

Licensing Panel (Licensing Act 2003 Functions)

Date: **17 March 2022**

Time: **10.00am**

Venue **Virtual**

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

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AGENDA

1 TO APPOINT A CHAIR FOR THE MEETING

WELCOME & INTRODUCTIONS

2 PROCEDURAL BUSINESS

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

(b) **Declarations of Interest:**

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

In each case, you need to declare

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

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 THE FLOUR POT KITCHEN LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

7 - 80

Contact Officer: Corinne Hardcastle
Ward Affected: Preston Park

Tel: 0127329

Date of Publication - Wednesday, 9 March 2022

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FURTHER INFORMATION

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

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Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council

Subject:	Application for a New Premises Licence under the Licensing Act 2003		
Premises:	The Flour Pot Kitchen 1 Kings Parade Ditchling Road Brighton BN1 6JT		
Applicant:	Juniper Catering Limited		
Date of Meeting:	17 March 2022		
Report of:	Executive Director of Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Emma Grant	Tel: (01273) 292381
	Email:	Emma.Grant@brighton-hove.gov.uk	
Ward(s) affected:	Preston Park		

1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for The Flour Pot Kitchen.

2. RECOMMENDATIONS:

2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for The Flour Pot Kitchen.

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

3.1 The application is for a New Premises Licence under the Licensing Act 2003. The application proposes The Flour Pot Kitchen is a café and future licensed restaurant and bar located in the former HSBC a on the corner of Ditchling and Hyeth Roads. It is laid out over the ground floors of what was 1 and 3 Kings Parade and was converted to a high standard by HSBC.

Additional improvements are being made by the applicant to provide excellent kitchen, retail, bar and toilet facilities. The interior is open plan with seating throughout. Outside there is a patio area with seating on Hyeth Road including for the consumption of off-supplies of alcohol. It will operate as a café, restaurant and bar taking into account the Matrix approach to Licensing Policy. As a Food retailer, the premises will offer ancillary sales of a small selection of wines and beers for off-sales.

3.1.1 Section 18 of the application is detailed at Appendix A and the plan of the premises is attached at Appendix B.

3.1.2 Summary table of proposed activities:

	Proposed
Recorded Music	Monday-Saturday 08:00-22:30 Sunday 09:00-22:30 Indoors only
Supply of Alcohol	Monday-Sunday 10:00-22:00 Both
Hours premises are open to public	Monday-Saturday 07:30-22:30 Sunday 08:00-22:30

3.2 The premises does not fall in the Cumulative Impact Area or the Special Stress Area.

Representations received

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

3.4 27 representations were received. They were received from local residents and a local business. A supporting petition was submitted by the applicant with 133 signatures on it.

3.5 Representations received had concerns relating to Prevention of Crime and Disorder, Prevention of Public Nuisance.

3.6 Full details of the representations are attached at Appendix C1 and a copy of the petition can be found at Appendix C2 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 Special Policies and Initiatives

3.3 The Matrix Approach

The Licensing Authority will support:

- 3.3.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore supports mixed use venues encouraging a wider age balance.
- 3.3.2 A "matrix" approach to licensing decisions has been adopted and is set out below. It provides a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investor and businesses making applications.

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

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

Notes on matrix

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

- 1) Each application will be considered on individual merit
- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).
- 6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
- 7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or cafes, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing on our website www.brighton-hove.gov.uk/licensingact.
- 8) In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops.
- 9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The licensing authority will have regard to Noise Council guidance.
- 10) Non-alcohol led category does not include "alcohol in shared workplaces". It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on "alcohol in shared workplaces" please see paragraph 3.3.4-3.3.6.

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

prevent the premises becoming a public house.

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

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

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

3.5 Off licences

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

3.5.1 The special policy on cumulative impact and the special stress areas apply to off licences as explained in the matrix approach at 3.3. But in general, where applications are made for new premises or variations to existing licences, and where the police or others make representations against the grant of a further licence for off sales, the council will give specific consideration to restricting the number, type, and the hours of premises selling alcohol exclusively for consumption off the premises. Decisions will be grounded in the Public Health Framework for assessing alcohol licensing. The council will want to be assured that the operating schedule of premises, and their overall management, training and levels of staffing are appropriate to ensure that the licensing objectives are

promoted in what may be challenging circumstances. Retail outlets and stores where the provision of fresh produce is the principal product sold maybe considered more favourably.

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

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

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

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

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

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

3.5.7 While the Licensing Authority and Sussex Police recognise this is a growing area of business, new or variation applications to include the delivery of alcohol off the premises will be subject to increased scrutiny. Suggested conditions for the provision of an alcohol delivery service can be found at Appendix A. These are not exhaustive and each application will be considered on its own merits.

3.6 Street drinking

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

3.9 Promoters and irresponsible drinks promotions

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

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

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.

- 4.1.2 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.
- 4.1.3 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 4.1.4 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.

4.2 Sussex Police

- 4.2.1 Sussex Police have a specific Operation relating to the night time economy called Operation Marble (detailed in 3.4.1) and work closely with partners to ensure a safe and vibrant city centre. There continues to be an increasing demand for resources further into the early hours of the morning with the highest concentration of crimes occurring between 21:00 and 06:00 on a Friday into a Saturday and between 20:00 and 06:00 on a Saturday night into a Sunday. The data set used shows that up to 80% of arrests made in the timeframe 20:00 – 06:00 on these days were affected by alcohol. For full details of these statistics see the Cumulative Impact Assessment at Appendix E.
- 4.2.2 The dealing and use of drugs remains an issue across the city and Sussex Police welcome proactive policies from licensed premises. A drug safe and seizure recording initiative is in place of which further details can be obtained by contacting Brighton & Hove Police Licensing (brighton.licensing@sussex.pnn.police.uk). This initiative encourages licensed premises with Door Supervisors to search and seize drugs from persons attempting to enter their premises and ensures that once drugs are removed from persons, they can be safely collected and destroyed by Sussex Police.
- 4.2.3 Dispersal from the city centre during the late evening and early morning remains a policing challenge. Over recent years, there has been a proliferation of off-licences and late night refreshment venues along the city's arterial routes. This has led to incident 'hot spots' where patrons from the night time economy continue to interact, albeit away from any safety measures afforded by on-licences. As such, Sussex Police support the Council's Special Policy in offering guidance to both applicants and the Licensing Committee in relation to off-licences and late night refreshment licences.
- 4.2.4 Sussex Police have continuing concerns that, despite staff training in age-restricted sales, under age individuals are still being served alcohol both on and

off the premises in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted to highlight premises where sales are taking place and ensure appropriate enforcement action is taken to prevent further sales. The introduction of identification scanning machines at premises throughout the city has proved successful in mitigating some risk, but operators must maintain vigilance regarding the fraudulent use of genuine IDs. Sussex Police continue to work alongside the Business Crime Reduction Partnership to tackle the problem of those who use false or another's identification to enter licensed premises and purchase alcohol.

4.2.5 Sussex Police work closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. As well as work to prevent under age sales, vulnerability training is offered to identify persons who may have been made vulnerable through alcohol or drugs. Sussex Police also support initiatives such as (but not limited to) safe spaces, mobile teams of volunteers actively checking people's well-being and the Beach Patrol.

4.2.6 Public Space Protection Orders have proved an effective tool for Sussex Police in targeting enforcement action in problem areas of the city. It 'allows Police Officers and Police Community Support Officers to remove alcohol from any person in a public place if that person is involved in anti-social behaviour (ASB) or the officer believes that by having alcohol in their possession there is an increased risk of ASB. It is an offence to refuse to hand over alcohol when required to do so.' They have been particularly effective in the day time economy where members of the street community are causing ASB issues for members of the public and local businesses, especially during the summer months where there is a large influx of visitors to Brighton & Hove.

4.2.7 Policing the night time economy continues to provide a challenge and in the climate of limited resources and newly emerging problems, Sussex Police support maintaining the council's Special Policy which defines cumulative impact and special stress and will continue to take enforcement action where appropriate if the actions of a Premises Licence Holder, Designated Premises Supervisor, Door Supervisors or Staff have fallen below the high standard expected across the city. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton & Hove a safe and enjoyable city.

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 Industry 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. This policy endorses the use of units following such guidance and standards in appropriate circumstances.

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.

4.3.6 Enforcement will be achieved by the enforcement policy appended (Appendix B).

6 Prevention of Public Nuisance

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

6.1.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (eg in order to smoke).

6.1.2 Applications for new licences or for the extension in size of licensed premises

should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence. Noise emanating from within licensed premises should not normally be audible outside.

6.1.3 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

6.1.4 Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.

6.1.5 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

6.1.6 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 6.2 below).

6.2 Smoking Advice

6.2.1 Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc. have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence you may find it necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to

prevent theft and 'spiking' of drinks and reminding customers not to leave unattended items.

- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for rapid police response and alert other venues where customers and staff are endangered.
- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.
- Use CCTV to manage outside areas.

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

8 Integration of Strategies

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

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

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

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

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

8.1.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.

8.1.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

APPENDIX A – Licensing Best Practice Measures

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

- the adoption of a policy (e.g. Challenge 25) with acceptable proof of ID as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital CCTV system by liaison with, and to a standard approved by, Sussex Police
- policies for dispersal of customers which may include signage regarding taxi services' telephone numbers and advice to respect neighbours and minimize noise

Items to which positive consideration would be given:

- membership of Business Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of 'Night Safe' radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators
- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Recommend best practice for both on and off premises

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

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

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

Finance Officer Consulted Michael Bentley

Date: 09/03/22

Legal Implications:

- 5.2 The licensing authority must act to promote the four licensing objectives which are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm

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

Lawyer Consulted: Rebecca Sidell

Date: 10/03/22

Equalities Implications:

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

Sustainability Implications:

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

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part P 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 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

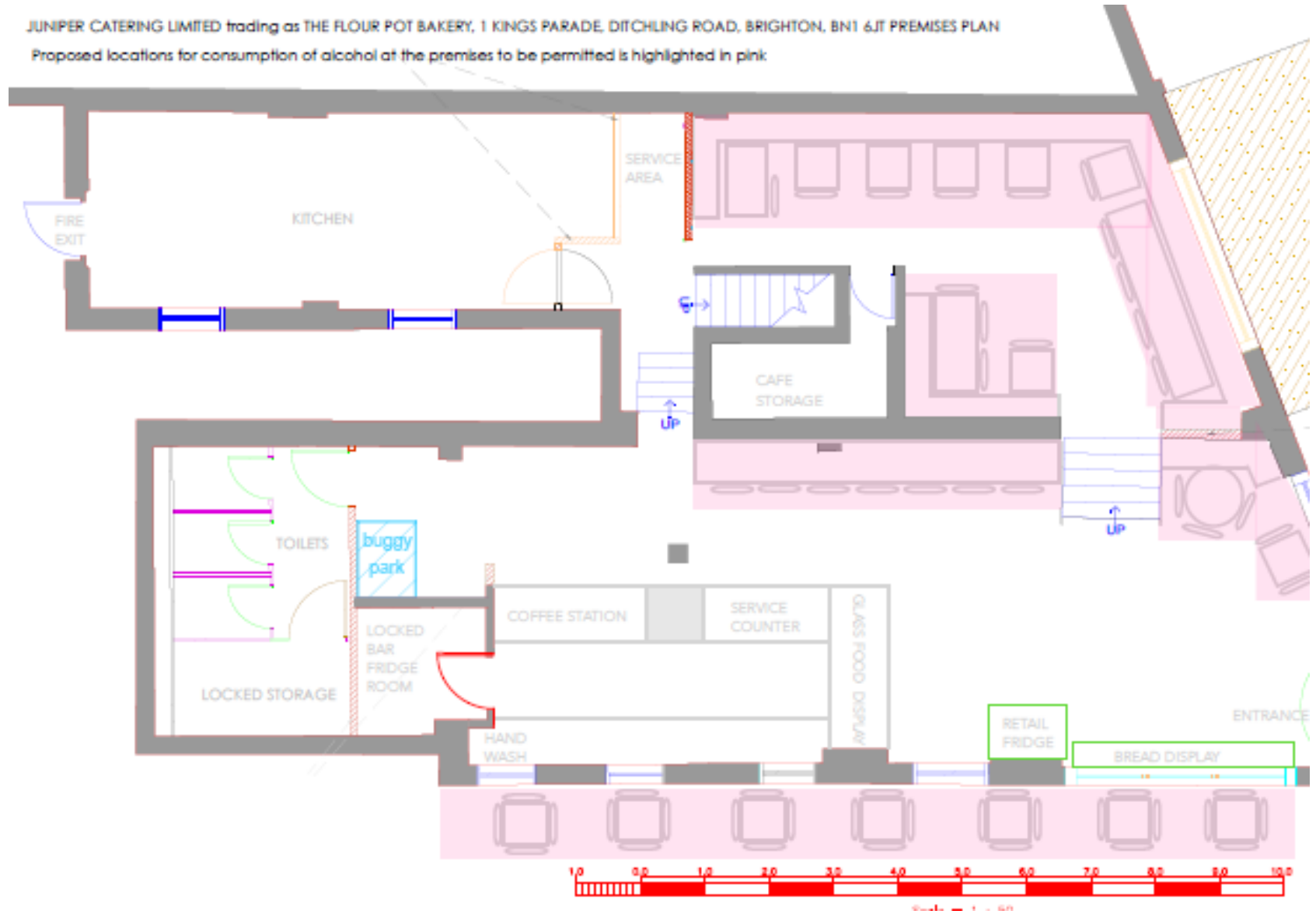
Section 18 of 21
LICENSING OBJECTIVES
Describe the steps you intend to take to promote the four licensing objectives:
a) General – all four licensing objectives (b,c,d,e)
List here steps you will take to promote all four licensing objectives together.
<p>The premises is situated in an area of retail shops that include shops, cafés, takeaways and restaurants that serve the local area.</p> <p>As such the conditions are those that are suggested in the Matrix guidance for a café, restaurant and bar that is outside the Cumulative impact and Special Stress Zones but that are in a residential neighborhood including the hours and will apply that to the premises.</p> <p>The premises will be a food-led family friendly environment.</p> <p>The sale of intoxicating liquor shall be waiter/waitress service for consumption by persons seated at tables and there will be no vertical drinking.</p> <p>Substantial food shall be available at all times.</p>
b) The prevention of crime and disorder
<p>Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.</p> <ul style="list-style-type: none"> - The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times. - CCTV footage will be stored for a minimum of 31 days - 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. - The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. - Subject to Data Protection 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 for the police without difficulty or delay and without charge to Sussex Police. - Any breakdown or system failure will be notified to the police as soon as possible & remedied as soon as practicable.
c) Public safety
The Fire Risk Assessment will be updated accordingly
d) The prevention of public nuisance
There is no regulated entertainment proposed

Continued from previous page...
<p>e) The protection of children from harm</p> <p>The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age.</p> <p>The only forms of ID that will be accepted are passports, driving licences with a photograph or proof of age cards bearing the 'PASS' mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence or conditions attaching to it.</p> <p>Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.</p> <p>The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:</p> <ul style="list-style-type: none"> *The lawful selling of age restricted products *Refusing the sale of alcohol to a person who is drunk <p>Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.</p> <p>All such training undertaken by staff members shall be fully documented and recorded.</p> <p>All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.</p> <p>The premises shall at all times maintain and operate an age-restricted sales refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor at intervals not to exceed 4 weeks and feedback given to staff as relevant. This refusals recording system shall be available upon request to police staff, Licensing Authority staff and Trading Standards.</p>

Appendix B

JUNIPER CATERING LIMITED trading as THE FLOUR POT BAKERY, 1 KINGS PARADE, DITCHLING ROAD, BRIGHTON, BN1 6JT PREMISES PLAN

Proposed locations for consumption of alcohol at the premises to be permitted is highlighted in pink



Appendix C.1

From: Redacted <Redacted >
Sent: 23 January 2022 21:23
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Licence - 1445/3/2022/00109/LAPREN

EG CON ENDS 09.02.22 VALID PPN (A)

Hi

I would like to object to a licence being granted to flour pot for them to have a cafe/bar open till 11pm 7 days a week at the end of Hythe rd. I think the noise in the evenings could be quite substantial and would disturb residents especially those like myself that need to sleep early to get up early next day for work. There are also many families with young children whose sleep may be disturbed especially in warmer weather when windows are open.

I hope residents objections are taken into account.

Thanks

Redacted (Redacted)

Sent from my iPhone

From: Redacted <Redacted >
Sent: 23 January 2022 18:37
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Objection to Flour Pot application

EG CON ENDS 09.02.22 VALID PPN (B)

Hello,

As a former resident of Redacted with friends on the road, I would like to object to the application from the Flour Pot to extend their hours. These are my main reasons:

1. It is always impossible to park already.
2. Noise and disturbance will increase - many of the houses at the end do not even have double glazing.
3. Already when you sit in the current cafe area, you can see in the people's houses opposite - I can not imagine what that may feel like when it is in the evening as well.

For these reasons I would like this request to be rejected.

Kind regards

Redacted

Redacted

Redacted

From: Redacted <Redacted >
Sent: 24 January 2022 09:55
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Re: Flour Pot Ditchling Road

EG CON ENDS 09.02.22 VALID PPN (C)

Hi Kerrie,

Thanks for your email. My address is Redacted, Redacted, Redacted.

