

BRIGHTON & HOVE CITY COUNCIL
LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

10.00am 25 JANUARY 2010

COMMITTEE ROOMS 2/3, BRIGHTON TOWN HALL

MINUTES

Present: Councillor Lepper (Chair); Hyde and West

Officers: Jane Clarke (Democratic Services Officer), Jean Cranford (Licensing Manager) and Rebecca Sidell (Lawyer)

PART ONE

114. TO APPOINT A CHAIRMAN FOR THE MEETING

114.1 Councillor Lepper was appointed Chair for the meeting.

115. PROCEDURAL BUSINESS

115a Declarations of Substitutes

115.1 There were none.

115b Declarations of Interests

115.2 There were none.

115c Exclusion of the Press and Public

115.3 In accordance with Section 100A of the Local Government Act 1972 ("The Act"), the Licensing Panel considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, that there would be disclosure to them of confidential information (as defined in Section 100A(3) of the Act) or exempt information (as defined in Section 100(1) of the Act).

115.4 **RESOLVED** - That the press and public be not excluded.

116. BURNETTS, 62 PRESTON STREET, BRIGHTON

116.1 This item was withdrawn from this agenda.

117. WEST PIER NEWS, 133A KINGS ROAD, BRIGHTON

- 117.1 The Panel considered a report from the Assistant Director of Public Safety regarding a variation of a premises licence under the Licensing Act 2003 for West Pier News, 133A Kings Road, Brighton.
- 117.2 Mr and Mrs Abraham, Premises Licensing Holders for West Pier News, attended the hearing to make representations in favour of the application. Ms Irving and Sergeant Wauchope attended the hearing to make representation against the application.
- 117.3 The Licensing Manager began by summarising the application and stating that the application was to vary the premises licence and sought to sell alcohol 24 hours everyday. One representation had been received from Sussex Police regarding Prevention of Crime and Disorder, Cumulative Impact and Prevention of Public Nuisance. The special policy regarding Cumulative Impact stated that applications should normally be refused within the Cumulative Impact area unless it could be demonstrated that there would be no negative cumulative impact.
- 117.4 Ms Irving began her representation on behalf of Sussex Police and stated that the Police objected to this application because it was situated in the Cumulative Impact Area (CIA). She noted that the special policy had been adopted by Brighton & Hove City Council after extensive consultation and it had been decided that applications should cause no negative cumulative impact in this area. It was the view of the Police that this application in this area would cause a negative cumulative impact no matter how well it was run.

West Street was a well known trouble hot-spot and had reached saturation point in terms of alcohol fuelled anti-social behaviour, which were now spilling out to other areas. There had been a distinct increase in attacks using glass bottles in the area and it was felt that an extension of hours at this premises would inevitably increase the availability of glass bottles in the area and the availability of alcohol.

- 117.5 Sergeant Wauchope began his representation and stated that he had been a police officer in Brighton & Hove for fifteen years and had a good understanding of licensing problems in the city. He stated that Operation Marble mirrored the CIA to concentrate on resolving anti-social problems and licensing issues in the city centre. Public place violent crime had reduced recently due to the effectiveness of this policy and operation. The police worked closely with the Brighton Crime Reduction Partnership to deal with low level anti-social behaviour using a "yellow card" system.

Sergeant Wauchope noted that this system was not recorded as part of official crime figures however, and 1,200 of these yellow cards had been issued in 2009. This demonstrated that there were still significant problems with alcohol related anti-social behaviour in the area. Further problems that were now occurring were issues around pre-loading of cheap alcohol in the area and Operation Park had now been developed to deal with alcohol-fuelled anti-social behaviour from youths. This operation was directed around the West Pier during the summer months as this was a well know hot-spot for youth crime and anti-social behaviour, and up to 200 young people could congregate in the area, creating significant policing problems.

There was a great concern that the problems already in existence in this area would be exacerbated by this application as it would increase the overall availability of alcohol and the availability of glass bottles, which could be used in violent crime. He asked that the Panel refuse the application.

117.6 The Chairman asked if there were any questions of the police and asked if there were problems of large amounts of youths congregating in Regency Square and Preston Street. Sergeant Wauchope replied that his problem occurred predominantly in the summer months around the West Pier area, but it was a significant concern for the police.

117.7 Mr Abraham began his representation and believed that this was a positive application for the area. He realised there were problems with anti-social youth behaviour in the area, but he believed they gathered mostly at the end of Kings Road and did not cause problems for his store. He had installed security measures in the store and recognised that it was his duty to prevent the sales of alcohol to young people.

