

# Licensing Panel (Licensing Act 2003 Functions)

Date:           **2 May 2023**

Time:           **10.00am**

Venue           **Virtual**

Members:   **Simson, Philips, Rainey**

Contact:       **Thomas Bald**  
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# AGENDA

## PART ONE

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### 1 TO APPOINT A CHAIR FOR THE MEETING

### 2 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.

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*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.*

### 3 THE BOOZE CORNER LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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Contact Officer: Corinne Hardcastle

Tel: 0127329

Ward Affected: St Peter's & North Laine

Date of Publication - Monday, 24 April 2023

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For further details and general enquiries about this meeting contact , (01273 291354, email [thomas.bald@brighton-hove.gov.uk](mailto:thomas.bald@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

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# Licensing Panel (Licensing Act 2003 Functions)

**Agenda Item**  
Brighton & Hove City Council

<b>Subject:</b>	<b>Review of a Premises Licence under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>The Booze Corner 92 Lewes Road Brighton East Sussex BN2 3HZ</b>		
<b>Premises Licence Holder:</b>	<b>The Booze Corner Shop Ltd</b>		
<b>Date of Meeting:</b>	<b>02 May 2023</b>		
<b>Report of:</b>	<b>Executive Director for Housing, Neighbourhoods &amp; Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Emma Grant</b>	<b>Tel: (01273) 29ext.</b>
	<b>Email:</b>	<b>emma.grant@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>St. Peter's And North Laine</b>		

## 1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To review a Premises Licence for The Booze Corner under the Licensing Act 2003.

## 2. RECOMMENDATIONS:

- 2.1 That the Panel review the licence granted to the premises known The Booze Corner under the Licensing Act 2003.

## 3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

- 3.1 Existing licence attached at Appendix A.
- 3.2 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.
- 3.3 An application was received by the Licensing Authority on 02 March 2023 from Sussex Police, to review the licence granted to the premises known as The Booze Corner, 92 Lewes Road, Brighton, BN2 3HZ.
- 3.4 The grounds for the review relates to the following Licensing objectives
- The Protection of Children from Harm
  - The Prevention of Crime and Disorder

Full details of the grounds for the review are in Appendix B

3.5 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 appropriate 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 are altered, 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.

#### **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 have been received from Licensing and Trading and Standards Authority on the grounds of the Protection of Children from Harm supporting the application submitted by Sussex Police seeking the revocation of the licence.
- 3.8 Full details of the representation is 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. This policy takes effect from 4 February 2021. 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**

**1.3.1** 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.

## **3.3 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)

**Matrix approach for licensing decisions in a Statement of Licensing Policy**

	<b>Cumulative Impact Area</b>	<b>Special Stress Area</b>	<b>Other Areas</b>
<b>Restaurant</b>	Yes (midnight)	Yes (midnight)	Yes (midnight)
<b>Café</b>	Yes (10 pm)	Yes (10 pm)	Yes (10 pm)
<b>Late Night Takeaways</b>	No	Yes (midnight)	Yes (midnight)
<b>Night Club</b>	No	No	No
<b>Pub</b>	No	Yes (11pm)	Yes (midnight)
<b>Non-alcohol lead (e.g. Theatre)</b>	Yes (favourable)	Yes (favourable)	Yes (favourable)
<b>Off-licence</b>	No	No	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

**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 offset 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, members 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 cafes, 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 on 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 or where the premises is situated within a parade with another off licence 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 or restrictions placed on the terminal hour to reflect opening hours of other shops.
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.
10. Non-alcohol led category does not include "alcohol in shared workplaces". It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on "alcohol in shared workplaces" please see paragraph 3.3.4-3.3.6.

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

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.

**4.1.1** 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.

**4.1.2** 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.

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

**4.1.4** Measures put in place should support the intentions of Operation Marble (police operational order), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the city centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

## **4.2 Sussex Police**

**4.2.1** Sussex Police have a specific Operation relating to the night time economy called Operation Marble (detailed in 3.4.1) and work closely with partners to ensure a safe and vibrant city centre. There continues to be an increasing demand for resources further into the early hours of the morning with the highest concentration of crimes occurring between 21:00 and 06:00 on a Friday into a Saturday and between 20:00 and 06:00 on a Saturday night into a Sunday. The data set used shows that up to 80% of arrests made in the timeframe 20:00 – 06:00 on these days were affected by alcohol. For full details of these statistics see the Cumulative Impact Assessment at Appendix E.

**4.2.2** The dealing and use of drugs remains an issue across the city and Sussex Police welcome proactive policies from licensed premises. A drug safe and seizure recording initiative is in place of which further details can be obtained by contacting Brighton & Hove Police Licensing ([brighton.licensing@sussex.pnn.police.uk](mailto:brighton.licensing@sussex.pnn.police.uk)). This initiative encourages licensed premises with Door Supervisors to search and seize drugs from persons attempting to enter their premises and ensures that once drugs are removed from persons, they can be safely collected and destroyed by Sussex Police.

**4.2.3** Dispersal from the city centre during the late evening and early morning remains a policing challenge. Over recent years, there has been a proliferation of off-licences and late night refreshment venues along the city's arterial routes. This has led to incident 'hot spots' where patrons from the night time economy continue to interact, albeit away from any safety measures afforded by on-licences. As such, Sussex Police support the Council's Special Policy in offering guidance to both applicants and the Licensing Committee in relation to off-licences and late night refreshment licences.

