



**Brighton & Hove
City Council**

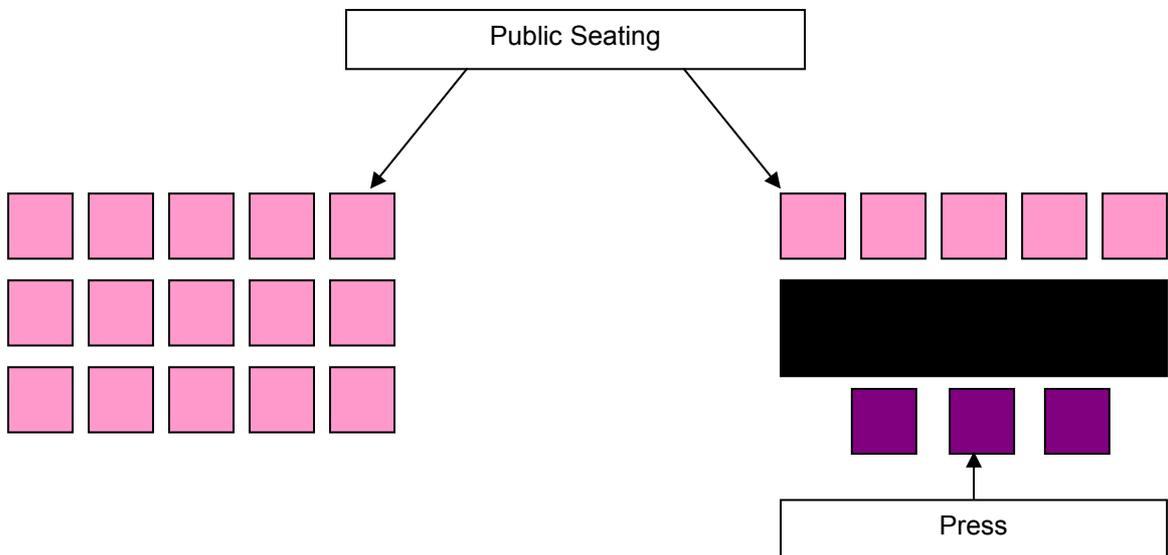
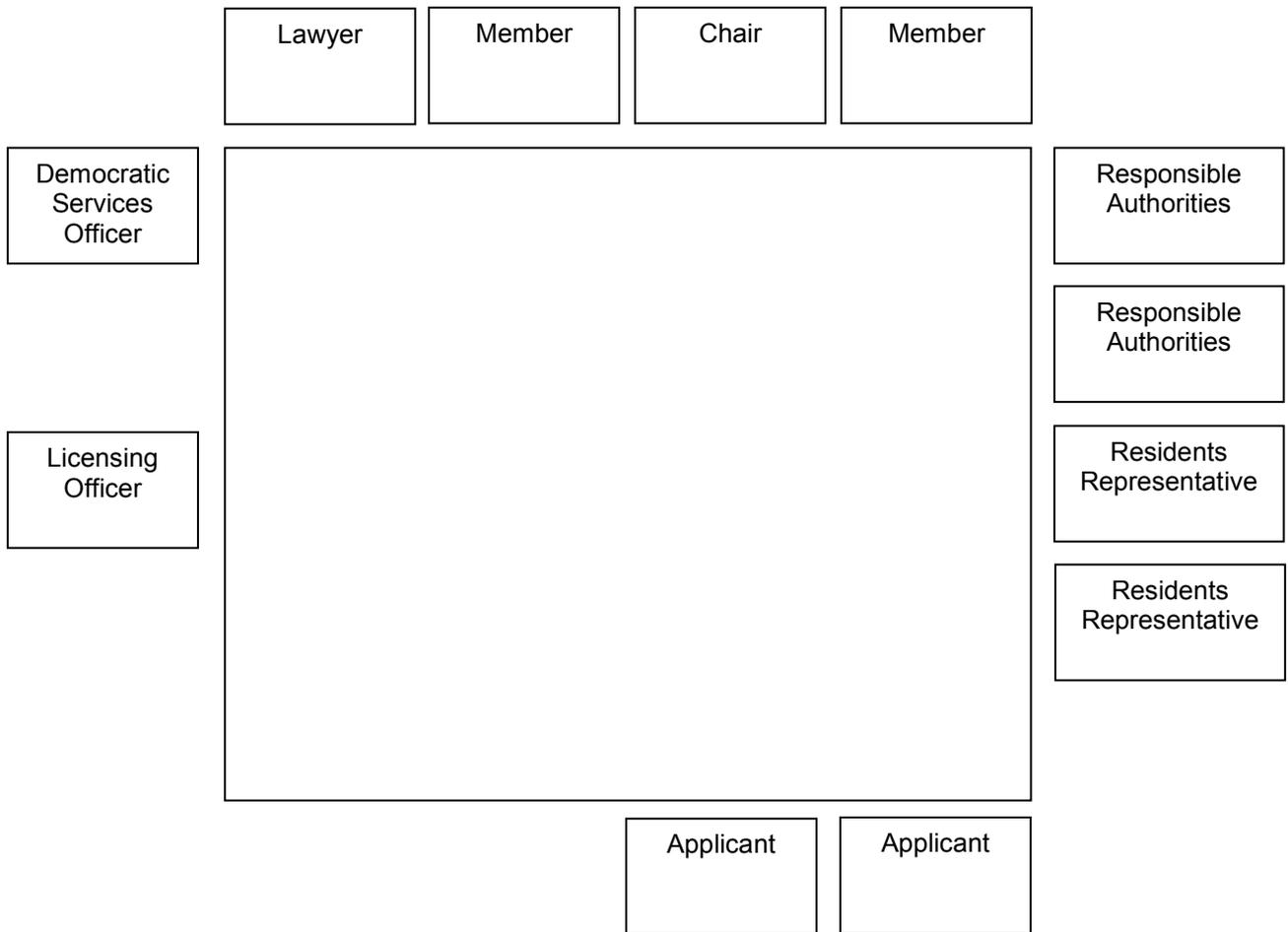
Licensing Panel