Best,

Redacted

Sent from my iPhone

-----Original Message-----

From: Redacted <Redacted >
Sent: 23 January 2022 16:23
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Flour Pot Ditchling Road

To whom it may concern,

I'd like to lodge an objection to the application Flour Pot on Ditchling road has applied for, to operate as a bar and extend their opening hours.

This is a residential area with lots of families and people who work from home. It's not a suitable place for a restaurant and bar that's open until 11pm. The noise from the bar and proposed outdoor patio would be extremely disruptive to residents living directly opposite and near to FlourPot.

There is already a loss of privacy from the bakery and longer hours would mean that residents get no respite from the business. Flour pot has also increased pedestrian activity and added to pressure from traffic on a really busy road where parking is already difficult. Longer hours and an alcohol licence would make all of this worse and also create noise at night.

I hope that Flour Pot can continue as a bakery on Hythe road and find a more suitable place to expand their business that isn't in a residential area.

Best wishes,

Redacted

From: Redacted <Redacted >

Sent: 03 February 2022 14:03

To: Emma Grant <Emma.Grant@brighton-hove.gov.uk>

Subject: RE: Amendments to the Licence Application for New Premises Licence The Flour Pot Kitchen

EG CON ENDS 09.02.22 VALID PPN (E)

Hi Emma,

I have recently had some reassurance from The Flour Pot and would like to amend my objection slightly.

My objection relates solely to the use of outside space for drinking/eating/smoking in the evenings and would like this reflected in the license. I have no objection to the change of use for the building itself or the use of outside space during the day.

Best Wishes,

Redacted

Redacted

Redacted

Redacted

Redacted

Redacted

Redacted

Redacted

From: Redacted <Redacted >

Sent: 24 January 2022 11:02

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: License 1445/3/2022/001109/LAPREN - objection to plans for Flour Pot bakery licence application

Dear Sir/Madam,

Reference: License 1445/3/2022/001109/LAPREN

I am writing to you to lodge an objection to the plans for Flour Pot bakery on the corner of Ditchling Road and Hythe Road to change their hours, application for a license and to operate as a bar.

Since its arrival last year, Flour Pot has proved very popular, and people travel in for coffees and to use the café constantly making this a very busy area. As a café, I have no objection to this and am very happy to share space and noise with them during the day. However, the change in plans proposed are a very different prospect and their popularity gives me cause for concern about what this will be like as their opening hours extend and they open a patio area on a residential street. My chief concerns are related to noise and disturbance, an increase in pressures on parking and loss of privacy.

1. Noise and disturbance.

Hythe road is a residential area and has the right to enjoy peace and quiet in the evenings and night times which these plans threaten. Of particular concern here are the plans for the patio seating area on Hythe Road which mean that noise and disturbance is not contained with the building or to people coming and going but has the potential to be constant.

The plan to extend opening hours to 10.30pm/11pm 7 days a week is excessive and unacceptable in a family area where children are trying to sleep, and parents need to rise early for the school run and work. This means there is not a single night where we do not face being disturbed. Moreover, in reality, an 11pm finish means noise continuing on until nearly midnight as customers disperse and staff clear up. We already have staff putting out metal tables on the concrete pavement noisily, long before they are needed every morning despite being asked to put them out later and more quietly by other residents. We therefore do not have much faith in the staff ensuring that the noise is kept to a minimum and face being disturbed at both ends of the day now.

The positioning of the proposed patio is Redacted. This further affirms the unsuitability of the proposed plan. How can an outside bar area possibly be considered reasonable when it is literally metres away from where a child is sleeping? It is a further concern that she will be hearing unsuitable language and behaviour in the evenings which will only increase in the summer months when her windows will be open.

2. Pressures on parking

The popularity of Flour Pot has meant an increase in foot and car traffic in the area. Those popping in to pick up from the bakery rarely use the pay for parking area and often risk a fine knowing that traffic wardens are rarely here by parking in the resident's area. As someone who lives opposite Flour Bakery, it is this end of the road which has been most affected. This means that it is often difficult to park anywhere near my house when coming home with shopping or from the school run. Whilst this has been an annoying but bearable problem during the day, the increase in opening hours means this will worsen unacceptably as customers using the bar/restaurant will be able to park without risk of fine after 8pm. This means I now face not being able to park at any point. Whilst I have never expected to be able to park consistently outside my house, I do pay for a parking permit and so can reasonably expect to be able to park near my house, or at least in my own road, especially when with children or shopping and this is rarely the case and now set to worsen.

3. Loss of privacy

The proposed patio area looks directly into my living room and my daughter's bedroom. Whilst this is a minimal problem during the day when we are either working in the back of the house or out at work, having a bar area directly opposite a room I would like to privately sit in and relax in in the evening is unacceptable and again highlights the issue of these plans for a residential area.

Thank you for taking the time to read this. I hope you consider the matter and that our concerns are reasonable and deserve to be listened to. Flour Pot has many premises all over Brighton and Hove and many of them are more suitable for such a venture. Furthermore, given that they have only recently moved here, this demonstrates that they are willing and able to move to be able to pursue further profits and different ventures. There is then no reason why they cannot look at other premises not in a residential area and continue their use of this venue as a popular day time café.

Best Wishes,

Redacted

Redacted

Redacted

Redacted

Redacted

Redacted

Redacted

Redacted

Redacted

Redacted

Redacted

From: Redacted <Redacted >

Sent: 24 January 2022 12:11

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: RE: Licence Application - 1445/3/2022/00109/LAPREN - comment

EG CON ENDS 09.02.22 VALID PPN (F)

Good Morning Kerrie

My personal home address is

Redacted

Redacted

Redacted

But I am writing in this case in my capacity as a Redacted

Redacted

Redacted

Redacted

Redacted

(Redacted).

Could you confirm receipt and that this has now been accepted?

Yours sincerely

Redacted

From: Redacted <Redacted >

Sent: 22 January 2022 13:47

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Licence Application - 1445/3/2022/00109/LAPREN - comment

The Flour Pot Kitchen

Applicant name:

Juniper Catering Limited

Address:

1 Kings Parade
Ditchling Road
Brighton
BN1 6JT

To whom it may concern

I would like to complain about the above application.

The reasons for my complaint are as follows:

1/. Noise disturbance for the on-trade aspect of the application. The hours applied for are very long. The site is partly on Ditchling road but most of the frontage is on Hythe road, a much quieter residential street and the site is surrounded by housing and flats. Alcohol sales from 10am to 11pm every day seems very long; it effectively opens to door to a bar/pub environment in a residential street where it is entirely inappropriate. Foot traffic will increase, and the potential impact of end-of-hours disturbance - talking, shouting, taxi collections and so on - in a quiet residential street is high. There are already several on-licensed pubs and bar/restaurants just yards away around Fiveways, so the area is already well provided for licensed premises. Furthermore, these existing sites are situated on the much busier (and less residential, more commercial) Ditchling Road and have been established much longer.

2/. Parking. Parking in the area is predominantly residential and permit-driven. It is impossible to see how the site will be served for parking, or even for vehicles stopping. There is a loading bay outside Quaff, next door on Ditchling Road, that is already abused by casual users of the Flour Pot, and this problem will become greatly exacerbated.

3/. The off-sales application is totally inappropriate. There is an off-license next door at Quaff, and that off-licensed site has been established for many decades. How is it in the public interest to have two off-licenses next door to each other? There is also another off-license at the Coop just 100 metres away down Ditchling road, and more off-licenses at the very next parades of shops down both Ditchling Road and Preston Drove. Furthermore, the length of hours for the off-sales license is even longer than the existing off-license next door, which benefits from being entirely situated on the commercialised Ditchling Road, rather than on the much quieter Hythe Road . Why is this length of hours required? This opens the door to this site being turned into a much larger, dedicated off-licensed site in future, rather than the currently planned restaurant/bar site trading as Flour Pot.

I am not against the principle of alcohol being served in an on-trade environment on this site, as an accompaniment to food, until, for example, 8pm. The off-sales aspect is totally inappropriate.

I would like to be kept up to date as regards any hearings or further developments regarding this application. I can be contacted using this email, or on Redacted.

Yours sincerely

Redacted

From: Redacted <Redacted >
Sent: 24 January 2022 12:13
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: RE: Licence - 1445/3/2022/00109/LAPREN

EG CON ENDS 09.02.22 VALID PPN (G)

Hi Kerrie,

Many thanks for letting me know. My full name is Redacted, and I live at Redacted.

If there is anything else you need, please do let me know.

Best regards,

Redacted

From: Redacted <Redacted >
Sent: 24 January 2022 11:48
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Licence - 1445/3/2022/00109/LAPREN

To whomever it may concern,

I wish to notify you of my strong objections to the application made by the Flour Pot Bakery to a) extend their opening hours and b) to sell alcohol.