**4.2.4** Sussex Police have continuing concerns that, despite staff training in age-restricted sales, under age individuals are still being served alcohol both on and off the premises in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted to highlight premises where sales are taking place and ensure appropriate enforcement action is taken to prevent further sales. The introduction of identification scanning machines at premises throughout the city has proved successful in mitigating some risk, but operators must maintain vigilance regarding the fraudulent use of genuine IDs. Sussex Police continue to work alongside

the Business Crime Reduction Partnership to tackle the problem of those who use false or another's identification to enter licensed premises and purchase alcohol.

**4.2.5** Sussex Police work closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. As well as work to prevent under age sales, vulnerability training is offered to identify persons who may have been made vulnerable through alcohol or drugs. Sussex Police also support initiatives such as (but not limited to) safe spaces, mobile teams of volunteers actively checking people's well-being and the Beach Patrol.

**4.2.6** Public Space Protection Orders have proved an effective tool for Sussex Police in targeting enforcement action in problem areas of the city. It 'allows Police Officers and Police Community Support Officers to remove alcohol from any person in a public place if that person is involved in anti-social behaviour (ASB) or the officer believes that by having alcohol in their possession there is an increased risk of ASB. It is an offence to refuse to hand over alcohol when required to do so.' They have been particularly effective in the day time economy where members of the street community are causing ASB issues for members of the public and local businesses, especially during the summer months where there is a large influx of visitors to Brighton & Hove.

**4.2.7** Policing the night time economy continues to provide a challenge and in the climate of limited resources and newly emerging problems, Sussex Police support maintaining the council's Special Policy which defines cumulative impact and special stress and will continue to take enforcement action where appropriate if the actions of a Premises Licence Holder, Designated Premises Supervisor, Door Supervisors or Staff have fallen below the high standard expected across the city. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton & Hove a safe and enjoyable city.

### **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, e.g. 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.

**4.3.4** This policy recognises the use of registered Door Supervisors All Door Supervisors will be licensed by the Security Industry Authority. Mobile security units and similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. This policy endorses the use of units following such guidance and standards in appropriate circumstances.

**4.3.5** The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.

**4.3.6** Enforcement will be achieved by the enforcement policy appended (Appendix B of SoLP).

## **6.2 Smoking Advice**

**6.2.1** Premises licence holders will be expected to:

Develop a management plan on how to manage smoking on their premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.

- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence it may be necessary to request a variation of your licence.

- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks, and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for rapid police response and alert other venues where customers and staff are endangered.
- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.
- Use CCTV to manage outside areas.

**6.2.2** Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

## **7 Protection of Children from Harm**

The following details and measures are intended to address the need for the protection of children from harm; this includes emotional and physical harm which may be associated with licensed premises and certificated club premises (for example the exposure too early to strong language and sexual expletives, e.g. in the context of film exhibitions or where adult entertainment is provided). It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions (unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely).

**7.1.1** 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, 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 (eg passport, photo driving licence or pass card).

**7.1.2** It is the licensing authority'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 emotional or psychological harm to them. Each application will be considered on its own merit but particular areas that will give rise to concern in respect of children are to be found in section 7.1.4 below.

**7.1.3** To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures:-

- a. Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street
- b. Police and trading standards should implement test purchasing to reduce sales to under 18s in on and off sales licensed premises
- c. Further take-up of proof of age schemes will be promoted
- d. In-house, mystery shopper type schemes operated by local businesses will be supported
- e. Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to be DBS checked

**7.1.4** 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.

**7.1.5** Licensees of premises giving film exhibitions will be expected to include in their operating schedules arrangements for restricting children from viewing age restricted films. Such premises will be subject to a mandatory condition requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, or in specific cases where such certificates have not been granted, the licensing authority. The licensing authority does not intend to adopt its own system of film classification. The licensing authority's procedures for dealing with unclassified films are appended at Appendix C.

**7.1.6** Where children are expected to attend a public entertainment, appropriate adult supervision will be required to control the access and egress of children and to protect them from harm. This will normally be an adult member of staff for every 100 children. Where the entertainment is music and dancing, 2 persons, licensed by the Security Industry Authority (door supervisors) should be employed for every 100 children but will be subject to advice within the Event Safety Guide. Nothing in this policy shall seek to override child supervision requirements contained in other legislation or regulations. For exclusively under 18 events reference should be made to police guidelines (available from the Police Licensing Unit, Brighton tel. 101). The licensing authority recognises the Director of Children's Services as being competent to advise on matters relating to the protection of children from harm. Applicants shall copy their applications to the Director of Children's Services in its capacity as the responsible authority. Copies should be sent care of the Police.

**7.1.7** Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing. Sussex Police and BCRP undertake work concerning proxy purchases and counterfeit ID as part of the partnership support work with Community Safety and Trading Standards.

**7.1.8** Trading standards have a programme of business support including training for local businesses to avoid under-age sales.

## **8 Integration of Strategies**

**8.1.1** 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

**8.1.2** 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.

**8.1.3** 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.

**8.1.4** 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.

**8.1.5** 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.

**8.1.6** 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.

## **8.2 Other regulatory regimes**

**8.2.1** This policy avoids duplication with other regulatory regimes wherever possible. The following notes are made with regard to specific regimes:

### **Health and Safety**

Certain premises will be the subject of health and safety enforcement by the local authority or the Health and Safety Executive (HSE). If other existing law already places certain statutory responsibilities on an employer or operator of premises, for example the Management of Health and Safety at Work Regulations 1999, it will not be necessary to impose the same or similar duties on the premises licence holder or club. However, existing duties will not always adequately cover specific issues that arise on the premises in connection with, for example, certain types of entertainment, and where additional and supplementary measures are necessary to promote the licensing objectives, necessary, proportionate conditions will need to be attached to a licence.

### **Fire Safety**

Premises and their operators will be regulated by general duties under current fire safety regimes and the Regulatory Reform (Fire Safety) Order 2005 rather than licensing provisions.