(Licensing Act 2003 Functions)

Title:	Licensing Panel (Licensing Act 2003 Functions)
Date:	23 April 2010
Time:	10.00am
Venue	Committee Room 1, Hove Town Hall
Members:	Councillors: Hyde, Kitcat and Watkins
Contact:	Jane Clarke Democratic Services Officer 01273 291064 jane.clarke@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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For further details and general enquiries about this meeting contact Jane Clarke, (01273 291064, email jane.clarke@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Thursday, 15 April 2010

**Licensing Panel
(Licensing Act 2003 Functions)**

Agenda Item 157

Brighton & Hove City Council

Subject: *Review of a Premises Licence under the Licensing Act 2003*

Premises: Pharaoh Mini Market
142 Portland Road
Hove
East Sussex
BN3 5QL

Licence Holder: Magdi Ayaad Elyas

Date of Meeting: 23 April 2010

Report of: *Assistant Director Public Safety*

Contact Officer: Name: Sarah Ranger Tel: 01273 29-5801
E-mail: sarah.ranger@brighton-hove.gov.uk

Wards Affected: Westbourne

FOR GENERAL RELEASE

1. PURPOSE OF THE REPORT:

1.1 To review a Premises Licence for Pharaoh Mini Market under the Licensing Act 2003.

2. SUMMARY OF REVIEW PROCESS:

2.1 Existing licence attached at Appendix A.

2.2 Brighton & Hove City Council is both the relevant licensing authority and a responsible authority in respect of any premises, and may in its capacity apply under Section 51 of the Licensing Act 2003 for a review of any premises licence in respect of the premises.

2.3 An application was received by the Licensing Authority from Sussex Police, to review the licence granted to the premises known as Pharaoh Mini Market, 142 Portland Road, Hove, East Sussex, BN3 5QL.

2.4 The grounds for the review relates to the following Licensing objectives:

- Prevention of Crime and Disorder.
- Public Safety.
- Protection of Children from Harm.

Full details of the grounds for the review and a copy of the supporting evidence are attached in Appendix B.

2.5 At this hearing the licensing authority must:

- Consider the application made in accordance with Section 51.
- Consider any relevant representations.
- Take such steps (if any) as are considered necessary for the promotion of the Licensing objectives. These steps are:
 - to modify the conditions of the licence
 - to exclude a licensable activity
 - to remove the designated premises supervisor from the licence
 - to suspend the licence for a period not exceeding 3 months, or
 - to revoke the licence.

And for this purpose the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added. It may provide that the modification or exclusion have effect for a specified period not exceeding 3 months. The determination, if not completed at the hearing, shall be within 5 working days of the hearing. Such determinations do not have effect until after the appeal period or, if an appeal is lodged, until after the appeal is disposed of.

3. REPRESENTATIONS RECEIVED:

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

3.2 Two representations have been received from Trading Standards and East Sussex Fire & Rescue Service on the grounds of the Public Safety and Protection of Children from Harm supporting the application submitted by Sussex Police seeking revocation of the licence.

3.2.1 Full details of the representations are attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

4. COMMENTARY ON LICENSING POLICY:

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

General

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 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focussed on matters which are in the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity.

1.5 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

1.15 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act, and the conditions attached to licences, certificates and permissions will be focused on matters which are within the control of the licensee and will centre on the premises themselves and their immediate vicinity. When considering these terms and conditions the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

In respect of the prevention of crime and disorder

- 2.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority recommends 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 staff 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.
- 2.3 It is expected that the designated premises supervisor (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.

