

APPENDIX C

Head of Planning & Public Protection, Health & Safety and Licensing

Bartholomew House Bartholomew Square Brighton

East Sussex

BNI IJP

MSB CON ENDS 22/10/20 VALID PPN (A)

RE: Piano Cafe Application for alcohol license. Dear Sir/Madam

Please accept this letter as a statement of objection in the strongest possible terms to the application made by the Cafe at 304 Ditchling Road for an Alcohol license and to extend opening hours until 10pm. REDACTED TEXT cafe and have lived here for over a decade. I already have an REDACTED TEXT about the unauthorized cooking/deep frying that occurs during the cafe opening hours of 8am - 6pm, and about the noise pollution from the alarm in the shop, The premises has always been and remains an A1 rated shop, not a restaurant. A planning application was made and rejected at the end of 2019 to convert the shop to a A3/AS restaurant (BH2019/03237), and another made this year and withdrawn after rejection by EH (ENF2020/00219). This cafe is REDACTED TEXT. I often work in London and am in bed before 10pm, and when I am not in London, I am working from home. There is no insulation between the REDACTED TEXT. Smells and sounds are always present. I urge you to decline this application.

The area is well served by a Pub, and a pizzeria within 50 yards of the cafe.

Faithfully,

REDACTED TEXT

REDACTED TEXT

Date: 29 October 2020
Contact: REDACTED TEXT
Phone: 01273 292100
Email: REDACTED TEXT

Dear REDACTED TEXT,

Licensing Act 2003
Re: Your representation received in respect of
New Premises Licence Application For:
Piano Café, 304 Ditchling Road, Brighton
Reference: 2020/03060/LAPREN

The following was sent to you via email on 22nd October, however I also wanted to send this in the post to you, to ensure its receipt.

I write in relation to the representation you have submitted, objecting to the application for a new premises licence to be issued at 304 Ditchling Road, Brighton. The applicants are applying to sell alcohol on the premises between 4pm and 10pm Monday to Saturday. I am the Licensing Officer dealing with this application.

Your representation has been accepted due to your mention of noise and odour, which are relevant to the licensing objective for 'the Prevention of Public Nuisance'. However, I note mention of two points in your letter that are not deemed relevant in licensing terms, as they do not relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

The first matter that you mention which cannot be taken into account by the licensing authority is the planning use status of the premises. Equally, we cannot consider any previous or current planning applications when determining the licensing application. Planning, building control and licensing are properly separated to avoid duplication and inefficiency. The granting of a premises licences will not relieve applicants of the need to apply for planning permission or building control consent and there is an expectation that these issues will have been explored before licensing applications are submitted. Applicants are recommended to obtain correct planning consents prior to applying for a licence to avoid potentially inoperative licences, but the granting of premises licences is not dependent on this.

Contd/...

The second matter that you mention is that 'the area is well served by a pub, and a pizzeria within 50 yards of the café'. The presence of similar businesses nearby is also not considered relevant as this is a matter of 'business need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is

therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore does not form part of the licensing decision making process.

A hearing will now be arranged so that the application can be determined by Members of the Licensing Panel. You will be invited to speak at the hearing to discuss your concerns about noise and odour and how you feel the application will affect this. The hearing will be held online and details will be sent to you soon.

During the consultation period for this application, the applicants have agreed a proposed list of conditions with Sussex Police, which would be attached to the licence, if granted. I paste these below for your information:

General

1. Alcohol will be served by waiter/waitress service to persons seated at tables and ancillary to a main table meal only. There will be no vertical drinking.
2. There will be no off sales.

For the Prevention of Crime and Disorder

3. (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, 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.

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

(f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.

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

(h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
4. (a) An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week.

(b) The log book should be kept on the premises and be available for inspection at all times

the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.

(c) Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty four (24) months.

For the Protection of Children from Harm

5. 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, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.
6. Signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
7. (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
 - Refusing the sale of alcohol for consumption off the premises to people who may have alcohol dependency issues(b) 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.

(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.

These conditions will be assessed and decided on by the hearing panel Members.

I hope this helps clarify accepting representations and the licensing application process. If you wish to discuss any of the above matters, please do not hesitate to contact me on the above details.

Yours sincerely,

REDACTED TEXT

POLICE CONDITIONS

Proposed conditions for Piano Café, 304 Ditchling Road, Brighton.

General

8. Alcohol will be served by waiter/waitress service to persons seated at tables and ancillary to a main table meal only. There will be no vertical drinking.
9. There will be no off sales.

Additional conditions as stated in original application or agreed with another Agency.

The prevention of Crime and Disorder

10. (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.
(e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
(f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.
(g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
(h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
11. (a) An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week.
(b) The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the

police. An incident will be defined as being one which involves an allegation of a criminal offence.

(c) Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty four (24) months.

Additional conditions as stated in original application or agreed with another Agency.

Public safety – None

Additional conditions as stated in original application or agreed with another Agency.

The prevention of public nuisance – None

Additional conditions as stated in original application or agreed with another Agency.

The protection of children from harm

12. 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, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.

13. Signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.

9 (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

*Refusing the sale of alcohol for consumption off the premises to people who may have alcohol dependency issues

(b)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.

(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.

Additional conditions as stated in original application or agreed with another Agency.

