

SC CON ENDS 16.08.21 VALID PPN (F)

Good morning! I have just seen a planning notice for KAALED MOHANED. My yummies pizza. Longridge Avenue saltdean. Licence 1445/3/2021/02388/LAPREV. I am a resident REDACTED I have tried to phone you but cannot get through. I want to oppose this licence. The back road which is private which they want to use and are using it constantly and have been since they moved in there. They are using it to park several cars down there. If an ambulance is need for us residents one could not get down there. Also the noise in the evenings which is quite late go up and down there. My REDACTED sleep in the back and constantly saying they cannot sleep.

Sent: 11 August 2021 20:20

To: REDACTED

Subject: Licence - 1445/3/2021/02388/LAPREV

SC CON ENDS 16.08.21 VALID PPN (G)

I have recently become aware of this application to extend opening hours of My Yummie Pizza restaurant from II pm to 2 am on Sunday-Thursday nights and to 3 am on Friday and Saturday.

I wish to object most strongly. Although it is true it is situated in a (small) parade of shops, this is essentially a residential area - with both flats above the shop and housing in the immediate vicinity, with no passing trade at those hours. It will only serve to create noise (deliveries, presumably) and other issues and is, in my opinion, totally unnecessary.

Please decline this application.

Sincerely,

Sent: 11 August 2021 15:21

To: REDACTED

Subject:

SC CON ENDS 16.08.21 VALID PPN (H)

Hello

I would like to voice my concerns over MY YUMMIE KEBAB in Longridge avenue opening times , if they open later it will attract even more yourhs or drunk people shouting and bouncing footballs and basketballs at all hours , people live above these shops , myself included, I have also contacted the fast food shop about this and I was spoken to very rudely , they should respect their neighbours, and help to keep noise under control , one night they were even throwing backs upto people's windows , many thanks, paul

SC CON ENDS 16.08.21 VALID PCD & PPN (I)

12th August 2021

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

Dear REDACTED.

RE: APPLICATION FOR A VARIATION OF PREMISES LICENCE FOR MY YUMMIE PIZZA, 41 LONGRIDGE AVENUE, SALTDEAN, BRIGHTON, BN2 8LG UNDER THE LICENSING ACT 2003.

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 and public nuisance. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy.

This is a proposed variation of the premises licence application in an area of the City which is subject to a Special Policy adopted by Brighton & Hove City Council. The premises lies in the 'others' area (as defined in the BHCC Statement of Licensing Policy) and seeks the following hours and licensable activities:

Late Night Refreshment - Sunday - Thursday: 23:00 - 02:00

Friday - Saturday: 23:00 - 03:00

Opening hours for the public - Every Day: 11:00 - 23:00 After 23:00 hours will be delivery only until the 02:00/03:00.

Sussex Police have concerns over the extension of this premises licence.

Sussex Police have recently received reports from a number of residents/ members of the public complaining of Anti-social behaviour occurring outside the front of this premises.

These reports evidence large groups of youths hanging around the front of this premises, shouting, swearing and being loud for extended periods of times.

These reports have been received in various times of the day from 10:32 to 02:42.

Secondly we also have minimal trust in the management of this premises as we have recently been informed by Brighton and Hove City Council Licensing that the premises is trading outside of its current licence hours.

Therefore, Sussex Police have issued a breach letter dated 12th August 2021 with a copy of a screen print from 'Just Eat' website to evidence this.

I have attached a copy of the breach letter and screen shot from the 'Just Eat' website advertising that the premises are open for deliveries:-

Thursday - 02:55

Friday - 01:55

Saturday - 01:55

Sussex Police believe that granting this application will add to the existing negative cumulative effect in an area that is experiencing anti-social behaviour. Additionally as the applicant did not pre consult, we do not believe that the applicant has offered any reasoning why the application would be an exception to policy or why it should be departed from. Therefore, Sussex Police invite the Licensing Authority to seriously consider refusing this application.