2.5.1 Diversity of premises

This attempts to ensure that there is a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It will provide resilience against changing trends and attract a more diverse range of customers from different age groups, different communities of interest and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This in turn may 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 encourages mixed use venues, varying hours of business and a wider age balance.

2.5.5 Care, control and supervision of premises

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 will suggest crime prevention measures in relation to, for example, the internal layout of the premises, close circuit television, help points, lighting and security staff. The Police may ask for conditions which support such measures to be imposed when planning or licensing applications are granted, e.g. type of licence, capacity, opening time restrictions.

- 2.6 Shops, stores and supermarkets which provide alcohol for consumption off the premises: the normal scenario will be to provide for sales of alcohol at any time when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.
- 2.8 Enforcement issues will be considered in the light of any relevant enforcement policies and close links will be sought between all enforcing authorities, e.g. through the use of intelligence sharing and strategy groups. Such protocols may lead to the targeting of agreed high risk and problem premises whilst permitting a lighter touch approach in respect of well run premises.

In respect of Public Safety

- 3.2 Conditions will be imposed in accordance with operating schedules to protect public safety including where justified:-
- (a) Provision of close circuit television and panic buttons.
 - (b) Use of shatterproof drinking vessels, bottles requiring use of toughened glass or plastic (recognised by Community Safety Strategy).
 - (c) Use of security personnel, such as door supervisors, licensed by the Security Industry Authority (recognised by the Community Safety Strategy).
 - (d) Requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.
 - (e) Occupant capacity conditions will be applied where appropriate.
 - (f) The provision of designated and suitably trained first aiders

In respect of the protection of children from harm

- 5.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, the committee recommend that all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the licensing strategy group.
- 5.2 It is the committee's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any

premises unless it is necessary for the prevention of physical, moral or psychological harm to them.

5.4 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:-

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is commonly provided;
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

Options may include:-

- limitations on the hours when children may be present;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18.

Strategic Integration

6.5 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, 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.

6.7 This policy avoids duplication with other regulatory regimes wherever possible.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

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 new regime.

Finance Officer Consulted: Karen Brookshaw Date: 01/04/2010

5.2 Legal Implications:

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: 01/04/2010

5.3 Equalities Implications:

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.

5.4 Sustainability Implications:

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

5.5 Crime & Disorder Implications:

Licensing policy aims to prevent crime and disorder and protect public safety.

5.6 Risk and Opportunity Management Implications:

Licensing is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.

5.7 Corporate / Citywide Implications:

The success of the city's tourism strategy requires a safe, attractive city centre to improve competitiveness. The Act may significantly change night time economy.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part A of Premises Licence.
2. Appendix B – Review Application and supporting evidence.
2. Appendix C – Representations.
3. Appendix D – Map of area.

Documents in Members' Rooms:

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy

Background Documents:

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council Statement on Licensing Policy.

**Schedule 12
Part A**

**Premises Licence
Brighton and Hove City Council**

Premises Licence Number

1445/3/2008/01338/LAPREV

Part 1 – Premises Details

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

Pharaoh Mini Market
142 Portland Road
Hove
East Sussex
BN3 5QL

Telephone number 01273 208556

Where the licence is time limited the dates

Licensable activities authorised by the licence
Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol
Every Day 00:00 - 00:00

The opening hours of the premises

Every Day 00:00 - 00:00

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

Magdi Ayaad Elyas
142 Portland Road
Hove
East Sussex
BN3 5QL

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

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Magdi Ayaad Elyas

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

Party Reference:

Licensing Authority:

Annex 1 – Mandatory conditions

S 19; mandatory conditions where licence authorises supply of alcohol

- 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
- every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

Annex 2 – Conditions consistent with the Operating Schedule

General

1. Enhanced training for all staff including all extra staff recruited, and the operator will ensure that future qualified personal licence holders will be amongst those staff.

The prevention of crime and disorder

1. Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally and externally to a standard specification with sufficient numbers of cameras following consultation with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and management will give full and immediate cooperation and technical assistance to the police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy and will be changed when British Summer Time starts and ends.
2. A mobile support team of SIA trained personnel will be employed 24 hours a day irrespective of whether they are open or not with the additional backup of calling for a response on an approved radio scheme. After 2300 and up until at least 0500 there will as far as practicable be a personal licence holder on duty.

