



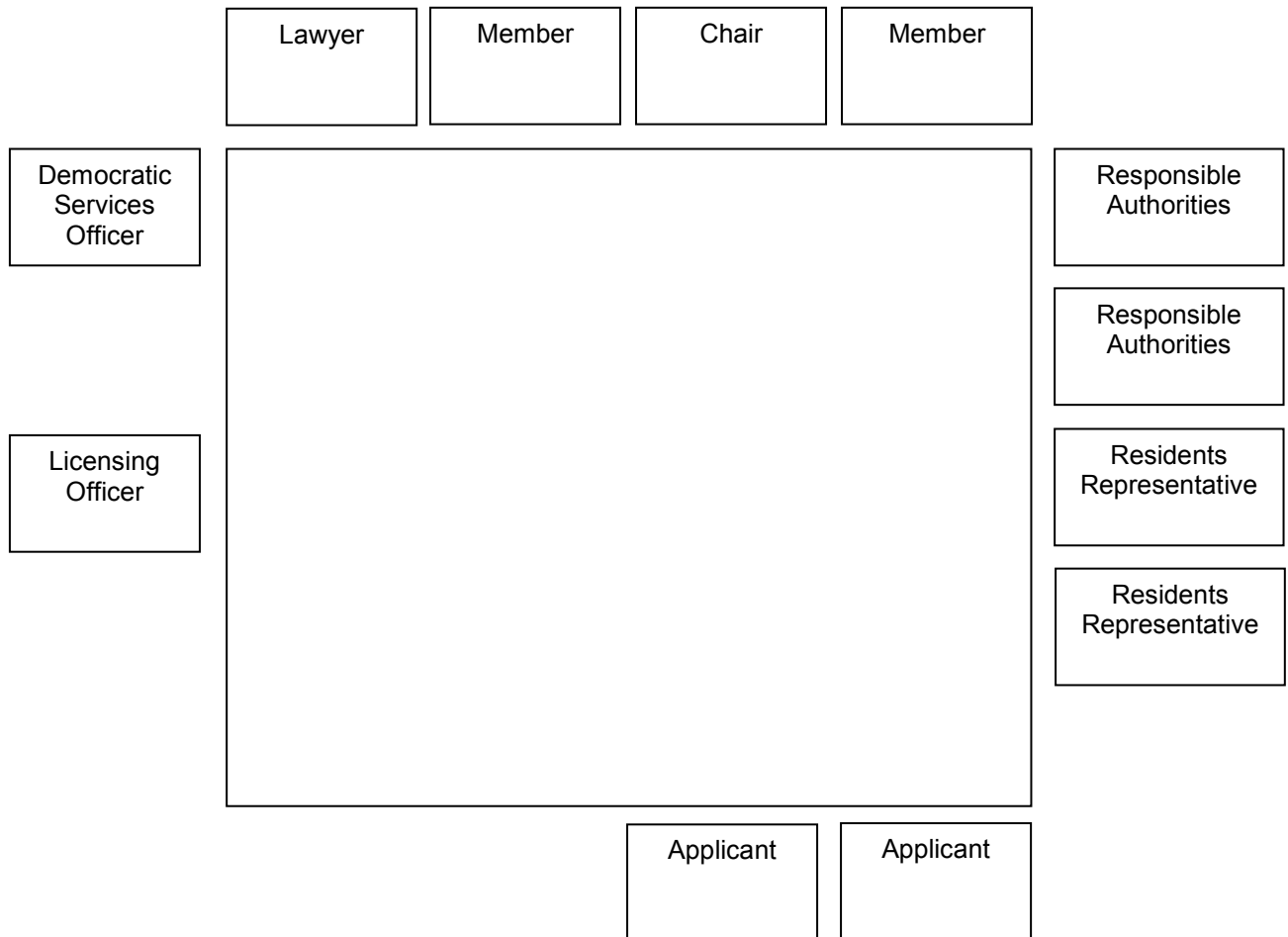
Licensing Panel

(Licensing Act 2003 Functions)

Title:	Licensing Panel (Licensing Act 2003 Functions)
Date:	21 December 2010
Time:	10.00am
Venue	Committee Room 1, Brighton Town Hall
Members:	Councillors: Simson, Kitcat and Marsh
Contact:	Penny Jennings Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

Part One

Page

87. TO APPOINT A CHAIRMAN FOR THE MEETING

88. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the main Licensing Committee may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (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.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading either that it is confidential or the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

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

89. GO LOCAL, 93 NORTH ROAD, BRIGHTON: APPLICATION TO VARY EXISTING PREMISES LICENCE 1 - 34

Report of the Head of Environmental Health & Licensing (copy attached)

