



# Brighton & Hove City Council

## APPENDIX C

### Schedule 12 Part A

Regulation 33, 34

## Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2020/03145/LAPREV

### Part I – Premises Details

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

The Shelter Hall  
152 - 154 Kings Road Arches  
Brighton  
BN1 1NB

**Telephone number**

### **Where the licence is time limited the dates**

Minor Variation granted 09.07.20:- Up to and including 30<sup>th</sup> September 2020 or sooner if COVID19 social distancing requirements are removed by the Government, **off sales of alcohol** will be permitted when it forms part of a substantial food order. Off sales of alcohol to be supplied directly to the customer in person from the premises and no delivery. No off sale drinks are to be served and or supplied in glassware.

*Note: This condition is superseded by the Business and Planning Act 2020 all the time it is in force.*

### **Licensable activities authorised by the licence**

Performance of Dance  
Exhibition of a Film  
Anything of a similar description to live music, recorded music and performance of dance  
Performance of Live Music  
Performance of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol



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

### Performance of Dance

Every Day 08:00 - 23:30 Indoors

### Exhibition of a Film

Every Day 08:00 - 23:30 Indoors

### Anything of a similar description to recorded music and performance of dance

Every Day 08:00 - 23:30 Indoors - recorded music/performance of dance

### Anything of a similar description to live music

Every Day 08:00 - 23:30 Both - Live music

### Performance of Live Music

Every Day 08:00 - 23:30 Both

### Performance of Recorded Music

Every Day 08:00 - 23:30 Indoors

### Late Night Refreshment

Every Day 23:00 - 23:30 Indoors

### Sale by Retail of Alcohol

Every Day 08:00 - 23:30 On premises

## The opening hours of the premises

Every Day 07:00 - 00:00

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

Alcohol is supplied for consumption on the Premises.



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### Part 2

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

Sessions Market Limited  
168 Church Road  
Hove  
BN3 2DL

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

Registered Business Number      11788160

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

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



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### 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
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;



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(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

(e) dispensing directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
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.
6. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;



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(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### 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;



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(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.

### **S 20;** mandatory condition: exhibition of films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where –
  - (a) The film classification body is not specified in the licence, or
  - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.



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4. In this section –

“children” means any person aged under 18; and

“film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

**S 21**; mandatory condition: door supervision

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





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### Annex 2 – Conditions consistent with the Operating Schedule

#### General

1. Minor Variation granted 09.07.20:- Up to and including 30<sup>th</sup> September 2020 or sooner if COVID19 social distancing requirements are removed by the Government, off sales of alcohol will be permitted when it forms part of a substantial food order. Off sales of alcohol to be supplied directly to the customer in person from the premises and no delivery. No off sale drinks are to be served and or supplied in glassware.

*Note: This condition is superseded by the Business and Planning Act 2020 all the time it is in force.*

- 1a. 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.
2. The Premises will at all time remain “food led” but alcohol sales shall be permitted as follows:
  - Substantial hot food will be available from not less than 3 of the 7 kitchen serveries until not more than 60 minutes before the projected time for the cessation of alcohol sales and there will be at least 1 kitchen service available until not less than 30 minutes before the cessation of alcohol sales.

Excluded from this is when an exclusive pre booked invitation only party or event is taking place within the Private Dining or Function room shaded orange on the submitted plans or within the first floor area. This exclusion will only apply to the area (room/s) that have been reserved for the particular party/event. The Licensee will provide not less than 10 days written notice of their intention to hold such an event to the Licensing Authority and to Sussex Police – such notice to specify the area to be used for such private party or event, the date, timings and the nature of such party or event, alcohol sales being limited to within such specified area only.

3. There shall be no admission to the Premises within 30 minutes of the projected time for cessation of alcohol sales.
4.
  - In the internal ground floor area edged red provided.
    - a) There shall be tables and not less than 200 seats available together with not less than 20 covers on high “poseur” tables.
    - b) There will be in addition to bar staff not less than 2 staff patrolling this area.



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c) When the windows in the Rotunda are open the external terrace area whether or not it is in use will be defined – save for the entrance – by a portable barrier.

- In the first floor and balcony area edged blue provided:

a) The area shall be supervised at all times by not less than one member of staff.

b) The Servery bar will be open and staffed – when such servery bar is not in use it will be locked closed so that it cannot be accessed by members of the Public.

c) As to the balconies there will on each be not less than one table and two chairs.

d) Save where this area shall be in use for an exclusive pre-booked invitation only party or event and subject to the giving of the written notice specified above, there shall be no less than 65 seats in addition to the tables and chairs on the balcony's, maintained in this area – being a combination of chairs at tables and sofas.