### **Noise**

Statutory and public nuisances are dealt with by the local authority's Environmental Health department under the Environmental Protection Act 1990, Noise Act 1996 and associated legislation. Noise from commercial premises may often fall under review powers set out in licensing provisions and closure powers in anti-social behaviour provisions.

### **Equality Act 2010**



The Public Sector Equality Duty obliges public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between persons who share protected characteristics and persons who do not share it. The local authority's equality and inclusion policy produced under these obligations shall include reference to this statement of licensing policy.

## **Community relations**

Integration of corporate strategies with licensing policy will include the Inclusive Council Policy which recognises the council's role, as a community leader, to promote community cohesion and good relations between diverse communities. Measures to address prevention of crime and disorder recognise the need to improve wellbeing and safety of all the communities in the city. Licensing policy supports the Crime and Disorder Reduction Partnership's crime reduction strategy. In particular it seeks to confront and reduce racist, homophobic, transphobic and religiously motivated crimes, incidents and anti-social behaviour.

## **Anti-Social Behaviour, Crime and Policing Act 2014**

Contains powers to close premises that are causing nuisance or disorder. These powers can be exercised by the council or Police and they replace the closure powers in the Licensing Act 2003. The Act also contains powers to issue Community Protection Notices in respect of persons or businesses committing anti-social behaviour which is spoiling a community's quality of life.

## **Litter and Smoking**

CityClean contractors have Clean Neighbourhoods powers to enforce premises operators' responsibilities to keep frontages clear of litter.

## **Gambling Act 2005**

In relation to casinos and bingo clubs, the principal purpose is gaming. The sale of alcohol and the provision of entertainment in such premises is incidental to gaming and in determining whether to permit entertainment that constitutes regulated entertainment under the act, gaming license committees and / or the Gambling Commission will have taken into account relevant government guidance. Accordingly, it is felt that the licensing objectives will have been, or will be in the main, adequately considered by such committees and duplication of conditions should be avoided when considering applications under the 2003 Act where relevant representations have been made.

## **8.3 Enforcement**

**8.3.1** The Enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at Appendix D (Lead Agency Status) of the Statement of Licensing Policy. In addition, the Licensing Authority will have regard to its published Licensing Enforcement Policy in making enforcement decisions in accordance with Brighton & Hove City Council's Statement of Licensing Policy (Appendix B). In order to

better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements.

**8.3.2** Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the protocol. A number of other council and government policies, strategies and guidance documents must be taken into account to complement the policy, including:

- Community Safety & Crime Reduction Strategy
- Drugs and alcohol strategies – local alcohol harm reduction strategy
- Objectives of the Security Industry Authority
- The Anti-Social Behaviour Act 2003/ASBPC Act 2014
- The Health Act 2006
- The Violent Crime Reduction Act 2006
- Policing and Crime Act 2009

## **9 Reviews**

**9.1.1** Reviews represent a key protection for the community. Where the licensing authority considers action necessary under its statutory powers it will take necessary steps to support the licensing objectives. Action following review will be informed by licensing enforcement policy – Appendix B.

**9.1.2** Where style of operation of a premises leads to applications concerning likelihood of racist, religiously motivated, homophobic or transphobic crimes or incidents, the review process should also support the community safety policy. Action should be proportionate and licences would normally be suspended or revoked in these circumstances to deter further incidents.

## **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:20/04/23*

### 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: 18/04/2023*

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 – Part A of Premises Licence
2. Appendix B – Review Application
2. Appendix C – Representation
3. Appendix D – Map of area

**Documents in Members' Rooms**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, December 2022.

Public Health Framework for Assessing Alcohol Licensing – January 2022.

**Background Documents**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.





**Brighton & Hove  
City Council**

**Appendix A  
Schedule 12**

**Part A**

**Regulation 33, 34**

**Premises Licence  
Brighton and Hove City Council**

**Premises Licence Number**

1445/3/2017/03768/LAPRET

**Part 1 – Premises Details**

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

The Booze Corner  
92 Lewes Road  
Brighton  
East Sussex  
BN2 3HZ

**Telephone number** 01273 601195

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

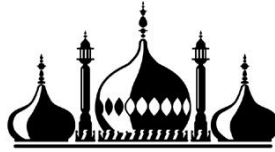
**Licensable activities authorised by the licence**

Sale by Retail of Alcohol

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

**Sale by Retail of Alcohol**

Monday - Sunday: 07.00 - 05.00



## Brighton & Hove City Council

**The opening hours of the premises**

**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**

The Booze Corner Shop Ltd  
92 Lewes Road  
Brighton  
East Sussex  
BN2 3HZ

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

10663590

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

REDACTED

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

REDACTED



**Brighton & Hove  
City Council**

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## Brighton & Hove City Council

### **Annex 1 - Mandatory conditions**

**§ 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.





## Brighton & Hove City Council

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—

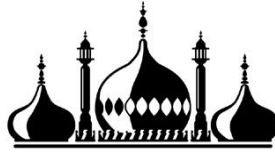
(i) the holder of the premises licence,

(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.



## Brighton & Hove City Council

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.

### **Embedded Conditions:**

#### **Off Licences**

##### **1. Permitted Hours**

Alcohol shall not be sold or supplied except during permitted hours.

*Source Section 60,63,86 Licensing Act 1964*

**2.** Alcohol shall not be sold in an open container or be consumed on the licensed premises.

*Source Section 164 Licensing Act 1964*

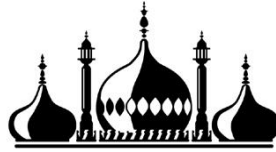
##### **3. Recorded Music**

Premises licensed for the sale and supply of alcohol may provide, at any time, regulated entertainment by the reproduction of wireless, including television broadcast and of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

*Source Section 182 Licensing Act 1964*

### **Variations to Embedded Conditions:**

References to the permitted hours for the sale of alcohol removed.