Contact Officer: Sarah McNaught Tel: 01273 294431
Ward Affected: St Peter's & North Laine;

90. SAINSBURY'S UNIT 1,134-138 NORTH STREET, BRIGHTON: APPLICATION FOR A NEW PREMISES LICENCE 35 - 68

Contact Officer: Sarah Ranger Tel: 29-5801
Ward Affected: Regency;

NOTE: *There may be more than one item on this agenda, and as such the item you are interested in may not be heard until later in the day. However, the Chairman reserves the right to alter the running order of the agenda at the start of the meeting without prior notice.*

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Monday, 13 December 2010

Licensing Panel (Licensing Act 2003 Functions)

Agenda Item 89

Brighton & Hove City Council

Subject:	Application for a Variation of a Premises Licence under the Licensing Act 2003		
Premises:	Go Local, 93 North Road		
Applicant:	Monnette Catering Ltd		
Date of Meeting:	2 December 2010		
Report of:	Head of Environmental Health and Licensing		
Contact Officer:	Name:	Sarah-Jane McNaught	Tel: (01273) 294431
	E-mail:	Sarah.McNaught@brighton-hove.gov.uk	
Wards Affected:	St Peter's and North Laine		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Go Local.

2. RECOMMENDATIONS:

- 2.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Go Local.

- 2.2.1 The application is for:

A Variation of a Premises Licence already granted under the Licensing Act 2003.

The application proposes:

To extend the hours of opening for the whole shop and therefore extend the hours permitted on the premises licence for the sale of alcohol.

2.2.2 Part P of the application is detailed at Appendix A.

2.3 Summary table of existing and proposed activities.

	Existing	Proposed
M Supply of Alcohol	Off the premises Every Day 06:00 – 23:00	Off the premises Every Day 06:00 – 02:00
O Hours premises are open to public	Every Day 06:00 – 23:00	Every Day 06:00 – 02:00

2.4 Existing licence attached at Appendix B

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Special Stress Area: The premises falls within one of the Special Stress Areas. These areas are deemed areas of special concern in terms of the levels of crime, disorder, and public nuisance experienced within them. (See Prevention of Crime and Disorder 2.4.10 – 2.4.14 and Appendices C -E).

3.2.1 Representations received

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

3.2.2 Three representations were received. They were received from a Resident's Association, a local Councillor and Sussex Police.

3.2.3 Representations received had concerns relating to Prevention of Crime and Disorder, Special Stress Area, Prevention of Public Nuisance and Protection of Children from Harm.

3.2.5 Full details of the representations are attached at Appendix F. A map detailing the location of the premises is attached at Appendix G.

4. CONSULTATION

Commentary on licensing policy

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

General

- 1.2 The licensing objectives are:-
- (a) Prevention of crime and disorder;
 - (b) Public safety;
 - (c) Prevention of public nuisance;
 - (d) Protection of children from harm.
- 1.3 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focussed on matters which are in the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity.
- 1.5 Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act
- 1.15 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act, and the conditions attached to licences, certificates and permissions will be focused on matters which are within the control of the licensee and will centre on the premises themselves and their immediate vicinity. When considering these terms and conditions the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the

public living, working or engaged in normal activity in the area concerned.

In respect of the prevention of crime and disorder

- 2.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority recommends that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door staff so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection.
- 2.3 It is expected that the designated premises supervisor (DPS) will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises.
- 2.4.10 Special Stress Areas – Appendix D of the SoLP details two areas of the Brighton city centre which border the Cumulative Impact area at Appendix C and which are deemed areas of special concern in terms of the levels of crime and disorder and public nuisance experienced within them.
- 2.4.11 While it is not considered appropriate at this stage to include these areas within the main impact area as such, these Special Stress Areas (SSAs) are of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced.
- 2.4.12 New and varied applications for premises and club premises certificates within SSAs will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. Appendix E of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.
- 2.4.13 On receipt of any application in SSAs, where a relevant representation has been made, the licensing authority will scrutinise the application

carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in Appendix E. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.

- 2.4.14 The Licensing Authority will keep the Cumulative Impact Area and Special Stress Areas under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening; the Special Policy will be reviewed with a view to bringing the SSAs into the Cumulative Impact Area. If it is found that the above problems are receding the Special Policy may be reviewed with a view to revising the areas' boundaries.

2.5.1 Diversity of premises

This attempts to ensure that there is a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It will provide resilience against changing trends and attract a more diverse range of customers from different age groups, different communities of interest and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This in turn may have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time, may create opportunities for violent crime and public disorder and therefore encourages mixed use venues, varying hours of business and a wider age balance.