Hythe Road is a residential street with lots of young families. It has no late-night businesses. Since the Flour Pot Bakery opened at its current location, it has been disruptive to local residents 7 days a week: the on-street seating area on Hythe Road has spread out across the pavement to such an extent that it - and the shop queue - impede people trying to walk along Hythe Road and Ditchling Road. In addition, people frequently double-park at the end of Hythe Road so that cars are forced to drive on the wrong side of the road close to the junction, creating dangerous conditions for people crossing the road and for cars turning from Ditchling Road.

Extending the opening hours and granting the Flour Pot Bakery a licence to sell alcohol will:

1. Result in even greater disruption experienced by local families until late at night, 7 days a week
2. Generate additional traffic congestion and create dangerous driving conditions until late at night
3. Exacerbate parking pressure for residents, particularly after 8 pm when parking restrictions are removed

Fiveways is currently well-served by bakeries, coffee shops, pubs, and restaurants on Ditchling Road and on Preston Drove. The requested extension of the Flour Pot's licence carries no material benefits to the local community and will have a roundly negative impact on residents.

Best regards,

Redacted

Redacted

-----Original Message-----

From: Redacted <Redacted >

Sent: 26 January 2022 09:28

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Objection to proposed planning - Flour Pot, Fiveways

EG CON ENDS 09.02.22 VALID PPN (H)

To the Regulatory Services Manager,

I am writing to express extreme concern and objection to The Flour Pot Bakery on Hythe Road, Brighton being allowed to extend their opening hours and consumption of alcohol on a patio area, directly opposite where we live.

We have been residents here for Redacted and have young children. We are already experiencing being woken up three times a week at 5am for their rubbish to be taken away, plus putting out of metal tables and chairs way before they open at 6:45am (of which they kindly have considered the noise when putting them out).

Since Flour Pot opened we are constantly being overlooked and accepting extra noise from the customers sitting outside opposite our lounge and bedroom. It's been upsetting getting used to all of the extra noise, cars, double parking and onlookers!

To now add to this with the building, (which we obviously can't do anything about as it's already being done), of the back patio to offer alcohol, and opening hours until 10pm and 11pm. This will dramatically affect all of the residents who live at our end of Hythe Road.

How have we not had a letter with the planning permission? How have we not had any chance to have our concerns raised? It's the same old matter of business consumerism not stepping into other people's shoes. How would they like it if this was suddenly happening right outside their house? Do we get to have a say?

Wishing so much now to be able to afford to move and just be done with this stress!

Please could someone contact me to discuss this further?

Redacted

Redacted

Redacted

From: Redacted <Redacted >

Sent: 26 January 2022 18:38

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Fwd: Objection to issue of alcohol licence to Flour Pot on Ditchling road

EG CON ENDS 09.02.22 VALID PPN (I)

Hello

Please accept my objection. My address is Redacted.

And my full name is Redacted.

Many thanks

Redacted

Begin forwarded message:

-----Original Message-----

From: Redacted <Redacted >

Sent: 26 January 2022 08:31

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Objection to issue of alcohol licence to Flour Pot on Ditchling road

Hello

I would like to object to the Flour pot serving alcohol on their premises on Ditchling road.

I live in Redacted and feel that it would affect my quality of life in this quiet community.

- Increased traffic generation
- An increased pressure on parking - especially after 8pm
- Noise & disturbance
- o An increase in late night pedestrian activity
- o Increased levels of activity throughout the day
- Loss of privacy and overlooking
- Disturbance & loss of privacy for those working from home.

Please can you confirm my objection has been registered.

Thanks

Redacted

From: Redacted <Redacted >

Sent: 26 January 2022 16:39

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Objection to the changes to Flour Pot Bakery on Hythe Road

EG CON ENDS 09.02.22 VALID PPN (J)

Dear Sir/ Madam,

I am writing to express my objection to the proposed use of 'patio area with seating on Hythe Road including for the consumption of off- supplies of alcohol' to 'operate as a cafe, restaurant and bar'.

I live opposite the Flour Pot cafe, at Redacted and I have many points of concern to these proposed changes.

Firstly, the proposed extended long hours of business (7 days a week, until 10.30/11pm) will generate much unwanted noise pollution. Many of the houses in Hythe road are single glazed, and many have young children of primary school age. The last thing we all need is being kept awake or being continuously woken up from a noisy bar opposite.

Secondly the increased pressure on parking. I can significantly see (and experience as a car owner myself) the difference in parking that the Flour Pot already has on parking spaces outside my house, which then has an impact in parking along the rest of the road. If it's allowed to open as a bar until 11pm I don't even want to think about finding a parking space after a long day at work, it will be incredibly frustrating and unfair as we all pay a lot of money every year for permits to park in our road.

Other points of concern are: increased traffic generation, increase in late night pedestrians, and loss of privacy.

I sincerely hope that you take into consideration my points and thank you for your time.

Yours sincerely,

Redacted

Redacted

From: Redacted <Redacted >
Sent: 30 January 2022 16:00
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Licence - 1445/3/2022/00109/LAPREN - Objection

EG CON ENDS 18.02.22 VALID PPN, PCD (K)

Licence - 1445/3/2022/00109/LAPREN

Dear Sir/Madam

I am writing to you to raise an objection to the proposed application to extend the facilities offered by the Flour Pot, situated at the corner of Hythe Rd and Ditchling Road.

I am very concerned about several aspects of the application and the impact it will have on the area and those who live in it.

The prevention of public nuisance

I believe that there is a high likelihood of people living close to the Flour Pot suffering nuisance, as a result of the extended hours the Flour Pot intends to operate, as well as the fact that it will be serving/selling alcohol.

Having a restaurant at the end of Hythe Rd will have a detrimental affect on the quality of life of those living in this residential area.

Not only will it interfere in peoples right to peace and quiet, but also:

- Increase in noise - not only from restaurant customers, but from amplified music - particularly since there is a plan to have an outside 'patio' area
- Increase in car traffic and the noise/light associated with that, Hythe road in particular
- **Anti social behaviour associated with people being inebriated**
- Light pollution - the impact of light from inside the premises, as well as outside artificial lighting in the patio area

Public Safety

I believe that the increase in cars/delivery vehicles attempting to park close to the venue during the day, is of concern.

The situation with parking on Hythe Road and the surrounding area is already fraught, without having additional cars from outside the area looking for parking space whilst they go for a meal/drink

The behaviour of drivers of vehicles at the junction of Hythe Rd and Ditchling road is of particular concern.

Cars and delivery vans already double park on a regular basis outside the Flour Pot, which is very close to the junction - where pedestrians, including school aged children, cross the road

Cars and vans frequently do 3 point turns to go back into Ditchling Rd, so as to avoid driving down Hythe Rd. This will be exacerbated now that the 'free' 60 mins parking has been removed from Ditchling Rd

Protection of children from harm

This is a residential area - there are many, many families with young children living in Hythe Rd and the surrounding areas, which is tied to many nurseries, 3 schools, 2 secondary schools and a college

The additional noise in the road late at night will interfere with people sleeping;

Depriving children of sleep causes them harm

Depriving parents of sleep or the ability to lead a quiet and peaceful life will impact on quality of family life and in turn affect the children

I look forward to hearing from you in due course

Kind regards

Redacted

Redacted

Redacted

Redacted

Redacted

From: Redacted <Redacted >
Sent: 30 January 2022 21:00
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Objection to proposed plans for Flour Pot Kings Parade
Importance: High

EG CON ENDS 18.02.22 VALID PPN (L)

I am writing to state my objection to the proposed revised opening hours, playing of recorded music and sales of alcohol by the Flour Pot cafe located on Kings Parade Brighton.

The application is for a premises licence for the sale of alcohol on and off the premises from 10:00 to 23:00 Monday to Saturday, 10:00 to 22:30 Sundays, Recorded Music 08:00 to 23:00 Monday to Saturday and 09:00 to 22:30 Sunday.

The proposed opening hours are 07:30 to 23:00 Monday to Saturday and 08:00 to 22:30 Sunday. The application includes an outdoor seating area.

I am a long term resident of the area, and have lived here for close to Redacted. My residence Redacted the site of Flour Pot, and since the business has opened its doors, it has been nothing but disruptive to the area. The local parking is worse, they are taking up a large area of the pavement outside for customer seating (even when quiet) and now with the proposed plans for late night opening and alcohol sales, I am deeply concerned about the impact this will have on the residents of this area.

It is not only intrusive upon the privacy of local residents, but also anti social to propose the sales of alcohol and outside seating area so close to local residence.

I have small children in the house, and do not want them to be disturbed by noise late into the evening, nor do I wish to overlook the customers of flour pot all evening after the business has been open throughout the day, 7 days a week.

I find this proposal to be inconsiderate of the local area this business has moved into, and feel Flour Pot as a business are not considering the impact on those close by with their proposed plans.