## Brighton & Hove City Council

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

#### **General**

1. The licensees will ensure that the premises are responsibly supervised at all times to ensure that appropriate steps are taken to promote the four licensing objectives.
2. The licensee and staff will at all times be aware of their responsibility for the prevention of crime and disorder on the premises and demonstrate a responsible attitude to the marketing and sale of alcohol.

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

3. Crime prevention and security measures shall be instigated throughout the premises following consultation with police.
4. A Secure kiosk must be used for late hours sales.

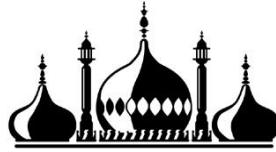
#### **For Public Safety:**

5. The CCTV covering the entrance and alcohol sales areas will be maintained in good working order.

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

6. There will be suitable signage at the exit requesting the co-operation of customers in making as little noise as possible when leaving the premises.
7. Patrons will be asked not to hang around outside the shop but to leave quickly and quietly.
8. Staff will take care to minimise noise from operations such as use of refuse bins and closing up the premises.

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



## **Brighton & Hove City Council**

9. Any person seeking to buy alcohol who appears to be under the legal age to do so will be asked to produce suitable identification as proof of age. The only identification that will be acceptable will be a passport, photographic driving licence or a Portman group proof of age card bearing a "Pass" hologram.
10. Any group of youths congregating outside the premises will be asked to leave quickly and quietly.

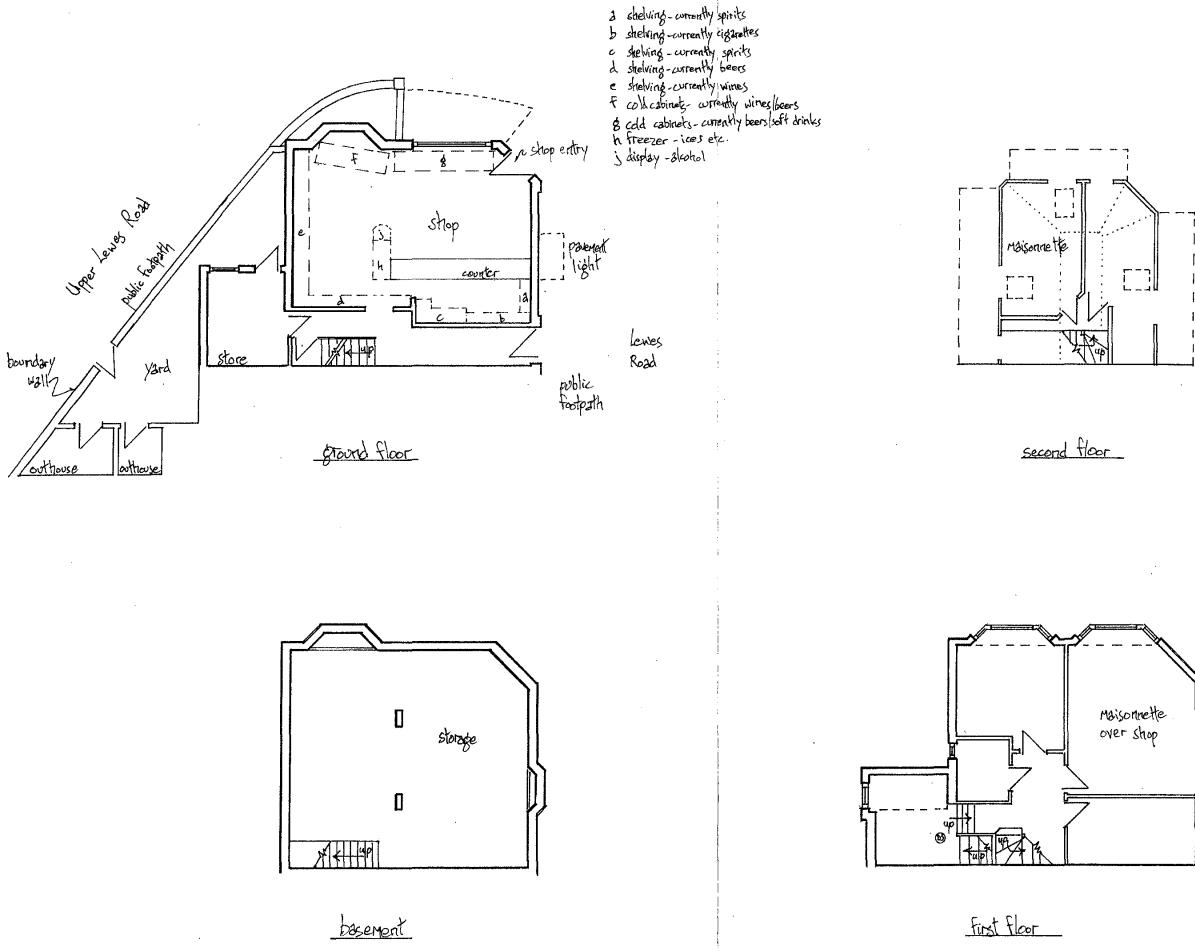
### **Annex 3 - Conditions Attached after a hearing of a Licensing Panel**

None



# Brighton & Hove City Council

## Annex 4 – Plans



92 Lewes Road, Brighton  
Floor plans 1:100 June 2005



**Appendix B**

**Application for the review of a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I Chief Supt Justin BURTENSHAW, Brighton & Hove Divisional Commander,  
Sussex Police on behalf of Sussex Police Chief Constable Jo SHINER.....**

**Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>  Booze Corner, 92 Lewes Road,	
<b>Post town</b>  Brighton	<b>Post code (if known)</b>  BN2 3HZ

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>  The Booze Corner Shop Ltd
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<b>Number of premises licence or club premises certificate (if known)</b>  1445/3/2017/03768/LAPRET
---

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

**Please tick**

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

**Surname**

**First names**

--	--

**Please tick yes**

**I am 18 years old or over**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**



**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Sussex Police, Licensing, John Street, Brighton, East Sussex, BN2 0LA.
Telephone number (if any)  01273 404 535 - Ext 550809
E-mail address (optional)  brighton.licensing@sussex.police.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

**Please state the ground(s) for review** (please read guidance note 2)

A review is being sought by Sussex Police due to serious concerns following a visit by Police Licensing officers during an Underage Test Purchase operation at the premises.

This premises was visited on the 30<sup>th</sup> of January 2023, where a test purchase operation was conducted, and a member of staff/person present sold to a 17-year-old male.

Following the failed underage test purchase, uniformed officers were greeted by 3 males who all claimed not to be working at the premises, and none of them would communicate with us. Therefore, the premises was not being managed, run responsibly and in accordance with the premises licence.

Sussex Police would therefore contend that the licensing objectives for the prevention of crime and disorder and for the protection of children from harm has been seriously undermined.

**Please provide as much information as possible to support the application**  
(please read guidance note 3)

On the 28<sup>th</sup> of December Police Licensing were briefed by a Neighbourhood Response Officer about an underage vulnerable male who had been reported as missing, upon locating this male, who was slightly intoxicated and returning him home, the officers were informed by the Underage male's parents that he had been able to purchase alcohol in relevant premises.

On the 30<sup>th</sup> of January 2023 at 17:18 Police licensing conducted a test purchase operation at this premises. The member of staff behind the till (where 3 males were stood) sold a single bottle of Corona to a 17-year-old police volunteer.

A plain clothes officer witnessed the transaction.

Uniformed Officers were called to the premises and arrived at the premises at 18:20

Police Licensing officer Hannah Staplehurst and Trading Standards Officer Donna Lynsdale attended with the Uniformed Officers, PC Kate Hancox and Insp Mark Redbourn.

At 18:20 the plain clothes officer was stood outside the premises with 3 males and stated what she had witnessed and the fact that no Identification had been asked for during the transaction of alcohol, and Hannah Staplehurst asked for confirmation that we had possession of the bottle of alcohol that had been sold, which the Plain clothes officer confirmed.

At 18:21 – Everyone entered the premises and one of the males (male 1) made a phone call to the manager.

The Phone was handed to PC Hancox, and she spoke to the DPS **REDACTED**

.PC Hancox informed the DPS that an underage test purchase had just been failed

and asked if the DPS knew who was working in the premises at this exact time. The DPS stated to PC Hancox that he knew Male 2 (the male who had made the sale). The DPS said he was supposed to be observing and learning and then the Phone was passed back to Male 1.

At 18:24 communication begun with the 3 males to establish their names and if they had any Identification.

Questions were asked if there was an employment paperwork at the premises and how they got paid. These questions were never answered as there was a language barrier. The males claimed not to speak any English and not understand.

Male 3 was asked to confirm the language that was being spoken between the males as he spoke a minimal amount of English.

At 18:27 Male 1 declared to Police Licensing that he did not work at the shop and was a friend of the DPS.

At this point we were led to believe that Male 2 made the sale but unfortunately, he could not communicate with us and Male 1 and Male 3 did not work at the premises.

The decision was made to have a look for any paperwork near the serving counter which may assist with the enquiry.

At 18:29 PC Hancox stated there was nothing of any assistance behind the serving counter such as training logs which would provide names of all persons working at the premises.

At 18:30 – communication with Male 2 commenced again where PC Hancox asked for any form of Identification – including bank card, passport (which we established was with the Home Office)

At 18:33 – Donna Lynsdale had a phone call with the DPS, who stated he wasn't coming to the premises as he was in Hastings.

Donna Lynsdale asked the DPS, as the person of responsibility who he believed was actually working at the premises as now all 3 males have stated that they were NOT working, and no one was able to provide any personal details or identification.

At 18:38 PC Hancox confirmed with Male 3 if he works at the premises and his response was "No"

Male 1 was asked if he worked at the Premises and he points to Male 2 and says he is but when questioned regarding if he was working at the premises, he declared he wasn't working and was only at the premises as he was a friend of the DPS.

By 18:40 there was no clear answer if Male 1 was working at the premises, even the DPS was unable to answer.

At 18:41 the DPS stated that Male 2 should not have been behind the till or serving.

The DPS was asked by PC Hancox to speak to all 3 males and ask them to provide their Identification so Police can run the necessary checks.

At the end of the phone call, the DPS declared that male 1 was working and was training Male 2.

At 18:46 Male 1 provided his full name and Date of Birth to PC Hancox, but no

identification was provided to support this and he was also unable to provide his address.

At 18:50 – a family member of Male 1 via a text message was able to provide a full address.

At 18:52 Male 1 assisted with providing details for Male 2. Police licensing had finally established a full name and a date of birth.

At 18:56 Insp Mark Redbourn asked the males who was in control or in charge of the shop and was highlighting what a concern this is and stated how worrying this is. The Insp continued to state that at this exact moment, nobody in this premises has control over any of the alcohol being sold.