2.5.5 Care, control and supervision of premises

The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The Police will consider the applicants, objecting to the application where appropriate. The Police will suggest crime prevention measures in relation to, for example, the internal layout of the premises, close circuit television, help points, lighting and security staff. The Police may ask for conditions which support such measures to be imposed when planning or licensing applications are granted, e.g. type of licence, capacity, opening time restrictions.

- 2.6 Shops, stores and supermarkets which provide alcohol for consumption off the premises: the normal scenario will be to provide for sales of alcohol at any time when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.

- 2.8 Enforcement issues will be considered in the light of any relevant enforcement policies and close links will be sought between all enforcing authorities, e.g. through the use of intelligence sharing and strategy groups. Such protocols may lead to the targeting of agreed high risk and problem premises whilst permitting a lighter touch approach in respect of well run premises.

In respect of the prevention of public nuisance

- 4.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, or as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke).
- 4.5 Staggered closing times will not be used to combat binge drinking disorder and antisocial behaviour. Zoning will be avoided. A general principle of later opening so that customers can leave for natural reasons, slowly over longer periods will be promoted, to prevent unnatural concentrations of people. The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 4.8 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre and on busy main roads. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood.

In respect of the protection of children from harm

- 5.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, the committee recommend that all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the licensing strategy group.
- 5.2 It is the committee's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws

relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them.

- 5.3 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 off licence sales to under 18 year olds and carry out age challenges to reduce underage drinking in pubs and licensed venues. Police cadets may be used for this purpose
 - (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 CRB checked
- 5.4 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:-
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
 - with a known association with drug taking or dealing;
 - where there is a strong element of gambling on the premises;
 - where entertainment of an adult or sexual nature is commonly provided.
 - where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons

Options may include:-

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

Strategic Integration

- 6.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening.
- 6.7 This policy avoids duplication with other regulatory regimes wherever possible.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

The licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

Finance Officer Consulted: Karen Brookshaw Date: 15.11.2010

5.2 Legal Implications:

The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Rebecca Sidell

Date: 15.11.2010

5.3 Equalities Implications:

Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

5.4 Sustainability Implications:

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

5.5 Crime & Disorder Implications:

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

5.6 Risk and Opportunity Management Implications:

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

5.7 Corporate / Citywide Implications:

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

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part P of the Application
2. Appendix B – Part A of Premises Licence
3. Appendix C – Brighton & Hove City Council – Cumulative Impact Area
4. Appendix D – Brighton & Hove City Council – Special Stress Area
5. Appendix E – Measures to be considered in SSA's
6. Appendix F – Representations
7. Appendix G – Map of area

Documents in Members' Rooms

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

Background Documents

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

APPENDIX A

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Current conditions reflect good practice and allow for late night operation but the applicant will employ as an additional measure

- 1, Mobile Security Unit with a minimum of 2 registered SIA Door Supervisors available to attend the unit 24 hrs a day
- 2, On Friday and Saturday nights a Door Supervisor will be stationed at the premise from 2300 hours until close

b) The prevention of crime and disorder

c) Public safety

A new Fire Risk assessment will be carried out and adjustments and training done as required.

d) The prevention of public nuisance

There is no Regulated entertainment and persons leaving the premise will be advised to do so quietly both by staff and notices displayed.

e) The protection of children from harm

APPENDIX B

Schedule 12

Part A

Regulation 33, 34

Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2009/01718/LAPREN

Part 1 – Premises Details

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

Go Local

93 North Road

Brighton

BN1 1YE

Telephone number

Where the licence is time limited the dates -

Licensable activities authorised by the licence

Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities:

Sale by Retail of Alcohol

Every Day - 06:00 - 23:00

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

Monnette Catering Ltd

7 Hove Park Villas

Hove

BN3 6HP

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

Registered Business Number 4667083

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

Jacques Boulos

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

Party Reference:

Licensing Authority:

Annex 1 – Mandatory conditions

S 19; mandatory conditions where licence authorises supply of alcohol

- no supply of alcohol may be made under the premises licence
 - (a) at a time when there is no designated premises supervisor in respect of the premises, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

4.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

Annex 2 – Conditions consistent with the Operating Schedule- (See Annex 3 below)

1. Records will be kept of all training which will be signed by the trainer and the person receiving it and will be made available for inspection by Licensing Authority Officers and the Police.