- Upon the external terrace area edged green provided.

a) When in use the area shall be defined – save for the entrance – by a portable barrier.

b) Tables and seating for not less than 100 customers will be provided – which shall be either secured to the floor or removed to secure storage when not in use.

c) Sale of alcohol will be permitted only from the internal bars as shown on the deposited plans or by waiter/waitress service.

d) There will be no vertical drinking.

e) A portable waiter station shall be staffed on the terrace to facilitate the clearing of glasses and the supervision of this area.

- In the designated Function Room or in the Private Dining Room shaded orange shaded yellow provided that at all times this area is in use it is supervised by at least one member of staff.

5. Any person managing or supervising staff in the sale of alcohol or other licensable activity in the absence of the DPS shall be the holder of a personal licence obtained from a nationally recognised body.



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6. All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions. Training shall be recorded in documentary form and those records will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority. The records will be retained for at least 12 months.

### **For the Prevention of Crime and Disorder:**

7. SIA door supervisors shall operate as follows: From 19:00hrs each day the premises are open until 20 minutes after the premises close at a ratio of 2 for the first 100 customers and thereafter 1 more for each additional 100 customers.
- 7a. Condition 7, above, under Annex 2 For the Prevention of Crime and Disorder, will read as follows during the period of time that COVID-19 Government Social Distancing guidelines are in place which restricts the venues capacity and only whilst the premises trades within either or both the ground floor and terrace area:

SIA registered door supervisors shall operate from 19:00hrs on Friday, Saturday & Sunday, Christmas Eve, New Year's Eve, Halloween and on a Thursday when the following day is Good Friday until 20 minutes after the premises close at a ratio of 2 for the first 100 customers and thereafter 1 more for each additional 100 customers.

And:

From 19:00hrs until close, when SIA is not a requirement on the licence and the premises is open to the public, a member of staff will act as a meet and greet and have radio contact with the duty manager. The duty manager will be in possession of the BCRP radio which will be switched on and monitored.

8. At all other times, SIA licensed door supervisors shall be employed when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Centre Events e.g. Pride. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.
9. When SIA door supervisors are being utilised under the said Risk Assessment or as required by Sussex Police this will be at a ratio of 2 for the first 100 customers and thereafter 1 more for each additional 100 customers though start time will be as per the risk assessment.



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10. Records shall be maintained at the premises containing the full name, date of birth and home address of every door supervisor. The record shall include all times and dates when a door supervisor is employed. Also, if employed through an agency, name and address of agency will also be recorded against the entry.
11. At all times the premises is open to the public, the management will contract the back-up services of an approved mobile support unit (MSU) 24 hours a day, with a minimum of 2 SIA registered Door Supervisors operating from it. A copy of the MSU contract will be retained at the premises and made available for immediate inspection upon request by Sussex Police or Council Officials. The MSU will be accredited by the Brighton Business Crime Reduction Partnership (BCRP) or other similar organisation approved by Sussex Police should the BCRP not be in existence.
12.
  - (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.



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(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.

13. The management and premises will have an absolute zero tolerance policy in respect of drugs, with notices advising customers of this clearly displayed at the entrance. Any illegal drugs seized will be documented as required by the Police and stored in a secure “drugs box”, and periodically the management will request the Police to come and remove all such drugs for destruction.
14. In the event a person is found on the premises actively or believed to be dealing in drugs, Police will be called and if practicable and safe to do so, the individual detained until Police arrival.
15. The premises will become a member of the Business Crime Reduction Partnership or similar scheme approved by the Licensing Authority. The scheme must operate, subject to local coverage, radios and additionally an exclusion/banning scheme of named individuals within both the day and night time economy.
16. 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. 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. 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 12 months.

### **For the Prevention of Public Nuisance:**

17. Any amplified sound will be at such a level so as not to be heard at residential properties in the vicinity.
18. The Licensee’s staff will regularly patrol the area outside the premises to control litter emanating from the Premises and to encourage customers not to congregate outside the premises and shall actively monitor the area outside the premises to ensure that customers do not gather there – whether smoking or not – so as to cause a nuisance to local residents.
19. No alcohol shall be taken from the premises for consumption outside save upon the outside terrace/seating area.



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20. All alcohol sold for consumption outside on the front terrace area will be served in cans or shatter-proof receptacles – staff will patrol the terrace area to ensure that alcohol sold inside the premises in glass is not taken outside. Alcohol sales within the premises will be permitted in glass subject to the Licensee’s risk assessment. When such assessment requires it sales within the premises will also be in cans or shatterproof only.

### **Public Safety**

21. At no time shall the number of persons in the premises, including staff, or any part thereof exceed the numbers specified by the Licensees professional fire risk assessment or as may otherwise be agreed with the fire officer from time to time.

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

22. 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.
23. Signage advertising the “Challenge 25” policy will be displayed in prominent locations in the premises.
24. (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:
- Challenge 25 policy
  - 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.