During this Licensing officer Hannah Staplehurst received a phone call from the plain clothes officers who informed us that Male 2 had spoken clear English to them. When PC Hancox questioned Male 2, stating that he had understood the plain clothes officer and spoken in English. Male 2 just smiled and looked down at his phone. When questioned again if he spoke English – his response was “No English – Zero”

At 19:00 – Insp Redbourn stated if we cannot find their details, he will have to be arrested, which is when Male 2 made another phone call to a friend to translate. Once Insp Redbourn has clarified who this person on the phone was, he asked for Male 2's full name – which was spelt for clarification.

Then his Date of Birth was confirmed.

Then his full address was given, and it was asked who else lives there and if he has identification at the address. The answer to this was No.

From this time, Police checks with Immigration commenced.

At 19:19 another male member of staff arrived, he stated he worked over night at the premises (Male 5). Licensing Officer Hannah Staplehurst informed male 5 of what was happening.

At 19:25 Immigration requested Police Licensing to get a fingerprint machine to assist with identifying the males. A call to the Plain clothes officers was made to ask a fingerprint machine is brought to the shop.

At 19:26 Male 5 begun talking to Male 2, with his assistance Police Licensing were informed Male 2 had a passport, but the Home Office currently had it, but there was belief Male 2 had a photo of it.

At 19:27 – photos of documents were shown on a phone but nothing with a photo. These documents highlighted that Surname of male 2 had been provided incorrectly.

At 19:29 – Insp Redbourn commences speaking with Male 5 and informs him that how worrying this whole situation is that this shop is open, with no one working here who is in charge, able to take responsibility and selling alcohol to kids and the possibility of Male 2 being arrested if we are not able to identify him

At 19:33 Immigration informed PC Hancox that we had finally identified Male 2 and he did not have the right to work and requested Police send all the information to them.

At 19:35 Male 5 was informed that Male 2 did not have the right to work, and that

contact would be made by Immigration to the premises owners. Male 5 tried to tell the Officers that male 2 was not working. Police Licensing informed Male 5 that Male 2 had been working and was the member of staff who made the sale to our Underage minor.

At 19:37 Licensing officer Hannah Staplehurst informs PC Kate Hancox that Male 1 had stated to her that he does not have the right to work either.

At 19:38 Male 2 had his fingerprints taken.  
At 19:41 Male 1 had his fingerprints taken.

At 19:43 Immigration was contacted about Male 1.

At 19:54 Immigration informed PC Hancox that Male 1 also did not have the right to work.

At 19:56 – Insp Redbourn spoke with Male 5 to ensure that he was responsible for the shop once we had left and that he knew he must sell alcohol in accordance to the licence.

At 19:58 – Police Licensing and Trading Standards officer Donna Lynsdale left the premises with male 5 being responsible for the premises remaining open. The three males also had to leave the premises.

During the evening, Licensing officer Hannah Staplehurst and Trading standards Donna Lynsdale did a licence check.

The conclusion of this check was:-

#### Condition 1

*The licensees will ensure that the premises are responsibly supervised at all times to ensure that appropriate steps are taken to promote the four licensing objectives.*

Sussex Police believe this condition was being breached at the time of the check, there were 3 males inside the premises and all 3 stated they did not work at the premises and none of them took any responsibility for the sale of alcohol to an underage minor. Therefore, at the time of the check, the licensing objectives were not being promoted as there was not a single member of staff who could communicate effectively with customers and who took control of any sale of alcohol.

#### Condition 2

*The licensee and staff will at all times be aware of their responsibility for the prevention of crime and disorder on the premises and demonstrate a responsible attitude to the marketing and sale of alcohol.*

Sussex Police would contend this condition was also breached, as stated above there was no member of staff working at the premises who had a responsible attitude for the sale of alcohol at the time of the check.

#### Condition 3.

*Crime prevention and security measures shall be instigated throughout the premises following consultation with police*

Sussex Police believe at the time of the check nothing could be seen to suggest any consultation had taken place with police and no policy was in place.

Condition 4

*A Secure kiosk must be used for late hours sales.*

Sussex Police believe this condition was also in breach, when Male 5 was asked about the overnight operation, we were informed the shop remains open for customers to enter and shop at their convenience.

Condition 5

*The CCTV covering the entrance and alcohol sales areas will be maintained in good working order.*

There was a screen showing CCTV opposite the serving counter. No member of staff was able to operate the CCTV. However, Hannah Staplehurst states on the Body Worn Video that the time on the CCTV is 10 Minutes slow.

Condition 6

*There will be suitable signage at the exit requesting the co-operation of customers in making as little noise as possible when leaving the premises*

This condition was breached as there was no signage at the exit of the premises.

Condition 7

*Patrons will be asked not to hang around outside the shop but to leave quickly and quietly.*

Sussex Police would contend this condition was breached due to the language barrier with the three males present in the shop.

Condition 8

*Staff will take care to minimise noise from operations such as use of refuse bins and closing up the premises.*

Sussex Police were unable to comment on this condition.

Condition 9

*Any person seeking to buy alcohol who appears to be under the legal age to do so will be asked to produce suitable identification as proof of age. The only identification that will be acceptable will be a passport, photographic driving licence or a Portman group proof of age card bearing a "Pass" hologram.*

Sussex Police would contend that this condition has been breached following the sale of alcohol to an underage minor.

Condition 10

*Any group of youths congregating outside the premises will be asked to leave quickly and quietly.*

Sussex Police are unable to comment as no youths were seen outside the premises.

On 31<sup>st</sup> January 2023, an email was sent to Immigration with all the details of both males who were working at the premises, the premises details and details of the Premises licence holder/ Designated Premises Supervisor.

No communication has been received or made to the DPS **REDACTED** since the 30<sup>th</sup> January 2023.

In conclusion, Sussex Police have brought this premises to review after two of the licensing objectives - For the prevention of crime and disorder and For the protection of children from harm have been seriously undermined.