For the Prevention of Crime and Disorder- None

For Public Safety- None

For the Prevention of Public Nuisance- None

For the Protection of Children from Harm- None

Annex 3 – Conditions attached after a hearing by the licensing authority 26.10.09

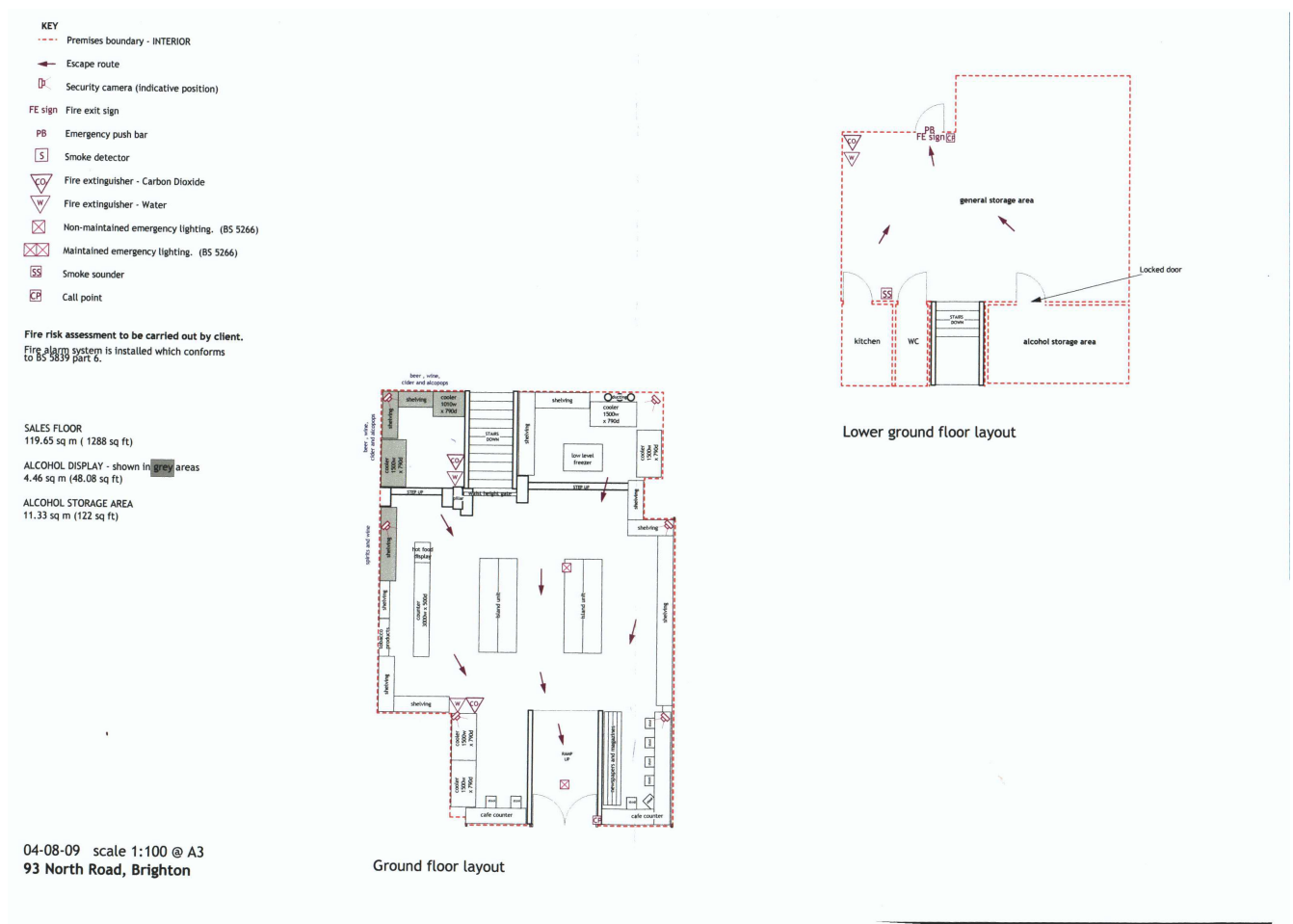
1. Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises externally and internally to cover all public areas with sufficient

numbers of cameras as agreed with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy and will be changed when British Summer Time starts and ends. The CCTV will be signed off by a police officer from the police licensing unit if it meets the required specifications.