I object to the application. This representation is in relation to the Licensing Objectives:

- **The prevention of crime & disorder**
- **The prevention of public nuisance**
- **Public Safety**
- **Protection of Children from Harm**

Redacted

Redacted

From: Redacted <Redacted>
Sent: 31 January 2022 13:03
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Fwd: Flour Pot License

EG CON ENDS 18.02.22 VALID PPN (M)

Please find attached my objection and concerns regarding the proposal for a license request for Flour Pot at 1-3 Kings Parade, Ditchling Road, BN1 6JT

Kind regards

Redacted

Redacted

Redacted

Redacted

Redacted

Redacted

Re: Proposal for change of licensing for the premises at 1-3 King's Parade, Ditchling Road BN1 6JT

To whom it may concern,

I'm writing to express my concern for the proposed license that has been applied for by the Flour Pot Bakery at their new site of 1-3 King's Parade, Ditchling Road. As one of their immediate neighbours I would like to object to this for the following reasons

- They will be open for significant extended long hours of business, 7 days a week causing considerable disruption to local neighbours.
- A saturation of licensed premises in the local area with alcohol licenses these include Quaff Wines, The Cooperative, Premier Stores, The Fiveways Pub, Rusticos and the potential new beer shop at 298 Ditchling Road.
- Increased Traffic generation for the local area.
- Increased pressure on local parking especially after 8pm if the proposed license is granted.
- Loss of privacy for local neighbours.
- Disturbance for those working locally from home.

If you could reply to my email which is Redacted about your response to this objection I would be most grateful.

Yours faithfully

Redacted

From: Redacted <Redacted >
Sent: 31 January 2022 18:25
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Flour Pot licence, fiveways

EG CON ENDS 18.02.22 VALID PPN (N)

To whom it may concern,

I am writing about the proposed change of use of the Flour Pot Bakery. I live on Redacted.

While I am not against the proposal totally, I do have some reservations.

Opening 7 days a week from 7.30 until 23.00 (8.00 - 22.30 on Sunday) this is very extended opening and seems unnecessary. My bedroom is at the front of my house, so I will be subjected to increased noise, and possibly be overlooked, especially late at night. I would wish for no late opening for at least two days a week, including Sunday.

Selling of alcohol, especially off sales seems unnecessary. This would take business away from Quaff, an long standing local business. Also would potentially lead to more rowdy behaviour.

The proposals would lead to even more pressure on parking, already a cause of stress for residents.

Please consider the thoughts of local residents and restrict the proposals to something more reasonable.

Yours sincerely

Redacted

Redacted

Redacted

Redacted

From: Redacted <Redacted >
Sent: 31 January 2022 21:59
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Flour pot planning application ditchling /hythe rd

EG CON ENDS 18.02.22 VALID PPN (O)

Dear Sir/Madam

I would wish to register an objection to the proposal for a license for the sale of alcohol and use of recorded music at the above venue.

Firstly I understood that when the land was given over to building the "dash" roads that the vendor imposed a restrictive covenant excluding any public house in the dash Rd precinct in perpetuity. Does such a covenant exist and if so is it not still valid?

Secondly, I believe that the extensive hours of opening requested would cause a nuisance in the area.

1 there would be noise ,of people and music

2 there would be light nuisance both around the shop front itself , and also potentially to the lane and houses and flats both in front opposite and behind the shop.

The public notification of the application was initially (as I understand) on the door of the shop ,which is not readily visible other than to customers as the shop already has long opening hours;

This has been rectified this weekend by more prominent notices . This , and the fact that two local councillors who I approached for advice , had not heard of the application , suggests to me that it would be wise to extend the consultation to ensure a fully informed response from interested parties.

Work is currently underway in the back yard / patio area of the shop . Again a councillor has suggested , in writing to me that no planning application has been made regarding use of a patio, is that correct?

If a license is to be granted , I know that local pubs have rules restricting the hours that customers can be outside I assume this would apply here in what is clearly a residential area with many small children resident.

A license for recorded music is applied for. If a license to serve alcohol was admitted , would it be possible for the possible future noise nuisance of application for a live music license to be excluded?

I feel that the additional noise and light nuisance of yet another sales venue at 5 ways is unjustifiable in a residential area with small children and shift workers present who may have chosen a " quiet " location to avoid sleep disturbance. There are already numerous alcohol sales outlets both for on and off premise use within the. 100 yards from the. 5 ways lights.

I hope that the planning team recognise the importance of separating noisy entertainment venues from residential areas where possible .

This application is unnecessary and should not be accepted.

Redacted

Redacted

From: Redacted <Redacted>
Sent: 01 February 2022 13:14
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Cc: Emma Grant <Emma.Grant@brighton-hove.gov.uk>
Subject: Re: Flour pot bar objection

EG CON ENDS 18.02.22 VALID PPN (P)

Redacted

From: Redacted <Redacted>
Sent: 29 January 2022 22:46
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Flour pot bar objection

Dear Sir/Madam,

I have lived on Redacted and it is a wonderful street, full of brilliant families, elderly people and a few students along the way. The neighborhood is essentially family based, respectful and community-orientated.

The idea of a bar opening at the end of road sits very badly and is not inline with our street. It would cause huge amounts of noise pollution and disturbance. Children will be kept awake and disturbed, elderly residents and families alike. We simply do not want or need this.

The road is already at full capacity parking wise. We all pay for our parking permits and I frequently have to park on adjacent roads or drive for 20 minutes or more to get a parking space. We are at full capacity. We all work hard to live here, it is a lovely place to live and as much as the cafe is great we simply do not want live music or a bar there.

Please think about the residents, the families, the elderly residents. The flour pot clearly wants to make money and maximize on it's income but there are other ways it can do this. Serving alcohol and playing music does not fit with our street. Please please respect this.

I am happy to speak directly to the planning committee if need be.

With kind regards

Redacted

Redacted

From: Redacted <Redacted >
Sent: 02 February 2022 20:33
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Representation regarding Licence - 1445/3/2022/00109/LAPREN.

EG CON ENDS 18.02.22 VALID PPN, PCD (Q)

Dear Sir/Madam,

We are writing to make an objection to the alcohol licence of The Flour Pot Bakery, Juniper Catering Ltd, 1 Kings Parade Ditchling Road, BN1 6JT, application no. Licence - 1445/3/2022/00109/LAPREN.

Our concerns include but are not limited to:

Prevention of Crime & Disorder –

- An increase in evening customer activity & consumption of alcohol at the late evening extended opening hours (11pm) in the residential street & area, resulting in more opportunities for crime to occur.
- Further illegal parking on the Ditchling Road end of Hythe Road from Flour Pot Bakery customers which has already increased since the takeaway bakery opened. Including double parking and blocking entrance of road.

Prevention of Public nuisance -

- Increased day & night time noise from customers – from sitting & drinking alcohol outside on the premises until the later proposed closing time. This affects us greatly due to living opposite and our two main living areas, the living room and bedroom being at the front of our property therefore it would be impossible to escape the noise.
- Increase in pedestrian activity in the street after the venue has closed – This would happen 7 days a week until 11pm plus cleaning time.
- Late night car & traffic vehicle noise nuisance - Increased traffic generation resulting in congestion from customers and services required by the business.
E.g. We have already noticed an increase of noise nuisance from the number of bin collections multiple times a week as early as 4.30am. The extended opening hours & the sale of alcohol would only increase this.
- Increased odorous traffic fumes from cars buying goods & collecting additional takeaway services which we anticipate to be a greater problem in summer when we have windows open.
- Increased likelihood of littering & waste disposal on Hythe Road.

Additional point:

- Loss of privacy and overlooking by members of the public in our only living spaces in our property due to living opposite.

We appreciate the value that The Flour Pot Bakery has added to our community as a bakery/café and enjoy going there ourselves. However as you can see demonstrated above, we are concerned

this new alcohol licence and extended opening hours would significantly affect our enjoyment and quality of life in our home.

Regards,

Redacted

Redacted

Redacted

Redacted

From: Redacted <Redacted >

Sent: 02 February 2022 21:34

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Representation vs Application for Alcohol License: Flour Pot Bakery, Ditchling Road, Brighton

EG CON ENDS 18.02.22 VALID PPN, PCD (R)

Dear Sir/Madam

Representation vs Application for Alcohol License: Flour Pot Bakery, Ditchling Road, Brighton

Dear Sir/Madam

Representation to Premises Licence Application

From:

Redacted

Redacted

Redacted

License Applicant: Flour Pot Bakery

Address: 1 Kings Parade, Ditchling Road, Brighton BN1 6JT

I wish to express my personal concerns with regard to the above premises' Application for an extended License for the sale of alcohol on and off the premises from 10:00 to 23:00 Monday to Saturday, 10:00 to 22:30 Sundays, Recorded Music 08:00 to 23:00 Monday to Saturday and 09:00 to 22:30 Sunday. The proposed opening hours are 07:30 to 23:00 Monday to Saturday and 08:00 to 22:30 Sunday. The application includes an outdoor seating area.

