

BRIGHTON & HOVE CITY COUNCIL
LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

10.00am 27 SEPTEMBER 2022

VIRTUAL

MINUTES

Present: Councillor Simson (Chair), Pissaridou and Phillips

Officers: Donna Lynsdale (Licensing Officer), Rebecca Sidell (Lawyer), Thomas Bald (Democratic Services Officer) and Emma Thomson (Democratic Services Officer)

PART ONE

1 TO APPOINT A CHAIR FOR THE MEETING

Councillor Simson was appointed Chair for the meeting.

2 PROCEDURAL BUSINESS

2a Declaration of Substitutes

There were none.

2b Declarations of Interest

There were none.

2c Exclusion of the Press and Public

In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Licensing Panel considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

RESOLVED - That the press and public be not excluded from the meeting.

3 SMALL BATCH LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

In attendance:

For the premises Gus Golding (Applicant)
Heath Thomas (Solicitor)

Making representation Dave Day (Golden Lion Group Ltd)

Officer Presentation

- 3.1 The Licensing Officer summarised the proposed activities of the application by Small Batch Coffee for a New Premises Licence under the Licensing Act 2003. The application proposes a coffee shop/ restaurant with internal and external seating providing the sale by retail to customers on the premises. The Licensing Officer referred the Panel to the Operating Schedule provided by the applicant in Appendix A which outlines the intended steps to promote the Licensing Objectives and a plan of the premises in Appendix B. Members were also advised an agreement was reached between the applicant and Sussex Police, the details of which can be found at Appendix C.

Representations

- 3.2 Mr Day was invited to address the panel and expressed his concerns regarding the premises, particularly relating to the prevention of crime and disorder, public safety, and prevention of public nuisance.

Applicant Presentation

- 3.3 Mr Thomas outlined that the purpose of the application was to enable Small Batch Coffee more flexibility to serve customers cocktails with brunch and afternoon/ evening drinks, reaffirming the premises would not become a vertical drinking establishment. Following consultation with Sussex Police, additional conditions have been agreed which account for the premises' location within the Special Stress Area and which adhere to the Council's Licensing Policy and matrix approach. Namely, ceasing licensable activity by 10pm, only permitting the sale of alcohol by way of a waiter service for consumption by seated customers and the availability of substantial food for the duration of business hours.
- 3.4 The panel sought clarity regarding the substantial food options that would be on offer. Mr Golding confirmed the finalised menu is still to be agreed but given the size of the premises there would not be an extensive selection. Mainly charcuterie, cold meats, fresh bread, and locally sourced products would be available throughout business hours and the small oven onsite could also be used to reheat small dishes.
- 3.5 In response to a query from the panel regarding the types of alcohol intended to be sold in the premises, Mr Thomas confirmed a small range of beers, cocktails and wine and limited spirit options would be available.
- 3.6 The panel raised concerns regarding noise and nuisance in a residential area since almost half of the premises' covers are outdoors. Mr Thomas assured Members that this issue has been consulted on with the relevant authorities and no concerns have been raised by them or Sussex Police regarding the proposed use of the premises. In terms of minimising public nuisance this will also be managed by staff, only seated customers

will be served alcohol, outdoor seating will close by 9.30pm and signage will be displayed advising customers to respect residents when using the premises.

- 3.7 In terms of the management and storage of alcohol between 7:30am and 12pm, the applicant advised alcohol would be stored out of sight, behind the counter. From 5pm the store would be reset to change the ambience of the premises and alcohol will be displayed behind the counter. Mr Thomas clarified that the menu would state no alcohol will be served until midday and will cease at 10pm and the alcohol options available will be displayed on the menu.
- 3.8 The panel queried if during consultation with the police a need for security industry authority (SIA) staff for weekend evenings was identified. Mr Thomas advised the appointment of SIA staff would not be deemed appropriate for this type of venue given that alcohol will only be permitted via a waiter service and as licensable activity will cease at 10pm.
- 3.9 In response to a question about ensuring the sale of alcohol as ancillary and not exceeding 10% of sales, Mr Thomas clarified that in terms of the sales of non-alcoholic drinks and hot beverages, the sale of alcohol would be minimal given the high turnover of non-alcohol sales.
- 3.10 The panel queried if the applicant's intention was to turn the venue into a cocktail bar, which Mr Thomas advised was not the case.

Closing Submissions

- 3.11 All parties present were invited to make their closing submissions, and each reiterated the points previously made during the meeting. The Panel then retired to make their decision which is set out below.

Decision

- 3.12 That the Premises Licence in respect of Small Batch Coffee, 67B–67C Church Road, Hove BN3 2BD, be granted.

The Panel has read all the papers including the report and relevant representation. The panel has listened to all the submissions put forward at the hearing. The panel has also considered the council's Statement of Licensing Policy (SOLP) and the statutory guidance.

This is an application for a new premises licence to sell alcohol within an existing coffee shop with internal and external seating. Alcohol is applied for sale on the premises every day from 12:00 to 22:00 with opening hours from 07:30 to 22:00.

The premises falls within the Special Stress Area (SSA) which, as detailed in our statement of licensing policy, is deemed an area of special concern in terms of the relatively high levels of crime and disorder and public nuisance experienced within it. Applications within this area are thus subject to careful scrutiny to ensure that their operation will not add to problems already faced in the area.

One representation was made by the owner of a local business. The representation had concerns about the potential for the premises to become a 'wet-led' bar operation and the need for restrictive conditions.

The applicant consulted with the police during the application period and agreed a set of conditions put forward by the police. These include café conditions – waiter/waitress service and substantial food at all times, and a prohibition on vertical drinking.

The panel heard from the applicant and his solicitor who emphasised that the application fell within the terms of the Matrix set out in the SOLP and that there were no representations from the responsible authorities who could thus be deemed satisfied that the application would not undermine the licensing objectives of prevention of public nuisance and prevention of crime and disorder. Further, no concerns were raised by residents. It was considered that the representation made was more motivated by trade concerns and did not relate to the licensing objectives. This was strongly denied by the maker.

The panel was able to put many questions to the applicant about the nature and style of operation proposed. There would be 35 covers. The food offering would include charcuterie, cheeses, bread and salads and the menu had yet to be finalised. The alcohol offered would include cocktails, beers and wines. It was expected that service to the outside area would close at 9.30pm at the latest. There would be signage reminding patrons to respect the needs of local residents. The applicant said that after 5pm there would be a change of ambiance towards more alcohol display and sales and that little coffee was sold after that time.

The panel has considered this application on its individual merits. It is accepted that the application falls within our policy and the Matrix. There are comprehensive conditions agreed with the police which will attach to the licence. The panel does have concerns about the stated change of emphasis towards more alcohol in the early evening given the location of the premises within the SSA. However substantial food must be available at all times and the panel would remind the applicant of condition 5 agreed with the police that alcohol must be ancillary to other hot and cold non-alcoholic beverages available on the premises. In the view of the panel this condition is intended to apply generally at all times when alcohol is sold and thus in combination with the other conditions agreed will prevent the premises from operating as a cocktail or wine bar.

The panel has therefore decided to grant this application as applied for with all the conditions agreed with the police to be attached to the licence.

The meeting concluded at 11.05am