




**Brighton & Hove  
City Council**

# Licensing Panel

(Licensing Act 2003 Functions)

Title:	<b>Licensing Panel (Licensing Act 2003 Functions)</b>
Date:	<b>1 October 2018</b>
Time:	<b>10.00am</b>
Venue	<b>G70, Hove Town Hall</b>
Members:	<b>Councillors:</b> Marsh, O'Quinn and Bennett
Contact:	<b>Kat Hoare</b> Democratic Services Officer 01273 291064 kat.hoare@brighton-hove.gov.uk

	<b>The Town Hall has facilities for wheelchair users, including lifts and toilets</b>
	<b>Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.</b>
	<p align="center"><b>FIRE / EMERGENCY EVACUATION PROCEDURE</b></p> <p><b>If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:</b></p> <ul style="list-style-type: none"> <li>• <b>You should proceed calmly; do not run and do not use the lifts;</b></li> <li>• <b>Do not stop to collect personal belongings;</b></li> <li>• <b>Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and</b></li> <li>• <b>Do not re-enter the building until told that it is safe to do so.</b></li> </ul>

AGENDA

WELCOME & INTRODUCTIONS

42 TO APPOINT A CHAIR FOR THE MEETING

43 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.*

44 CURRY LEAF CAFE LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

5 - 32

Contact Officer: Dean Love

Tel: 01273 295347

Ward Affected: St Peter's & North Laine

## LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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

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

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public.

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

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

Date of Publication - Friday, 21 September 2018



# Licensing Panel (Licensing Act 2003 Functions)

**Agenda Item 23**  
Brighton & Hove City Council

<b>Subject:</b>	<b>Application for a Variation of a Premises Licence under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>Curry Leaf Café Unit 12 Brighton Station Queens Road Brighton BN1 3ZE</b>		
<b>Applicant:</b>	<b>Curry Leaf Express Limited</b>		
<b>Date of Meeting:</b>	<b>1 October 2018</b>		
<b>Report of:</b>	<b>Executive Director of Neighbourhoods, Communities &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Sarah Cornell</b>	<b>Tel: (01273) 295801</b>
	<b>Email:</b>	<b>sarah.cornell@brighton-hove.gcsx.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>St. Peter's And North Laine</b>		

## FOR GENERAL RELEASE

### 1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Curry Leaf Café.

### 2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Curry Leaf Café.

### 3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a Variation of a Premises Licence under the Licensing Act 2003. The application proposes to vary our existing licence so that we can add in premixed ready to drink items such as gin & tonics and also amend the condition that stipulates that alcohol must be served with £1.50's worth of food.
- 3.2 Section 16 (Operating Schedule) of the application is detailed at Appendix A

3.3 Summary table of existing and proposed activities.

	<b>Existing</b>	<b>Proposed</b>
<b>M) Supply of Alcohol</b>	Monday to Saturday 12:00 – 22:30 Sunday 12:00 – 20:00 Off the premises	No change
<b>O) Hours premises are open to public</b>	Monday to Saturday 06:00 – 22:30 Sunday 09:00 – 20:00	No change
<b>P) Conditions removed as a consequence of the proposed Variation</b>	Amend conditions 1 & 2 on the existing licence.	

3.4 Existing licence attached at Appendix B

3.5 Special Stress Area: The premises falls within the Special Stress Area. This area is deemed an area of special concern in terms of the levels of crime, disorder, and public nuisance experienced within them. (See paragraphs 3.2 – 3.2.4)

**Representations received**

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

3.7 One representation was received. It was received from a local Councillor.

3.8 Representation received had concerns relating to Prevention of Crime and Disorder.

3.9 Following discussions between Sussex Police and the applicant an agreement was reached regarding an additional condition to be added to the operating schedule.

3.10 Full details of the representation and agreement are attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

**4. COMMENTARY ON THE LICENSING POLICY**

4.1 The following extracts from Brighton & Hove City Council Statement of Licensing Policy are considered relevant to this application and **are numbered as they appear in the policy**:

## **1. Introduction**

**1.1** This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol;
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club;
- The provision of regulated entertainment;
- The provision of late night refreshment.