Yours sincerely,

REDACTED Date: 12 August 2021

Licensing Authority Our Ref: 2021/01523/LICREP/EH

Brighton & Hove City Council Phone: 01273 292494

Bartholomew House

Bartholomew Square e-mail: REDACTED

Brighton

BNI IJP

Dear REDACTED

Representation in regard to the application to vary a Premises Licence under the Licensing Act 2003 (Ref: 2021/00888/LAPREV)

My Yummie Pizza, 41 Longridge Avenue, Saltdean, Brighton BN2 8LG

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 variation to the existing license to extend 'Late Night Refreshment' activities. All other licensable activities will remain as stated on the existing license. The applicant has applied for 'Late Night Refreshment' licensable activities and trading hours as follows:

Sunday-Thursday 23:00 - 02:00

Friday-Saturday 23:00 - 03:00

This representation is made as the Licensing Team have concerns that the application could have a negative impact on the licensing objectives of Prevention of Crime and Disorder and Prevention of Public Nuisance. I also refer to the Special Policy on Cumulative Impact (SPCI) contained within the Council's Statement of Licensing Policy (SoLP).

Following complaints received from residents in the surrounding complaining that they were being disturbed on a regular basis by noise from the premises. This mainly occurring in the early hours of the morning by customers visiting the premises and delivery drivers often until 3am. I checked the websites of 'Just Eat' where they were advertising that the premises were open to the public until Midnight, and for delivery past Iam.

On 10 August 2021, I wrote to the premises. A copy of this letter is attached as Appendix A and Appendix B.

It is recognised that this premises are not in either the Cumulative Impact Zone (CIZ) or Special Stress Area (SSA). However, this representation is submitted as there are concerns that the application does not meet the requirements of the Council's SoLP, with regards to applications made for 'Late Night Refreshment'.

The Council's Statement of Licensing Policy 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. Each application is still considered on its individual merit and there is discretion to depart from the policy where justified.

The Matrix Model, on page 18 of the Council's SoLP, states that in all other areas outside of CIZ and SSA, new or variation applications for 'late night refreshment' shall be granted up to Midnight, but if in densely residential areas this terminal hour may be earlier. The policy does state that each application is still considered on its individual merit and there is discretion to depart from the policy where justified. However, departure from the Matrix Model is only expected in exceptional circumstances.

Guidance issued under \$182 of the Licensing Act 2003 states in paragraph 8.41 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 8.43 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.

I have looked carefully at this application, paying particular attention to the Matrix and any exceptional circumstances provided for departing from the Matrix. I contend that the applicant has not offered any mitigation or explanation regarding the potential impact the increased hours might have and has not demonstrated how the application is an exception to our policy.

This representation is made as the Licensing Team have concerns that the application could have a negative impact on the licensing objectives of prevention of Crime and Disorder and Public Nuisance. I do not believe that the applicant has demonstrated that there are exceptional circumstances to justify departing from the Policy. I therefore request this application is refused in line with our Statement of Licensing Policy and the Matrix approach.

Yours sincerely

REDACTED

Appendix A – Copy of email sent to premises dated 10 August 2021

Appendix B – Copy of Just Eats website advert

Appendix A – Copy of email sent to premises dated 10 August 2021

From: REDACTED

Sent: 10 August 2021 16:30

To: REDACTED
Cc: REDACTED

Subject: My Yummie Pizza, 41 Longridge Avenue, Saltdean, Brighton BN2 8LG -

2021/01517/LICPRM/EH

Dear REDACTED

Licensing Act 2003

My Yummie Pizza, 41 Longridge Avenue, Saltdean, Brighton BN2 8LG

Premises Licence Number: 1445/3/2020/01964/LAPREN

I am writing to you in your capacity as the Premises Licence Holder (PLH) for the above premises concerning breaches of your licence conditions.

This authority has received complaints from local residents in the surrounding area alleging that they are being disturbed on a regular basis by noise from your premises. This is mainly during the early hours of the morning by customers visiting your premises and delivery drivers. It is alleged this often goes on until 3am.

I have also attached a copy of 'Just Eat', 'Uber Eat' and 'Deliveroo' websites advertising that you are open to the public until Midnight, and for delivery past 1am.