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(c) All such training undertaken by staff members shall be fully documented and recorded. The records will be retained for at least 12 months and shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

25. No person under 18 shall be allowed in the premises after 22:00hrs on any day unless accompanied by an adult.

### **Annex 3 – Conditions attached after a hearing by the licensing authority on 11<sup>th</sup> June 2020:**

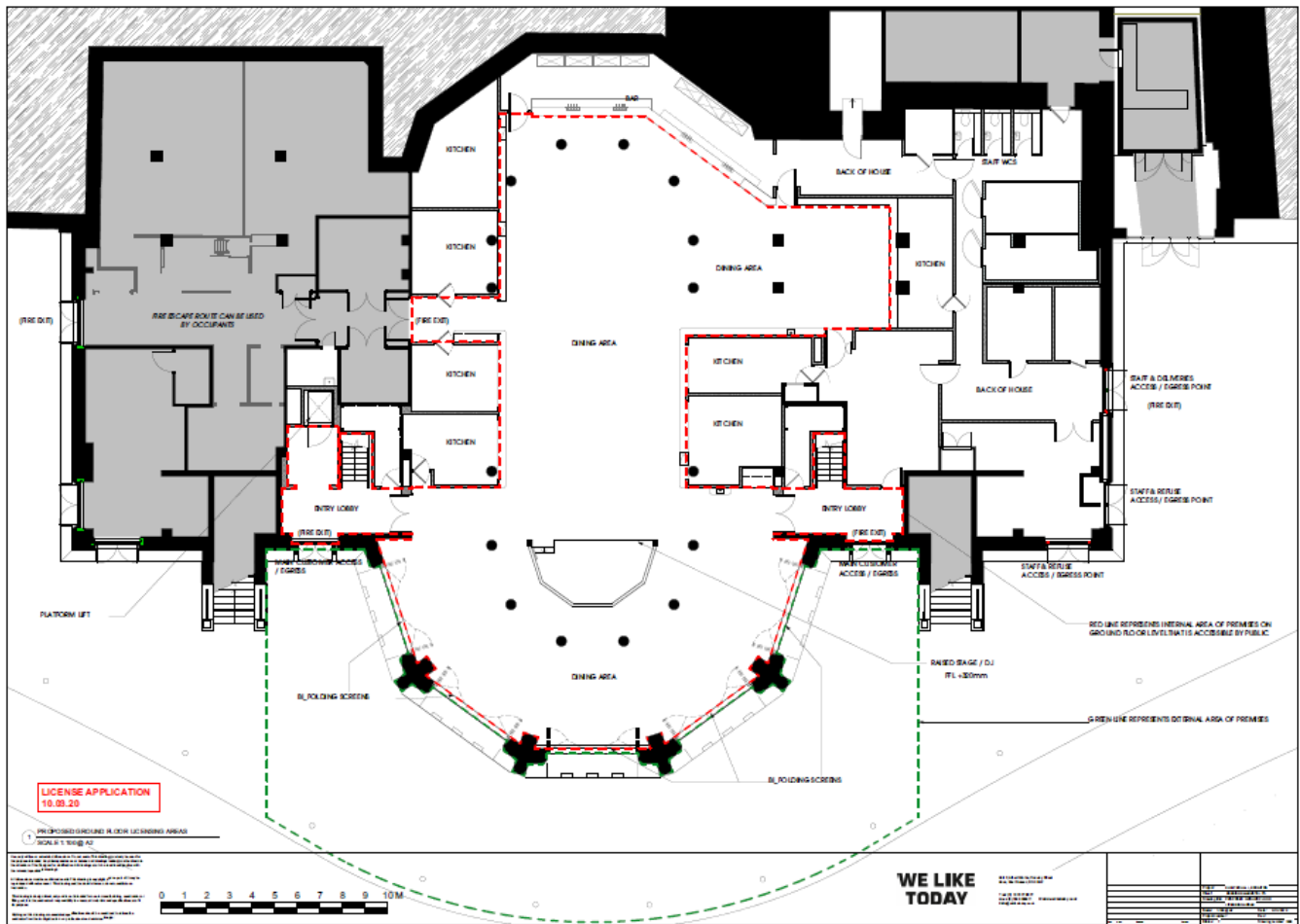
1. The number of temporary pop up bars in the internal ground floor area will not exceed 2 at any one time and they must be placed a minimum of 2 metres away from the front windows.

The following additional wording was added to condition 2 bullet point 1 by the panel: ‘and there will be at least 1 kitchen service available until not less than 30 minutes before the cessation of alcohol sales’.

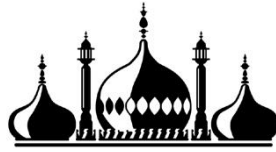


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## Annex 4 – Plans







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