Firstly, I feel that the granting of a license extension as above would have a potentially heavy impact on the local community, in particular the residents who live near the above premises.

- **Prevention of crime and disorder.** The significant extended long hours of business: 7 days a week, 7am-11pm, plus the premises' change of use to a bar for consumption of alcohol would potentially give rise to an increase in crime and disorder. Nearby is a large pub on the Five Ways junction, plus an Italian restaurant, so there is already plenty of existing premises in the local area.

- **Public safety.** The extended long hours would result in an increase of road traffic and more pressure on parking.
- **Prevention of public nuisance.** The late opening hours - especially with an alcohol licence - would invariably result in an increase in noise and disturbance, also pedestrian activity. Hythe Road in particular is a quiet residential area and I feel that the alcohol licence and late-night opening would not be in keeping with the local community. I am among some of the road's residents who are up early for a long commute to work - in my case 5am every weekday for a bus journey to Shoreham to start work at 8am. Furthermore, there would also be loss of privacy, especially for this who work from home.

Regarding the protection of children, although I do not have any children I still strongly feel that their safety is of paramount importance in relation to the above.

I would be most grateful if the above points would be taken into consideration when the proposed licence extension is reviewed.

Thank you.

Yours faithfully

Redacted

Redacted

From: Redacted <Redacted>

Sent: 03 February 2022 12:12

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Comment on licensing application by Flour Pot - 1445/3/2022/00109/LAPREN

EG CON ENDS 18.02.22 VALID PPN (S)

Dear Regulatory Services Manager

I wish to comment on the licensing application by Juniper Catering Limited t/a Flour Pot Kitchen, ref 1445/3/2022/00109/LAPREN

I live half way along Redacted, at a distance of Redacted from the premises in question.

My concerns are:

The premises is on a corner where people are crossing two roads: Ditchling Road and Hythe Road. Customers of the current bakery already obstruct the pavement beyond the part which is part of the bakery premises, so pedestrians trying to cross the road have to contend with bakery customers queueing for the shop or waiting for their coffees to be brought out to them. Customers sitting at tables on the Hythe Road section frequently leave little room for pedestrians. My feeling is that people being served alcohol will show even less consideration for pedestrians.

Customers arriving by car often double park on Hythe Road 'just for a few minutes' as they make their purchases. This increases the hazard for both pedestrians and other drivers and can only get worse if people are coming in the evenings when there are even fewer parking spaces available.

Parking on Hythe Road is very limited at night since most households have at least one car with a parking permit. I know that many people (particularly older residents) are reluctant to go out by car after 6pm because they will find it difficult to park when they return. Again, this will only be worsened if the Flour Pot premises operates until 11pm. (Parking is unrestricted after 8pm.)

The shopping area at the end of Hythe Road is generally quiet in the evenings, with people visiting the takeaways and off-licences coming and going without problems and causing little nuisance. Serving alcohol to people sitting by the pavement until 11pm will inevitably lead to more noise in the neighbourhood. People who live above the shops and in the houses on Hythe Road will suffer from noise nuisance and will be overlooked. Several of the houses around there are occupied by families with young children.

Yours sincerely

Redacted

Redacted

Redacted

Redacted

Redacted

From: Redacted <Redacted>
Sent: 03 February 2022 14:08
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Premise licence application - Flour pot Ditchling Road

EG CON ENDS 18.02.22 VALID PPN (T)

Good Evening,

I write make representation against the application for Flour Pot on Ditchling Road to serve alcohol and extend their opening hours from 10-23.00 Monday to Saturday and 10-22.30 Sundays.

My reason for objection is based on the prevention of public nuisance, specifically in relation to noise and anti social behaviour. The premise is extremely close to quiet residential housing, a business serving alcohol, playing music and open late into the night is not compatible with this location.

I live in close proximity with a young daughter and believe the noise caused and the likely anti social behaviour will have a negative impact on our well being. The noise will be associated with people talking in the outside areas, music being played and peoples movement between inside and outside, people leaving the premises, taxis idling in the street. We know that people are louder when they have consumed alcohol. The antisocial behaviour is likely to be littering, damage to vehicles and property's, public urination all linked highly to alcohol consumption.

I also object as there is no suitable provision for parking. It is already extremely difficult to park in the area currently after 8pm (when I, Hannah, return from work as a nurse) and this will only be made worse.

I would invite any relevant decision makers to come to Hythe road at the Ditchling Road end and see that at present it is an extremely quiet location.

Kind Regards,

Redacted

Redacted

From: Redacted <Redacted>
Sent: 03 February 2022 21:15
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Licence - 1445/3/2022/00109/LAPREN

EG CON ENDS 18.02.22 VALID PPN, PCD (U)

To whom it may concern.

We would like to formally object to the proposed granting of an alcohol licence and addition to opening times with regard to the extension of use of premises referenced by Juniper Catering Ltd (Flour Pot Kitchen) at 1 Kings Parade, Ditchling Road, BN1 6JT.

Public Safety

Since Flour Pot opened the premises for the sale of coffee, bread etc, the safety of the residents of Hythe Road, Flour Pot customers and others has been put at risk in many ways.

Firstly, customer parking has been very disrespectful to both pedestrians and motorists because of irresponsible parking by customers. Customers have parked their cars blocking access to Hythe Road from Ditchling Road and from Ditchling Road to Hythe Road. This behaviour has included double parking and diagonal parking right up to the junction of both roads. If this proposal goes ahead I can only see this situation becoming worse with the addition of night time parking.

In addition, parking in Hythe Road and surrounding area is already challenging and will become more so if this proposal gets the go ahead.

Protection of Children from Harm

There are numerous families with young children in both Hythe Road and Sandgate Road who would potentially be in harms way with this proposal. The outside space at the rear of the premises is enclosed and noise would be amplified, raising the noise level pollution, potentially disrupting children's sleep.

Furthermore, the noise of customers and others arriving and latter leaving the premises beyond the closing times will add to the harm for children and others wanting to sleep.

The Prevention of Public Nuisance

In addition to the nuisances already outlined above, we believe people wandering around after the premises have closed will further present a degradation to the residential, family feel of the area. Additional street bins, to cater for the increased waste, will clog the already narrow paths by the pedestrian passage behind Kings Parade and offer further opportunities for rats, foxes and other scavengers to the area.

Prevention of Crime and Disorder

If the proposal is approved, opportunities for crime and disorder will be increased. People under the influence of alcohol being turned out late into the evening will be more likely to be involved in disorderly behaviour whether through violence or other antisocial behaviour.

For these reasons we strongly object to the proposal.

Thank you

Redacted

Redacted

Redacted

Redacted

From: Redacted <Redacted>
Sent: 04 February 2022 16:23
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Comment on Licence application - 1445/3/2022/00109/LAPREN

EG CON ENDS 18.02.22 VALID PPN (V)

Redacted
Redacted
04.02.22

Licence Application 1445/3/2022/00109/LAPREN

1 Kings Parade, Brighton BN1 6JT

We are writing to express our concerns about this application to extend the opening hours of the premises and allow the sale of alcohol to be consumed on and off the premises, including on the pavement area at the top of Hythe Road, between 10am and 11pm Monday to Saturday and until 10.30 on Sunday.

We have lived for some years in Redacted.

Among the council's licensing objectives are prevention of crime and disorder, protecting public safety and prevention of public nuisance. Fiveways is a mainly residential area but from time to time does suffer from late night noise and minor acts of vandalism to local residential and business properties

In the past a number of hot food takeaway outlets have opened and continue in business in what were previously retail units. There are now in this part of Fiveways 2 Indian, 1 Chinese and 1 burger bar in addition to the much longer established fish and chip shop. None of them has an alcohol licence. .

More recently a number of cafes have opened in former retail units – The Flour Pot (originally in Preston Drove now at 1 Kings Parade), Tilt, and Melissa's, in addition to the longer established Fiveways Deli. All of them have outside seating available for customers. None of them currently opens in the evening nor do any of them have an alcohol licence. .

Longest established is the Fiveways pub serving food all day and in the evening, however its outside seating area is closed at 9pm. More recently at the junction of Hollingbury Terrace and Ditchling Road there is a restaurant open in the evening serving alcohol with food and with a limited outside seating area, operating under a number of different names and managements. Currently it is called Rustico.

In addition, off-sales of alcohol are available during the day and, in most cases, late into the evening from the Fiveways Co-op, Fiveways Convenience Store (both long established) and

the off licence Quaff, more recently operating under that name but in premises long used as an off-licence.