Your current Premises Licence states:

Times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Friday-Saturday 23:00 - 01:00

Late Night Refreshment

Sunday-Thursday 23:00 - 00:00

The opening hours of the premises

Every Day 11:00 - 23:00

I remind you that non-compliance with conditions constitutes a breach of the Premises Licence issued under the above legislation. Please ensure that all conditions on the licence are adhered to. It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislations states that: -

- (1) A Person commits an offence if -
- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
 - (b) he knowingly allows a licensable activity to be carried on.
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Irrespective of the permissions and restrictions attached to any premises licence, all licensed premises are required to operate with regard to the 4 licensing objectives, which are;

- o The Prevention of Crime and Disorder
- o Public Safety
- o Prevention of Public Nuisance

o Protection of Children from Harm

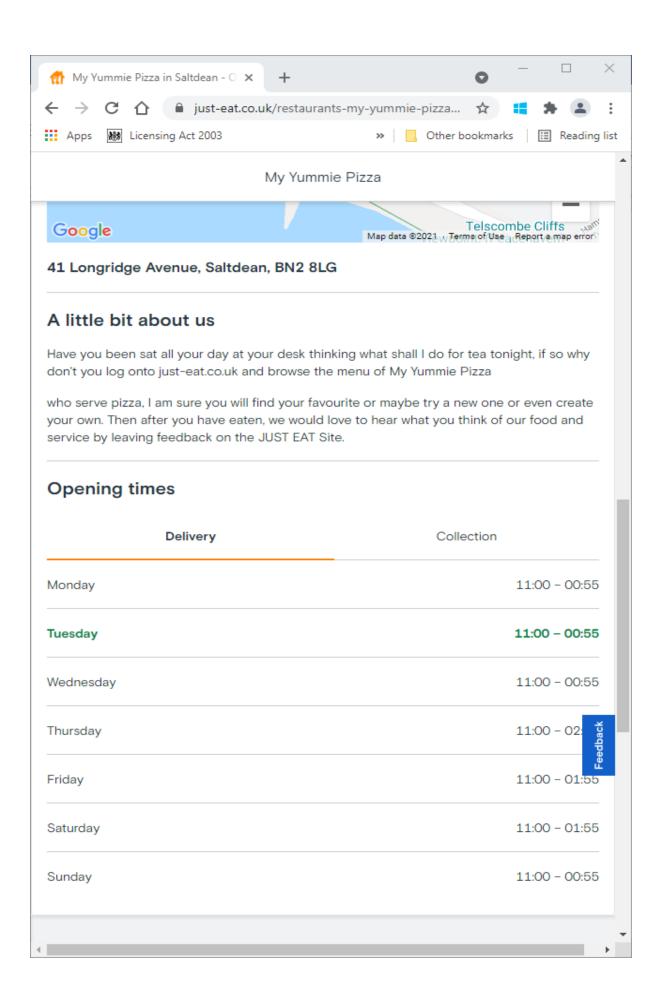
Please be aware that any enforcement action is taken in line with our Licensing Enforcement Policy which includes, issuing of formal warnings, followed by potential prosecution. You are also reminded that at any stage, following the grant of a premises licence, a responsible authority, such as the Police, Environmental Health, or an interested party such as a resident living in the vicinity of the premises, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

Please note this Authority and Sussex Police have enforcement officers monitoring the City both day and night.

A copy of this email has also been sent to Police Licensing.

Please acknowledge receipt of this email and advise on actions you will be taking to address the above issues.

Yours sincerely



Sent: 13 August 2021 17:08

To: REDACTED

Subject: Licence - 1445/3/2021/02388/LAPREV

SC CON ENDS 16.08.21 VALID PCD & PNN (K)

I object to yummies licence extention on the grounds of increased noise from users and cars.

Crime is on the increase in Saltdean and increasing the hours will mean more people coming into Saltdean after 2am, which will increase the crime rate even further.

Police will be required in this area every day so as to ensure the crime rate is reduced.

This facility would not be used by local residents and would serve as a meeting place for drug dealers and unwanted visitors in the middle of the night.

Kind regards

Sent: 13 August 2021 17:33

To: REDACTED

Subject: My Yummie Pizza on Longridge Avenue

SC CON ENDS 16.08.21 VALID PCD & PPN (L)

Hi REDACTED and I object to a place with late night licensing on the grounds of noise and nuisance. No-one round here needs pizza past I Ipm so it will become a place for people to drive to and drink - and then drive back, so dangerous and noisy. This is not Brighton City Centre, but people come here for the peace and quiet at night and not to have people driving round, the worse for drink, around the roads at night. Sincerely, Resident

Sent: 13 August 2021 18:14

To: REDACTED

Subject: My Yummie Pizza on Longridge Avenue, Saltdean

SC CON ENDS 16.08.21 VALID PPN (M)

Hello.