The premises was left to operate with 3 males, who claimed not to be working there, of which after police checks 2 of the males did not have the right to work.

The 3 males delayed Police processes by not providing paperwork when initially asked, despite Male 2 having copies of paperwork as photographs on his phone. Initially wrong spellings of names were given which hindered Police checks and slowed the checks down.

However, these males were evidently working at the premises as Male 2 made the sale of alcohol, a single bottle of Corona, to an underage Police Volunteer, which was witnessed by a plain clothes officer.

The Premises licence conditions were also not being adhered too and the information provided by the Police response officer which initiated the test purchase, with the comments above causes a total loss of confidence in the management over the running of this premises which operates for 22 hours a day, Monday to Sunday in an area of Brighton and Hove that is defined within the Brighton and Hove Statement of Licensing Police Special Stress Area.

Sussex Police do not believe that a change of DPS, any further conditions or a suspension would assist in ensuring this premises is managed responsibly and the premises licence would be adhered too ensuring the retail of alcohol was managed correctly.

Therefore, Sussex Police would like to propose that the only option of outcome for this review is revocation of the premises licence.

**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application: N/A

**If you have made representations before relating to this premises please state what they were and when you made them**

N/A

**Please tick yes**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements

my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature (on behalf of the applicant)

**REDACTED**

Insp M. Redbourn

Date 24<sup>th</sup> February 2023.

Capacity: Operations, Planning and Licensing Inspector.  
Force Licensing & Public Safety Manager on behalf of Chief Superintendent,  
Divisional Commander, Brighton & Hove Division

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Insp M. Redbourn  
Sussex Police  
Licensing  
John Street

**Post town**

Brighton

**Post Code**

BN2 0LA

**Telephone number (if any)** 01273 404 535 Ext REDACTED

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)** brighton.licensing@sussex.police.uk



## **Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



**RESTRICTED (when complete)**

**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1

URN 

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Statement of: [Redacted]

Age if under 18: [Redacted] (if over 18 insert 'over 18') Occupation: Police community support officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature: [Redacted]

Date: 10/03/2023

Tick if witness evidence is visually recorded  (Supply witness details on rear)

On Monday 30<sup>th</sup> January 2023, I was on duty in plain clothes, engaged on a test purchase operation for the sale of alcohol to minors under the age of 18 years, which is an offence under The Licensing Act 2003.

About 18:15 hours, I entered THE BOOZE CORNER, 92 LEWES ROAD, BRIGHTON, BN2 3HZ after a police cadet, I watched the cadet select and pick up a corona beer bottle, which is an alcoholic beverage and take it to the counter. At this time, I moved in behind them in the queue to listen to any conversation and to gather any evidence as well as maintaining the safety of the minor.

The Staff member, then took the drink and rung this into the till. The male serving at the till made no attempt to question the cadet's age. I then saw the cadet purchase this alcohol with a contactless card, who is under the age of 18 who then left the store with the alcohol. After witnessing the sale, I then identified myself as a Police community support officer who was on duty and that they have just failed a test purchase operation by selling to a minor under the age of 18 years. The male who served the minor asked me "WHO WAS UNDERAGE?" I explained again that the person he had just served the alcoholic drink too was the underage person and that uniform officers would be attending the shop to speak with him and his 2 co-workers, both of whom were stood either behind the counter and next to the counter.

The male who served the cadet quickly left from behind the counter and took a phone call. I asked for him to end the call and wait with me until uniform officers arrived.

PS Mark Redbourn, PC Kate Hancox, Licensing officer Hannah Staplehurst and Trading standards & Licensing officer Donna Lynsdale of Brighton and Hove city council arrived at the store and in their presence, I explained the circumstances that I had just witnessed.

I then left the premises, leaving the above persons to deal with the matter.

43



**RESTRICTED (when complete)**


**WITNESS STATEMENT**

**Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9**

URN 

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Statement of: 

Age if under 18:  (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of  page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature: 

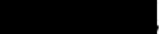

Date 18/03/2023

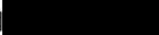
Tick if witness evidence is visually recorded  (supply witness details on rear)

On 30<sup>th</sup> January 2023 at approximately 18:15 Sussex Police and Brighton & Hove County Council Trading Standards carried out an alcohol test purchase a Booze Corner 92 Lewes Road Brighton BN2 3HZ. This involves sending and underage person into the shop to attempt to purchase a restricted product – in this case alcohol. On this occasion the shop failed the test and sold alcohol to a person I know to be 17 years of age; the sale was witnessed by a plain clothed PCSO.

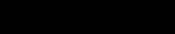


At the time of the operation there were three males in the shop who were believed to be working but it transpired that there were only 2 males working at the shop and the other was a friend.

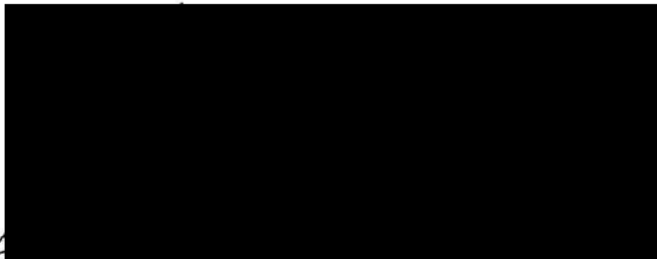
Through making fast time telephone enquiries with Home Office Officers, it transpired that neither had the right to work.

The first male worker was confirmed to be . Home Office Officers confirmed that he was allowed to be in the country as he had a case going through but did not have the right to work.  was identified as having made the sale to the underage person.