All of these premises – pub, takeaways, restaurant, cafes, off sales outlets are within one or two minutes' walk from each other.

This application differs from what exists for other premises in the area by providing for late night drinking with an outside area and has the potential for increased public nuisance, including noise nuisance at night.

We are concerned that the management of the Flour Pot will not have the capacity to control potential public nuisance. The outside area at the top of Hythe Road is already noisy during the day and at busy times customers queuing can block the public footway. This was the case outside the previous Flour Pot premises in Preston Drove as well as now at the junction of Ditchling and Hythe Roads.

If the Council is minded to grant an alcohol licence for these premises we ask that the following conditions should be considered.

No use at all of the outside area in Hythe Road after 8pm.

No sale of alcohol for consumption on the premises, including the outside area, without food.

No vertical drinking inside or outside the premises.

No sale of alcohol after 10pm

Closing time no later than 10.30pm

These conditions would bring the premises more broadly in line with others in the area and aid the management in ensuring the orderly leaving of the premises in a way which minimises disturbance for residents of the area

Yours sincerely,

Redactes

Redacted

From: Redacted <Redacted >
Sent: 06 February 2022 10:40
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Flour Pot Bakery 1 Kings Parade, Ditchling Road, Brighton BN1 6JT

EG CON ENDS 18.02.22 VALID PPN (W)

Licence - 1445/3/2022/00109/LAPREN

Dear Regulatory Services Manager,

We would hereby like to object to the above licensing application for an On Licence and Off Licence for the following reasons:

On Licence

The long trading hours during 7 days of the week will lead to increased parking pressure, and noise and general disturbance from customers going into and out of 1 Kings Parade. The tables and chairs outside will also lead to an increase of noise for Hythe Road which is a residential road.

The outside area is of greatest concern as the multiple tables in Hythe Road with its south facing aspect will invite late night consumption causing noise and a general disturbance in this residential road. The hours of operation need to be restricted so that there is no general noise and nuisance outside after 6pm.

As for the restrictions for the inside of Number 1 Kings Parade, these need to follow the general rules of other restaurants and pubs with patrons leaving quietly and being respectful of the neighbours when leaving the establishment, with possible penalties or changes to the licence if ignored.

Also, the sale of alcohol needs to be ancillary to food and be sold only through table service.

Off Licence

The long trading hours during 7 days of the week will lead to increased parking pressure, and noise and general disturbance from customers going into and out of 1 Kings Parade. There is also no need for another Off Licence when there is already a very good one next door, with further Off Licences in the road as well. Further off premise retail of alcohol should not be encouraged as it will risk anti social behaviour in what is a residential road.

We therefore request that this licence application for both on and off premise consumption is reviewed taking into consideration the residential nature of Hythe Road.

Kind regards,

Redacted

Redacted

Redacted

Redacted

From: Redacted <Redacted >
Sent: 06 February 2022 20:52
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Objection to Licencing Application

EG CON ENDS 18.02.22 VALID PPN, PCH (X)

Please see our written objection attached

Thank you

Redacted

Redacted

Redacted

Redacted

Regulatory Services Manager / Regulatory Services

Environmental Health and Licensing

Bartholemew House

Bartholomew Square

Brighton BN1 1JP

EHL.safety@brighton-hove.gov.uk

6th February 2022

Re: Application by The Flour Pot Kitchen / Juniper Catering Ltd for a licensed restaurant and bar 14453202200109lapren

We wish to lodge our objection to the proposed use of “a patio area with seating on Hythe Road including for the consumption of offsupplies of alcohol.” To “operate as a café, restaurant and bar”. We understand there are 4 licencing objectives, and we are very worried that it will be extremely difficult for this application to comply with those.

Prevention of public nuisance

- The application for significantly extended and long opening hours (7 days a week, 7am-11pm each day) will be a nuisance for the local residential community. The area is a quite family focused neighbourhood, and we cannot see how they will derive any benefit from such a late-night opening. On the contrary, they will experience an increase in people wandering around the area, more noise, and the potential of inebriated foot traffic.
- Changing the existing café usage to include the consumption of alcohol is disturbing. It creates the possibility of loud and raucous group gatherings which are not what you want if you are trying to get your children to sleep at night (or get to bed early yourself).
- We are very concerned already about the increased traffic generation and congestion the café is creating and can only imagine this will worsen. It is very difficult to park in the area and after 8pm, the increased pressure on spaces is a nuisance for those who live here, and for friends and family wishing to visit.
- The increased noise and disturbance are not welcome. There is already a greater level of activity throughout the day that creates more noise, more cars, and more disturbance. At the moment things quieten after about 5.30pm. The late-night activity of people using the proposed bar and restaurant, not to mention music amplification, will aggravate this. It feels as though people living nearby will lose their privacy and their right to a reasonable level of peace and quiet. As more and more are working from home since the pandemic, it will also negatively impact them.
- We don't think that the premises were ever envisaged to be a licenced bar and restaurant open all hours of the week. I think they were designed to provide local shops for the community. The café building (which was a bank) doesn't seem to be fit for purpose as there is an insufficient separation between the building and the nearby residential properties.

Public safety

While the applicant has indicated that the proposed changes will be relatively minor and with alcohol consumption constricted to a couple of glasses of wine, we feel that if a licence were obtained, it may be the ‘thin end of the wedge’. As already mentioned, we are very concerned about the increased traffic generation and congestion and just hope this does not lead to an accident.

Protection of children from harm

Hythe and Ditchling Roads are a main route for children to journey to and from school. The increased traffic as cars double park, and come round the corner into Hythe too fast, makes it more dangerous than it needs to be in a residential area. It can be difficult to see children or for them to work out when it is safe to cross the roads. In addition, while the café is relatively child friendly now, this nature is liable to change with the introduction of alcohol consumption, making it less safe for children to use the facilities.

Prevention of crime and disorder

There may be an increase in crime and disorder following the consumption of alcohol (as is evidenced), and this is more likely to be the case later in the evening. Hence, we are of the opinion that keeping the café in its present format is much more in keeping with a residential neighbourhood.

We hope you will take these concerns into consideration when making your decision

Your sincerely

Redacted

Redacted

From: Redacted <Redacted>
Sent: 06 February 2022 12:14
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Licence - 1445/3/2022/00109/LAPREN

EG CON ENDS 18.02.22 VALID PPN (Y)

X
THE SCHEDULE thereto

THAT no dwellinghouse or other building should at any time thereafter be erected on any part of the premises thereinbefore expressed to be conveyed of less value than £200 such value to be calculated exclusive of the site

NO building to be erected on the said premises should be used otherwise than as a private dwellinghouse

NOT to do or suffer to be done anything on the said premises that might be or become a nuisance or annoyance to the Vendor and particularly not to exercise or carry on or permit to be exercised or carried on in or upon the said piece of land thereby conveyed or in or upon any of the houses or buildings thereafter to be erected thereon or on any part or parts thereof the trades or businesses of a Distiller Brewer Alehouse Keeper Licensed Victualler Tavern Keeper and Beerhouse Keeper nor any or either of them and will not sell or permit to be sold in or upon the said premises or any part or parts thereof any Beer Ale Porter Stout Wines Spirits or other liquors

22nd
23rd December 1898

Draft produced and
x^d at Messrs Stevens
Son & Maynards
Brighton

Laudens
Brighton

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BY INDENTURE of this
Preston Sussex Knight
Brighton Land Agent
Freeman of Brighton

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IT IS WITNESSED that

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A d d i t i o n a l

A B S T R A C T of the T I T L E

_____ of _____

MR FREDERICK WILLIAM FREEMAN to Land
in Hythe Road Preston in the
County Borough of Brighton. _____

To whom it may concern re:

Licence - 1445/3/2022/00109/LAPREN

With regards to the prevention of crime & disorder I would assume that the evidence regarding anti social & disorderly behaviour demonstrates that people are more likely to behave in a disorderly manner or cause a public nuisance when they have been drinking alcohol so the risk of this behaviour will be increased if alcohol is being sold for consumption on the premises and off sales. Whilst I realise that the staff would not be actively serving 'inebriated' people I feel it could put staff in a challenging position to attempt to meet the demands of customers and respect the quality of life of local neighbours.

The opening hours will have a significant impact on local neighbours. Having increased activity around the premises from at earliest, 07:30 until at latest, 23:30 means long periods of each day with people congregating outside will lead to noise 'pollution'. It appears there is a 'structure' being constructed outside the rear of the premises, a few meters away from Redacted, which has side room backing onto the rear of the premises. Even if this is not used for customers, it would appear this area will be used by staff at the premise so increasing the potential for increased noise pollution to local neighbours in Hythe Road, Sandgate Road, and flats over premises on Kings Parade

With regards to the protection of children from harm, I believe there is a potential impact on children and their parents having sleep and privacy disturbed. Hythe & Sandgate roads area popular areas for families with children, and the houses near the Flour Pot premises are occupied by families with pre-school and school age children. Of course there may also be shift workers in the area too. I am concerned that noise disturbance/pollution will be a significant issue and have a negative effect on the quality of life of local residents. Having Flour Pot customers sitting outside, with disinhibiting effects of alcohol can only lead to increased noise. Even closed windows are unlikely to reduce noise levels to an acceptable level and warm summer nights could be a major problem.