Public safety - None

The prevention of public nuisance

1. Notices will be displayed asking patrons to leave the premises quietly, respect the neighbourhood and reminding them they should not drink on the streets
2. The additional training for staff to include awareness of any potential late night problems that could exist

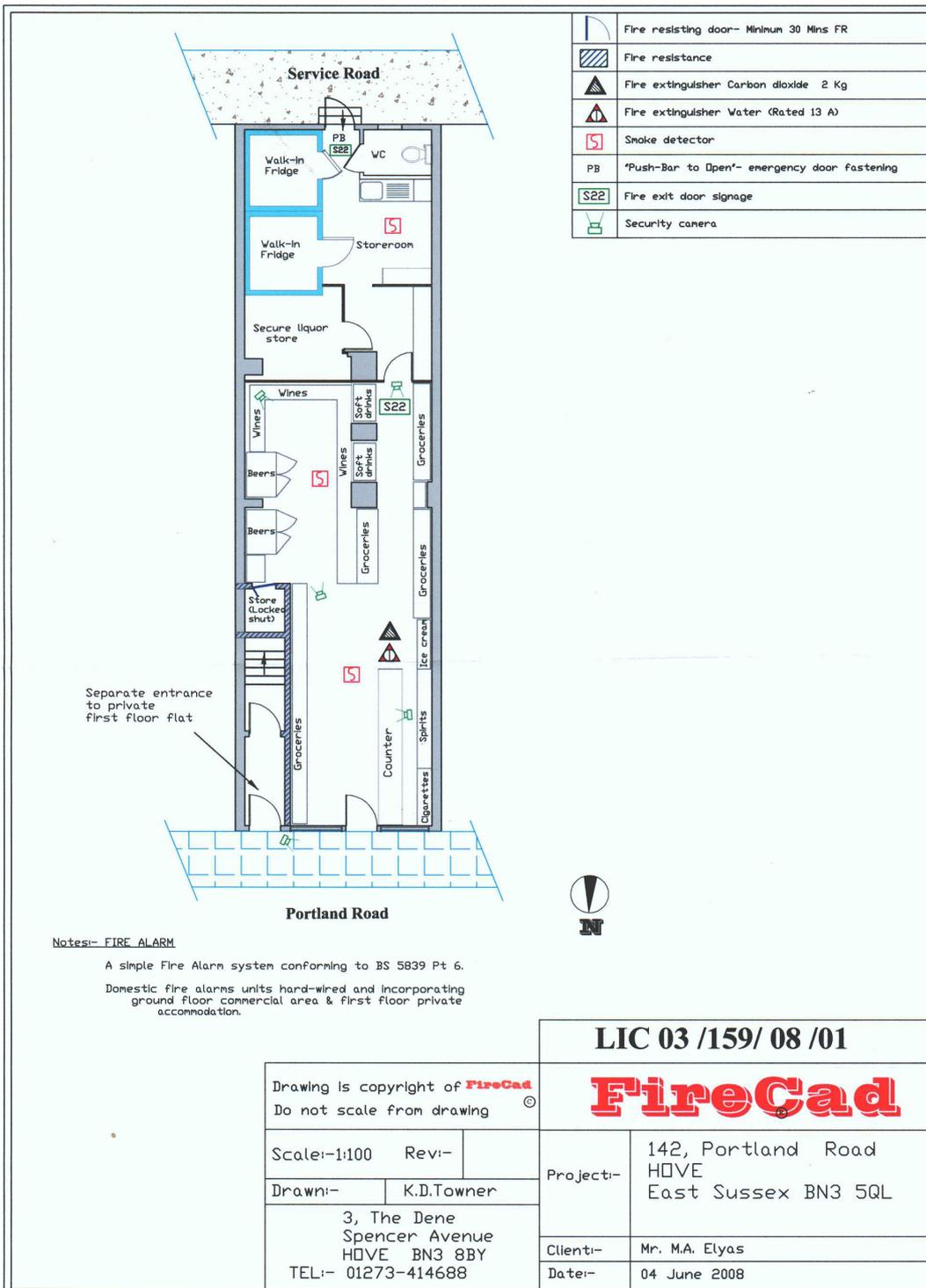
The protection of children from harm

1. The premises will adopt a policy whereby any person attempting to buy alcohol who appears to be under 21 will be asked for photographic ID to prove their age. The only ID that will be accepted are passports, driving licences with a photograph or Portman Group, Citizen Card or Validate proof of age cards bearing the "PASS" mark hologram. The list of approved forms of ID may be amended or revised with prior written agreement of Sussex Police and the Licensing Authority without the need to amend the actual licence.
2. The premises licence holder shall maintain a separate record of all training provided to each individual member of staff

3. The premises will maintain a refusal book to record all incidences of age related products being refused and refusals to persons who are drunk. This book will be readily available for inspection by Council or Police upon request
4. Children not to be allowed into the store after 2300 up until 0700 unless accompanied by a responsible adult

Annex 3 – Conditions attached after a hearing by the licensing authority – None

Annex 4 – Plans



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APPENDIX D

Pharaoh Mini Market, 142 Portland Road, Hove, BN3 5QL



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