I understand that the owners of the above restaurant/take-away want to extend their license from 2300 to 0300 on Fridays and Saturdays and 0200 Sunday to Thursday.

I am writing to object on the grounds that this will inevitably create noise and nuisance from people and vehicles - as well as even more litter, which is a big problem in Longridge Avenue and the streets which cross it.

Also, although that part of Longridge Avenue has commercial premises, many of them have flats above them, whose residents would inevitably be disturbed.

I already pick up a lot of takeaway litter (cans, food boxes (especially burger style containers), sauce containers etc) every weekend.

Sincerely,

REDACTED

From: REDACTED

Sent: 13 August 2021 18:29

To: REDACTED

Subject: Yummies pizza -Saltdean extension of trading hours

SC CON ENDS 16.08.21 VALID PPN (N)

Hi

REDACTED

I think extending to 0200 and 0300 weekends is excessive with noise and delivery drivers in a suburban area.

However, and extension until midnight is not unreasonable for this popular local business and I would support this amendment.

Thanks and good luck to them

REDACTED

P.s please keep delivering to us my teenagers would never forgive me!! We love your food.

Sent: 15 August 2021 21:44

To: REDACTED

Subject: My yummie Pizza

SC CON ENDS 16.08.21 VALID PPN (O)

I would like to object to extending their license until 2am or 3am. This will cause considerable noise inconvenience to people living in the flats over the shops due to extra cars arriving in the early hours and people about on Longridge Ave.

Sent: 16 August 2021 09:44

To: REDACTED

Subject: Licence - 1445/3/2021/02388/LAPREV

SC CON ENDS 16.08.21 VALID PPN (P)

Dear Sir or Madam

We are writing regarding the proposed extension of hours to the business in Saltdean Vale. We object due to the increased noise and nuisance. The area is a residential and quiet place and more deliveries would disturb the peace of residents during sleeping hours.

Please do not allow the extended opening hours.

Sent: 16 August 2021 11:33

To: REDACTED Cc: REDACTED

Subject: Objection to My Yummy Pizza, Saltdean

SC CON ENDS 16.08.21 VALID PPN (Q)

We wish to object to the extended hours of My Yummy Pizza, Longridge Avenue, Saltdean 144532021023881 The extension of 3am Friday and Saturday, the extension of 2am Sunday-Thursday is entirely out of keeping with the area. It will bring noise and extra vehicles to a mainly residential area.

Longridge Avenue is just a single road with limited parking surrounded by residential properties. In our opinion an extension to midnight would be more in keeping.

Sent: 13 August 2021 17:40

To: REDACTED

Subject: I445/3/2021/02388/LA

SC CON ENDS 16.08.21 VALID PPN (R)

I would like to object to the above application for My Yummy Pizza Longridge Ave Saltdean.

This area is residential and I object because of the noise nuisance of people and vehicles (delivery drivers) for the local residents.

I do reside in Saltdean and do not wish my details to be shared in public.

Regards

Sent: 14 August 2021 09:33

To: REDACTED

Subject: Yummie pizza Saltdean

SC CON ENDS 16.08.21 VALID PPN (S)

Hello

We would like to object against extending opening hours of the above.

The premises already generates a lot of crowds and huge amounts of litter from takeaways left all the way down to the beach.

It also encourages crowds of youths to loiter and cause problems for residents.

Sorry can I add to my objection that Saltdean is a quiet residential area & not suitable for late night takeaways.

Families live on Longridge and have to get up for work/school and traffic and customers in the early hours of the morning would be very difficult and stressful for them.

Thankyou

Sent: 16 August 2021 09:45

To: REDACTED

Subject: Licence extension

SC CON ENDS 16.08.21 VALID PPN (T)

Hello

Regarding the extension to Yummie Pizza Longridge Ave. Saltdean.

Licence-1445/3/2021/02388 longridge ave/LAPREV

I would like to register my objection due to late night noise and disruption from vehicles and delivery bikes, as well as potential anti-social behaviour.

As this is primarily a residential area this extension to opening hours does not fit with the local community.

Thanks

APPENDIX D