The second male working was called  he was also confirmed by Home Office Officers to be allowed in the country who had a case going through but did not have the right to work.

To confirm the identity of both males the Home Office did email me photos of the males that they had on file for me to compare.

Throughout this time period I had a convoluted telephone conversation with the DPS and manager who is called . Eventually he admitted to me that  was working at the shop and that  was also working at the shop, but he should only have been training and watching.





Appendix 3

Photo of the bottle of Corona Extra sold to a 17-year-old.





Appendix 4

Photograph of the receipts.





WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9

Statement of [redacted] ..... URN: [ ] [ ] [ ] [ ]

Age if under 18 [redacted] (if over 18 insert 'over 18') Occupation: Senior Executive Officer

This statement (consisting of: 1 page, each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: 27 March 2023

Tick if witness evidence is visually recorded [ ] (supply witness details on rear)

I am a Senior Executive Officer for the Home Office (Immigration Enforcement). I lead the Alcohol and Late-Night Refreshment Team which is based in Croydon. Part of my duties include liaising with police and other responsible authorities in relation to licensing and illegal working. I make this statement from Home Office records which show that on 30 January 2023, PC Hancox H163 from Sussex Police (based at Brighton), contacted the National Command and Control Unit (NCCU) to request status checks on two individuals found to be working in a licensed premises. The two individuals are [redacted], [redacted] and [redacted], date of birth [redacted]. Both are [redacted]. Home Office records show that both [redacted] have outstanding asylum applications, this does not attract a right to work in the UK. NCCU officers emailed 2 photographs to help PC Hancox confirm the identities of [redacted]

Signature: ..... Signature witnessed by: .....

**Witness contact details**

URN: / / /

Name of witness: [REDACTED]

Home address: [REDACTED]

Email address [REDACTED]

Mobile: [REDACTED]

Home telephone number: ..... Work telephone number: .....

Preferred means of contact (specify details for vulnerable/intimidated witnesses **only**): .....

Gender: ... [REDACTED]

Date and place of birth: [REDACTED]

Former name: ..... [REDACTED] .....

**DATES OF WITNESS NON-AVAILABILITY:** None known at present

**Witness care**

- a) Is the witness willing to attend court? Yes \* No  If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance? .....
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*)  
Yes  No \* If 'Yes', submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? Yes  No \* If 'Yes', what are they? (*Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?*)

**Witness Consent (for witness completion)**

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes  No
- b) I have been given the Victim Personal Statement leaflet Yes  No
- c) I have been given the leaflet "Giving a witness statement to the Home Office...." Yes  No
- d) I consent to police having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes  No  N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes  No  N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA Yes  No  N/A
- g) **Child witness cases only.** I have had the provision regarding reporting restrictions explained to me. Yes  No  N/A   
I would like the CPS to apply for reporting restrictions on my behalf. Yes  No  N/A

*I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court.*

Signature of witness: ..... PRINT NAME: .....

Signature of parent/guardian/appropriate adult: ..... PRINT NAME: .....

Address and telephone number if different from above: .....

Statement taken by (print name): ..... Station: .....

## Appendix C

Emma Grant	Date:	24 March 2023
Licensing Authority	Our Ref:	2023/00733/LAREV
Brighton & Hove City Council	Phone:	01273 292494
Bartholomew House	Email:	<a href="mailto:donna.lynsdale@brighton-hove.gov.uk">donna.lynsdale@brighton-hove.gov.uk</a>
Bartholomew Square		
Brighton		
BN11JP		

Dear Emma Grant

### Licensing Act 2003

**Representation in support of an application by Sussex Police seeking a review of the Premises License - 2023/00733/LAREV**

**Booze Corner, 92 Lewes Road, Brighton BN2 3HZ**

I write to make a representation on behalf of the Council's Licensing and Trading Standards Team, in their capacity as a responsible authority, in relation to the above application made by Sussex Police seeking to review the Premises Licence for Booze Corner, 92 Lewes Road, Brighton BN2 3HZ.

This representation is made as the Licensing and Trading Standards Team have concerns that the licensing objective of the Protection of Children from Harm is not being upheld.

The history of this matter is explained in more detail in the application of Sussex Police.

Sussex Police Licensing and Trading Standards work closely to deal with combating the sale of alcohol to children. This involves the sharing of intelligence, joint test purchase operations and in respect of Trading Standards, offering businesses support and training to assist them with complying with the law and to meet the Licensing Objective of Protecting Children from Harm.

Joint Police and Trading Standards Test Purchase Operations take place on an ongoing basis, targeting premises because of either intelligence that children are able to buy alcohol from the premises or because of alcohol related youth disorder in the vicinity.

On 30 January 2023, Sussex Police and Trading Standards conducted an underage alcohol test purchase to the above premises, where a member of staff at this premises sold a bottle of 'Corona' to a 17-year-old police volunteer.

At 18:20, following the failed test purchase, Sussex Police and myself entered the premises to advise that they had failed a test purchase operation. Also, a full licensing inspection was carried out. Details of this visit are explained in full detail within Sussex Police's Review. We all eventually left the premises at 19:58.

It is my opinion that the premises are poorly run, there are breaches of the premises licence and I have no confidence in the DPS or management of the premises. Also, the licensing objectives are not being upheld.

I do not believe that changing the Designated Premises Supervisor or adding additional conditions will prevent this happening in the future. I believe if the premises licence remains in place, there will be further problems occurring at the venue.

In the circumstances, I fully support the application of Sussex Police and consider that this is necessary to ensure that the licensing objective of the Protection of Children from Harm are met.

Yours sincerely

**REDACTED**

Donna Lynsdale

Licensing and Fair-Trading Officer

Licensing Team and Trading Standards

## Appendix D