**1.2** The licensing objectives are: -

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

## **1.3 Scope**

Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations; i.e. the premises and its vicinity. Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the act.

### 3.2 Special Stress Area

The map below details the area of the Brighton city centre which borders the Cumulative Impact zone at 3.1.3 and which is deemed an area of special concern in terms of the levels of crime and disorder and public nuisance experienced within it. The area recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below delineated in purple:

#### Cumulative Impact and Special Stress Area



The Special Stress Area - an area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Holland Road northwards to its intersection with the north side of Lansdowne Road; eastwards to the junction with Furze Hill, along the north side Furze Hill to its end and then due east along Victoria Road to its junction with Montpelier Road (west side), north to where Montpelier Road joins Vernon Terrace then north to Seven Dials; north west along the west side of Dyke Road until the junction with the Old Shoreham Road, then East along the north side of Old Shoreham Road, north end of New England Road, across the north side of Preston Circus, eastwards along the north side of Viaduct Road, then at the junction with Ditchling Road, North East along the north side of Upper Lewes Road until the junction with Lewes Road; south along the Lewes Road to junction with Hartington Road, along the north side of Hartington Road until the junction with St. Helen's Road, south into May Road, eastwards until its junction with Freshfield Road, then south into Upper Bedford Street, into Bedford Street to the mean water mark south of Bedford Street, then due west until the mean water mark south of Lower Rock Gardens.



- 3.2.1 This Special Stress Area (SSA) is of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it. The area will be kept under review.
- 3.2.2 New and varied applications for premises and club premises certificates within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. Appendix A of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.
- 3.2.3 On receipt of any application in the SSA, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in Appendix A, Licensing Best Practice Measures. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.
- 3.2.4 The Licensing Authority will keep the Cumulative Impact Zone and Special Stress Area under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening, the Special Policy will be reviewed.

### **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)

	<b>Cumulative Impact Area</b>	<b>Special Stress Area</b>	<b>Marina</b>	<b>Other Areas</b>
<b>Restaurant</b>	Yes (midnight)	Yes (midnight)	Yes	Yes (midnight)
<b>Café bar</b>	Yes (11.30)	Yes (midnight)	Yes	Yes (midnight)
<b>Late Night Takeaways</b>	No	Yes (midnight)	Yes	Yes (midnight)
<b>Night Club</b>	No	No	Yes	No
<b>Pub</b>	No	Yes (11pm)	Yes	Yes (midnight)
<b>Non-alcohol lead (e.g. Theatre)</b>	Yes (favourable)	Yes (favourable)	Yes	Yes (favourable)
<b>Off-licence</b>	No	No	Yes	Yes ( Up to 11pm but if in densely residential area may be earlier – see note 7 below)
<b>Members Club (club premises certificate)</b>	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes	Yes

Notes on matrix

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

- 1) Each application will be considered on individual merit
- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.

- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to off set impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).
- 6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, member's clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
- 7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or café bars, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing and the Street Community and Drug Activity Profile. These documents are available on the following page of our website [www.brighton-hove.gov.uk/licensingact](http://www.brighton-hove.gov.uk/licensingact).
- 8) In an area where there are already several existing off-licences and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds.
- 9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.

### **3.5 Off licences**

- 3.5.1 In recent years there has been a noticeable shift towards more people buying alcohol from shops and drinking at home before going out 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.
- 3.5.2 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 principle product sold maybe considered more favourably.

3.5.3 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 3.5.4), for which they receive an accreditation as a responsible retailer.