I understand that 'off sales' of alcohol should consider the opening hours of other premises nearby, I'm aware that Quaff of licence on Kings Parade is not open until 23:00.

It is my understanding having reviewed the deeds to my house in Hythe Road, that the original documentation - 'Abstract of the title to land in Hythe Road' 1898, that

there is a restriction on any premises in Hythe Road. And that no sale of alcohol can be permitted in any of the buildings on Hythe Road (see attached photos)
Thank you for considering these points.

yours faithfully

Redacted

Redacted

Redacted

Redacted

From: Redacted <Redacted >
Sent: 08 February 2022 11:41
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: OBJECTION - Licence - 1445/3/2022/00109/LAPREN

EG CON ENDS 18.02.22 VALID PPN, PCD (Z)

Dear Sir/Madam,

I support all local independent businesses (including the Flour Pot Bakery) rather than go to large chains and supermarkets. In fact I was told by the owners of the bakery before they moved to the old HSBC unit that they planned to develop a cookery school so was really delighted about their expansion plans in this challenging climate.

However, I have now seen the new proposal which I am deeply unhappy about.

There will without a shadow of a doubt be a detrimental and significant impact on this neighbourhood and my family's day to day life if this proposed change is approved, in key areas some of which are highlighted in the EHA letter.

For me a resident of Redacted, the main reasons for strong opposition are:

Impact Areas

Noise, Disturbance and Antisocial Behaviour

As a resident of Redacted we suffered badly last summer as a result of parties taking place at a student house on Ditchling Road. This had a significant impact on our quality of life and specifically sleep.

Noise travels very easily and if the Flour Pot Bakery is allowed to have music and continued use of outside areas, there will be a direct negative impact on residents quality of life.

Residents living nearby to the Flour Pot Bakery such as those living directly opposite, Hythe Road, Sandgate Road and possibly the top end of Ashford Road will be detrimentally affected.

In addition there will undoubtedly be antisocial behaviour associated with this type of change which will negatively impact this community.

In addition, I work from home full time and frequently work late into the evenings.

Therefore, the impact this proposed change will have a real and direct impact on my own work productivity, my well being and consequently and more concerning, my mental health.

Traffic:

There is already significant traffic congestion in and around Hythe Road, Sandgate Road and Ashford Road, resulting in severe daily challenges to find parking spaces on and off throughout the day including after 4pm when the changes of parking near to our own home is severely limited.

The result of which we often have to park on Ditchling Road. Therefore, additional traffic and increased demand on parking spaces will further adversely impact our community and quality of life.

Therefore, to conclude, the residents of my household (Redacted) are strongly opposed to this application and request that it be denied.

I look forward to hearing from you with more information as this application is reviewed

Best regards
Redacted
Redacted

Sent from my iPhone

From: Redacted <Redacted >
Sent: 07 February 2022 16:59
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Objection to Licence - 1445/3/2022/00109/LAPREN

EG CON ENDS 18.02.22 VALID PPN (AI)

With reference to :

Application License 1445/3/2022/00109/LAPREN

Trading name: The Flour Pot Kitchen

Applicant name:

Juniper Catering Limited
Address: 1 Kings Parade
Ditchling Road
Brighton
BN1 6JT

I wish to object to the application Licence - 1445/3/2022/00109/LAPREN on the following grounds:

Prevention of crime and disorder

- There are already several businesses with alcohol licenses within 100 meters; Quaff off license, Fiveways convenience store, the CO-OP, The Fiveways public house, Rustic pizza restaurant and a craft beer outlet (due to open when the Covid testing site closes)

Prevention of public nuisance

- There will be a loss of amenity for all those residents whose properties are either attached or back onto the premises or the backyard of the premises due to noise from the business, music and footfall. Increased deliveries would also cause noise and nuisance.
- Increased opening hours will lead to increased demand on parking. As a long term resident of Hythe Road I can attest to the fact that parking is already oversubscribed and there are frequent occasions when no spaces are available even during the day. It is a very rare event when there is a single

parking space available after 6pm. Increased evening customers would further exacerbate this especially after the operation hours of the CPZ.

- There is a discrepancy between the license application and documents posted on lampposts outside the premises. The use of the patio is explicitly mentioned in the application but explicitly excluded from customer use in the locally posted document.

Public safety

- Traffic congestion at the junction of Hythe Road and Ditchling Road has already increased. This leads to restricted line of sight when pulling out from Hythe Road to Ditchling Road. Due to short term double parking when customers are collecting take away orders, there are frequent occasions when the junction can only be approached on the wrong side of the Hythe Road; a dangerous manoeuvre.
- There does not appear to be an application registered for change of use from HSBC bank to Flourpot bakery.

I consider that each of these objections fall within the licensing objectives and I ask you to consider them.

Redacted

Redacted

From: Redacted <Redacted >
Sent: 09 February 2022 18:38
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Objection to the flour pot licence

EG CON ENDS 18.02.22 VALID PPN, PCD (CI)

Dear Sirs

THE FLOUR POT BAKERY, 1 KINGS PARADE, DITCHLING ROAD

I fully support all local and independent businesses (including the Flour Pot Bakery) in Fiveways rather than go to large chains and supermarkets, but I cannot support the application from the Flour Pot Bakery to become a licensed premises, especially as the owners informed local residents, that they moved to their new premises in order to start up a cookery school, not a 'wine bar'!

I have no doubt that opening a licensed premises in this location will significantly detrimentally impact on the area!

I hereby refer to the Licencing Act 2003 and Section 6 of the Brighton and Hove Council, Statement of Licencing Policy 2021, specifically 6.1.2, 6.1.3, 6.1.4, 6.1.6 and 6.2.1.

This covers in detail the requirements that should be met by businesses to safeguard residents such as myself and others living in this area, as I'm sure you know it states that music should not be audible outside buildings and in fact, refers to modifications such as sound insulation etc to prevent disturbance.

Please provide detailed information that outlines how the Flour Pot Bakery intends to meet these requirements.

Prevention of Public Nuisance

As this is a residential area, the Flour Pot Bakery should not be allowed to have music of any type in external areas.

Furthermore, reasonable steps as referred to previously should be taken to ensure music is not audible in external areas and to avoid public nuisance and disturbance to residents in Hythe Road, Sandgate Road, Ditchling Road, Ashford Road and surrounding areas.

I note that there has been a reduction in trading hours. This very minor revision makes no material difference at all to the noise and disturbance faced by the residents living and working in this community.

Therefore, I propose that there is a more material, meaningful and appropriate revision to the hours of operation such as:

Monday - Thursday and Sunday closure at 2000 - Friday and Saturday closure 2200.

I work in building control and as such, draw your attention to the fact that Flour Pot Bakery also need building regulation consent and planning permission for the bar area, as pub, wine bars etc are sui generis uses.

I am a resident of Redacted and believe that the opening of such a premises will not only cause noise and disturbance but also antisocial behaviour.

Noise travels very easily, as we found out last year when several parties took place in Ditchling Road! I work long hours and have children and we were all kept awake with the noise!

Furthermore, parking in Sandgate Road is bad enough at the best of times, but this has been made worse with the recent removal of the one hour parking on Ditchling Road and sometimes I have to park as far away as Varndean school, as there is no parking any closer to home!

Allowing this application to go ahead, will only make parking worse!

Therefore, as a resident at Redacted, I am strongly opposed to this application and request that it be denied.

I look forward to hearing from you.

Redacted

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Appendix C.2

To whom it may concern

I would like to support the application for a premises licence (1445/3/2022/00109/LAPREN) by Juniper Catering Limited, trading as The Flour Pot Bakery, of 1-3 Kings Parade, Ditchling Road, Brighton, BN1 6JT on the grounds of my belief that The Flour Pot shall promote all the Licensing Objectives set out in the Licensing Act 2003 as indicated by their application and acceptance of all amendments and conditions proposed by the Police and Environmental Health. The Flour Pot has a strong reputation as a family friendly bakery and café with the highest levels of safety for staff and customers, which I am confident will continue to apply at this location as it does in all of its sites including its licensed café on Brighton's seafront. The Flour Pot's provision of CCTV, strict policies on the service of alcohol and record keeping means that its presence on the corner of Ditchling and Hythe Road makes the area safer as well as providing improved amenity to residents of Fiveways.

133 supporting signatures - Redacted

Appendix D