Mr Abraham stated that holiday makers frequented the area and he wanted to vary his licence to accommodate this trade. He also noted that whilst the winter months could be a very difficult time to trade, the summer months could make up for this, and he wanted to maximise this opportunity. The application had been advertised and there had been no objections raised by local residents, which he believed demonstrated that his store did not cause problems for the area.

117.8 Mrs Abraham stated that this was a family run business and was kept under tight control to ensure the licensing objectives were upheld. There was always a responsible person present at the premises and she stated it was very important for them to ensure they did not lose their licence as this was their main source of income. She maintained that the premises operated an effective refusals book and several test purchases had been conducted, which they had always passed.

117.9 The Chairman asked if there were any questions and asked what proportion of the store was given over to alcohol sales. Mr Abraham replied that the premises was a convenience store, but there was one fridge storing alcohol and bottles sold from behind the counter.

117.10 The Chairman asked if wines, beers and spirits were sold, and whether the store ran offers on alcohol. Mr Abraham replied that all types of alcohol were sold and they did sometimes run offers.

117.11 Councillor Hyde noted that the premises was in the CIA and highlighted the specific problems in this area, including pre-loading. She asked how the store would deal with this issue. Mrs Abraham noted that it was illegal to sell alcohol to drunken people, and the premises staff adhered to this law. She also added that the store did not sell high strength alcohol, which helped to mitigate any problems.

117.12 Councillor West asked how staff determined a person's age before selling age restricted products. Mrs Abraham replied that staff always asked for identification and never used just their own judgement as they could not risk losing their licence.

- 117.13 Councillor West asked if there were any "Challenge" signs in the store and Mrs Abraham replied that there were Challenge 21 signs displayed.
- 117.14 Councillor West asked how the staff addressed the issue of proxy purchasing. Mrs Abraham stated that the staff were aware that this took place but were very vigilant to what was happening outside the store and would not sell to people identified as proxy purchasers. She added that they communicated the issues and problems around this area to their customers as well. Mr Abraham added that the store was part of the community and did not want to cause problems for the community by its operation.
- 117.15 Councillor West asked how the application would not negatively impact the area if the supply of alcohol was increased. Mr Abraham stated that the store always operated within the law and they upheld the licensing objectives. He added that they were situated on the edge of the CIA and felt the store was slightly isolated from the most troublesome areas. His main customer base was local residents and tourists to the area and he did not feel the store caused, or would cause in the future, any problems for the area.
- 117.16 Ms Irving asked if the premises sold alcohol in glass bottles and Mr Abraham agreed that they did, but they were stored mainly behind the counter and so this could be controlled.
- 117.17 Ms Irving asked if Mr Abraham believed local residents would buy alcohol from his store late at night, or whether it was more likely that tourists and party-goers would buy alcohol here before continuing their night in the centre of the city. Mr Abraham felt that local residents would use his store in the summer months late at night and offered to sell only canned drinks late at night if glass bottles were causing problems.
- 117.18 Ms Irving asked if Mr Abraham had consulted the police before applying for the variation and he stated that he had not.
- 117.19 The Licensing Manager began her final statement and stated that if the Panel were minded to grant the variation application, they would need to be satisfied that the application would cause no negative cumulative impact. If the Panel were minded to refuse the application, they would need to demonstrate how granting the variation would undermine the licensing objectives and negatively impact the CIA.
- 117.20 Ms Irving began her final representation on behalf of Sussex Police and stated that she was still concerned about the amount of alcohol available in the general area, which was cumulative in its negative impact on the area. Any increase in the availability of alcohol in the CIA would negatively impact the area and she did not believe the applicants had sufficiently demonstrated how this would be mitigated.
- 117.21 Mr and Mrs Abraham began their final representations and stated that they would ensure that the licensing objectives and the law were always upheld, and stated that the store was a well run family business. They had no intentions of causing a negative impact on the local community and felt that this application would benefit the local area.

117.22 **RESOLVED –**

The Panel have decided to refuse this variation application as it is situated in the Cumulative Impact Area.

The applicants needed to demonstrate that if the variation in hours to 24 hours was granted it would have no negative cumulative impact. The panel felt that the applicants had failed to demonstrate that their application would not add to problems within the Cumulative Impact area. They heard from the police about the problems in the area particularly in the summer and believed, on the evidence they had heard, that granting the additional hours would undermine the licensing objectives of the prevention of Crime and Disorder and the Prevention of Public Nuisance, and the protection of children from harm. This was no reflection on the running of the premises by the applicants but was due to problems of cumulative impact and the effect of the Special Policy.

The meeting concluded at 11.15am

Signed

Chairman

Dated this

day of