3.5.4 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

## **4 Prevention of Crime and Disorder**

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

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

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

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

### **4.3 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.

## **8 Integration of Strategies**

- 8.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by:-
- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
  - Liaising and consulting with Public and Alcohol Programme Board
  - Liaising and consulting with the East Sussex Fire & Rescue Service
  - Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
  - Liaising and consulting with the Planning authority
  - Liaising and consulting with the Highways authority
  - Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
  - Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice
- 8.2 In line with statutory requirements and the Council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.
- 8.3 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.
- 8.4 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.
- 8.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.
- 8.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

## **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 'NightSafe' 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: 12/09/18*

### Legal Implications:

- 5.2 The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm
- 

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

*Lawyer Consulted: Rebecca Sidell*

*Date: 13/09/18*

### Equalities Implications:

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

### Sustainability Implications:

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



## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Appendix A – Section 16 (Operating schedule) of the Application
2. Appendix B – Part A of Premises Licence
3. Appendix C – Representation and Police agreement
4. Appendix D – Map of area

### **Documents in Members' Rooms**

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

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

Public Health Framework for assessing Alcohol Licensing. Annual Report – Ward. 3rd edition. Public Health Intelligence. October 2017

### **Background Documents**

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



## APPENDIX A

### Section 16 of 18

#### LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

At the end of each day, solid metal shutters completely enclose the premises making forced entry impossible.  
The Operating Schedule providing the hours of operation and licensable activities during those hours will be clearly displayed and strictly adhered to.  
The designated premises supervisor will provide comprehensive training for staff on the Licensing Act and maintain comprehensive records.  
"Challenge 25" information will be clearly displayed to prevent the supply of alcohol to under-age drinkers.  
The alcohol sold will be premium craft beers, ciders & RTD's. We are not looking to compete on pricing with local shops, instead the above listed products are very much part of our brand identity and part of the experience of Curry Leaf Cafe and as such are sold to complement the main element of the business which is south Indian street food.

b) The prevention of crime and disorder

At the end of each day, solid metal shutters completely enclose the premises making forced entry impossible.  
No alcohol will be sold to drunk or intoxicated customers, or those displaying anti-social behaviour.  
A clear and legible notice outside the premises will indicate the normal hours under the terms of the premises licence during which licensable activities are permitted.  
Staff will be trained in how to handle intoxicated would-be customers.  
All refusals will be logged and recorded in the refusal book located on site.

c) Public safety

Well trained staff adherence to environmental health requirements.  
EPOS till system will prompt the with Challenge 25 on every alcohol purchase.  
A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.  
All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.  
We will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading will conduct themselves in such a manner to avoid causing disturbance to nearby residents.

e) The protection of children from harm

Implementation of a "Challenge 25" policy – which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.  
Staff will be thoroughly trained about the requirement for persons' identification, age establishment etc.  
All the details provided in Training Record Book will be available for inspection at the retail unit.  
A log Book will be kept upon the premises all the time.  
All Healthy & Safety requirements will be strictly adhered to.



Premises Licence  
Brighton and Hove City Council

Premises Licence Number

1445/3/2016/02270/LAPREN

Part I – Premises Details

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

Curry Leaf Cafe  
Unit 12  
Brighton Station  
Queens Road  
Brighton  
BN1 3ZE

**Telephone number**

**Licensable activities authorised by the licence**

Sale by Retail of Alcohol

**Times the licence authorises the carrying out of licensable activities**

<b>Sale by Retail of Alcohol:</b>	12:00 – 22:30	Monday - Saturday
<b>(Off the premises)</b>	12:00 – 20:00	Sunday

**Non Standard timings:** Sale by Retail of Alcohol until 22:00 on Sundays occurring prior to a Bank Holiday Monday

<b>Opening Hours:</b>	06:00 – 22.30	Monday – Saturday
	09:00 – 20:00	Sunday

**Non Standard timings:** Premises to close at 22:00 on Sundays occurring prior to a Bank Holiday Monday

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption off the Premises.

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Curry Leaf Express Limited  
Flat 4  
15 Buckingham Place  
Brighton  
BN1 3TD

E-Mail: euan@curryleafcafe.com

**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Stewart Cumming

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

## Annex I - Mandatory conditions

### S 19; mandatory conditions where licence authorises supply of alcohol

1. No supply of alcohol may be made under the premises licence
  - a) at a time when there is no designated premises supervisor in respect of the premises, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.

### Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 —
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979:
  - (b) “permitted price” is the price found by applying the formula—

$$P=D+(D\times V)$$

where—

- (i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 - Conditions consistent with the Operating Schedule:**

### **The Prevention of Crime and Disorder:**

1. The premises will only sell premium specialty bottled or canned beers, lagers or cider and no other types of alcohol will be sold at the premises. No beers, lagers or cider with an ABV content exceeding 6% will be sold other than premium speciality bottled or canned beer, lager or cider.



2. The selling of alcohol will be ancillary to the main food led purpose of the business, and alcohol will only be supplied with a food order. No alcohol sales will be made without an accompanying food order, the minimum value of the food order being £1.50.

3. In the event of any major events and protests in the City that have a major impact on the railway station, The Sussex Police Football Liaison Officer, a Sussex Police Licensing Sergeant or a Police Inspector (either British Transport Police or Sussex Police, can demand that the premises removes all alcohol from display and retail sale in exceptional circumstances. Any such demand must be in writing.

4. (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.

(b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.

(c) CCTV footage will be stored for a minimum of 31 days.

(d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime. A member of staff must be present at all times who can operate the system and supply copies of these images on request to either Police, Council or other authorised Officer.

(e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

(f) Subject to 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.

(g) Any breakdown or system failure will be notified to the police immediately and remedied as soon as practicable.

5. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.

**For Public Safety: N/A**

**For the Prevention of Public Nuisance: N/A**

**For the Protection of Children from Harm:**

6. (a) 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:

- The lawful selling of age restricted products;
- Refusing the sale of alcohol to a person who is drunk.

(b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed eight weeks, with the date and time of the verbal reinforcement/refresher training documented.

(c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

7. 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. The recommended forms of ID that will be accepted are passports, driving licenses 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.

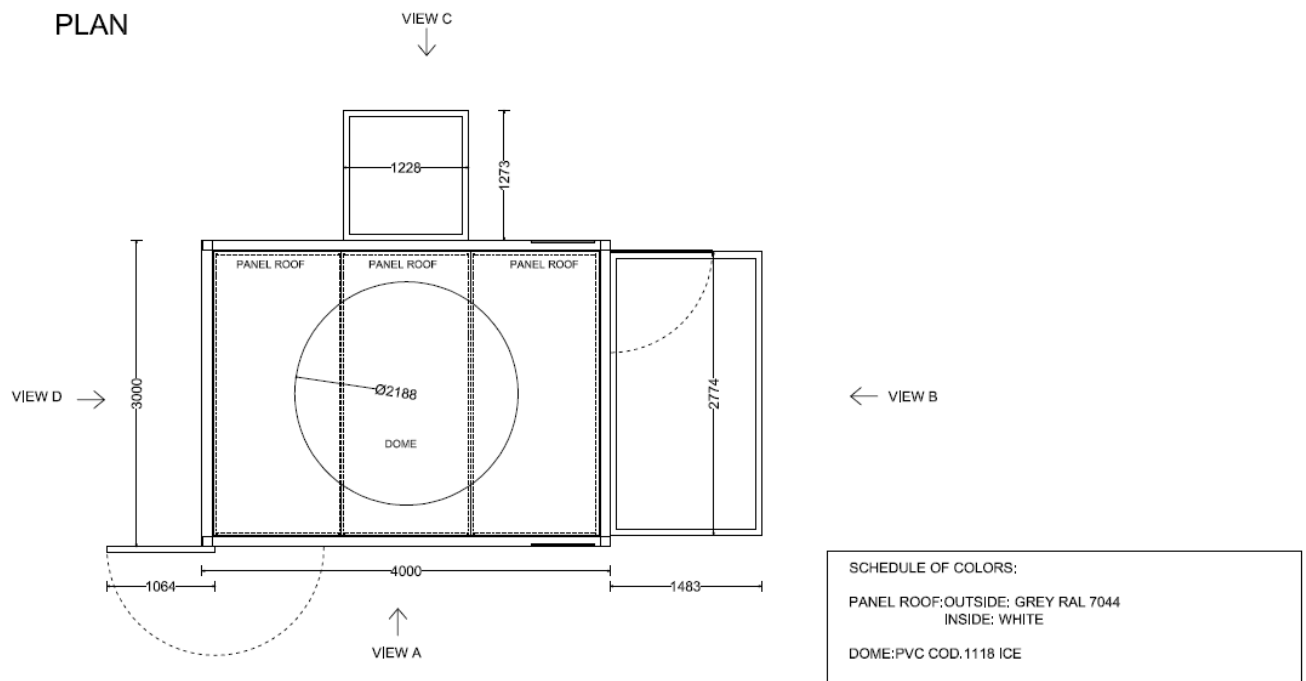
8. Signage advertising the “Challenge 25” policy will be displayed in prominent locations inside the premises.

9. The premises shall at all times maintain and operate a refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant. This refusals book shall be available upon request to police staff, local authority staff and officers from the Trading Standards team.

10. The premises will not operate an alcohol delivery business.

**Annex 3 - Conditions Attached after a hearing of a Licensing Panel – N/A**

## Annex 4 – Plans



STAMP AND SIGNATURE FOR ACCEPTANCE



NUOVA CAGIS s.r.l.  
Strada Statale 45, Km 131  
29020 - Settimo di Gossolengo (PC)  
tel. 0523 557225

COSTUMER	DRAWING N.
PRECISE LTD -LONDON-GB	1
OBJECT	SCALE
PLAN KIOSK BRIGHTON STATION	1:100
DESIGNER	DATE
STUDIO TECNICO NUOVA CAGIS	28.10.2015



## **APPENDIX C**

### **Representation**

From: Lizzie Deane

Sent: 03 September 2018 23:24

To: EHL Safety

Cc: Pete West Louisa Greenbaum

Subject: 1445/3/2018/04891/LAPREV

### **SC CON ENDS 03.09.18 VALID PCD (A)**

Dear Licensing Team,

I write in my capacity of ward councillor to object to the above application.

Curry Leaf Express is located within the Special Stress Area, and is within close proximity to the city's Cumulative Impact Zone.

The matrix within the Statement of Licensing Policy clearly states that off sales will be granted only if the applicant can demonstrate exceptional circumstances. I see no exceptional circumstance that would enable this application to be granted.

To do so would not promote the council's licensing objectives and would add to already existing problems of alcohol induced crime, disorder and antisocial behaviour in an area where figures show has among the highest crime levels in the city.

Yours sincerely,

Lizzie Deane

Cllr Lizzie Deane

Green Party member for St Peter's and North Laine ward

**Agreement**

**From:** stewartc  
**Sent:** 08 August 2018 14:13  
**To:** Brighton Licensing  
**Cc:**  
**Subject:** Re: Variation Application

Hi Mark

Thank you for the below

Euan and I are both happy to agree to this.

Kind regards

Stewart

Sent from my iPhone

On 8 Aug 2018, at 13: 22,:

Dear Euan,

We are in receipt of your application to vary the conditions which would enable you to sell pre mixed canned sprits and remove the need to purchase food. Sussex Police were pre consulted on this prior to your submission and we agreed to these changes. Obviously other parties could submit an objection.

On top of the changes you have requested, we wanted to know if you would also be in agreement to a new additional condition which is as follows:

***No external advertising of alcohol, be it by A Frames or posters, to be situated within Brighton Railway Station or fixed to the external walls of the premises.***

If you could let me know your thoughts on this please.

Kind Regards

Mark.

**Mark Thorogood**  
Police Licensing Officer

**Brighton & Hove Licensing Unit**

**APPENDIX D**