2. All off sales to be made in sealed containers for consumption away from the premises.
3. The venue will become a member of the business Crime Reduction Partnership and Night Safe scheme or other similar scheme if available.
4. The premises will operate a Challenge 25 policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The only forms of ID that will be accepted are passports, driving licences with a photograph, or Portman Group, Citizen Card or Validate proof of age cards bearing the PASS mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence or conditions attaching to it.
5. The premises shall maintain a refusals book to record all incidences of age related products being refused and refusals to persons who are drunk. This book will be readily available for inspection by Council, Trading Standards or Police upon request.
6. All staff serving in the shop will receive full advance training in selling alcohol, approved forms of ID, challenge 25, police and dealing with conflict.
7. All staff members who will be engaged in selling alcohol will receive full training in age restricted products/identifying false ID by Trading Standards before they commence work in the premises.

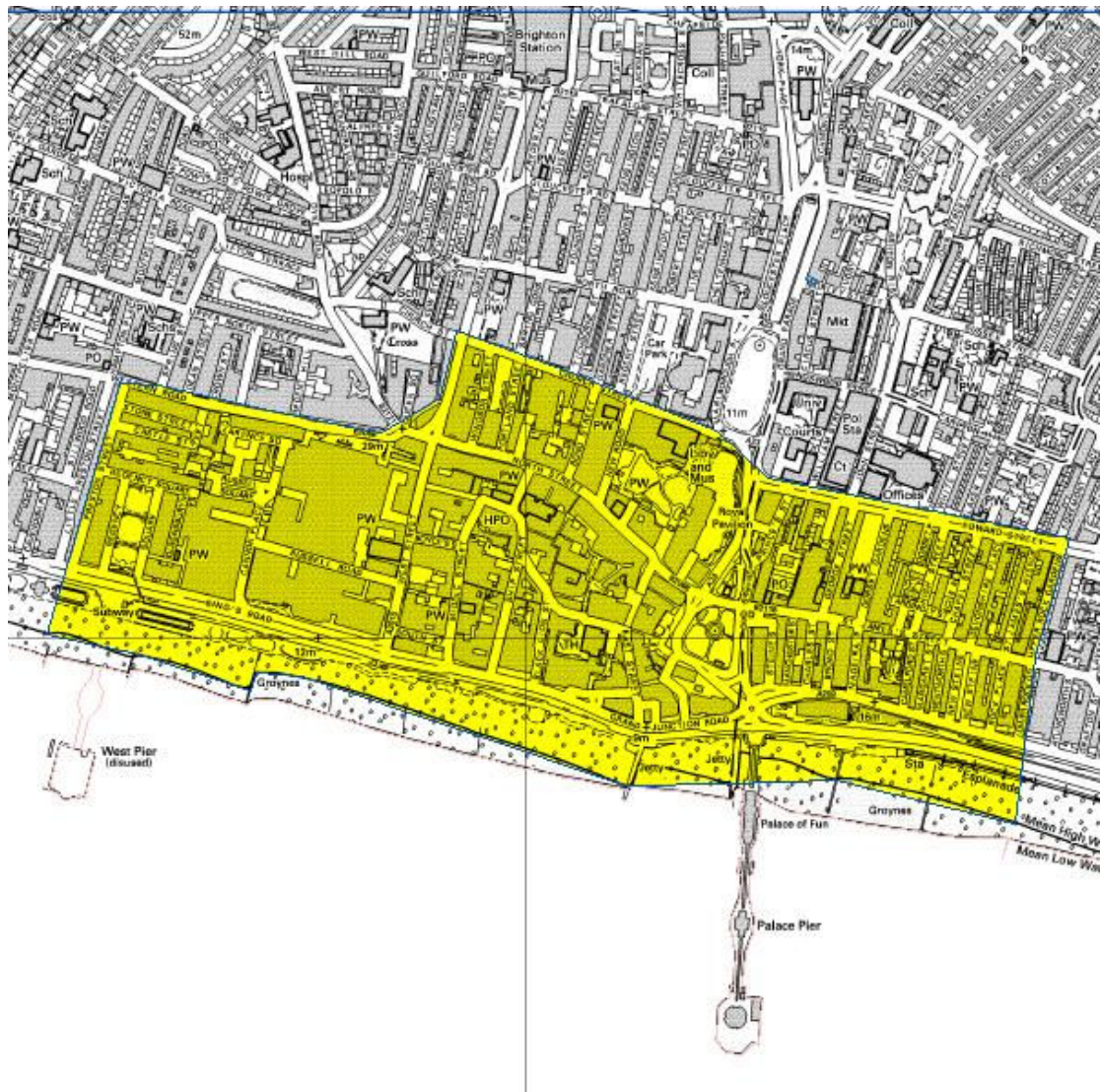
8. No beer/cider over 7% ABV will be sold on the premises.

Annex 4 – Plans



APPENDIX C

Brighton & Hove City Council - Cumulative Impact Area



The Cumulative Impact Area comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Spring Street to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Ayr Street with the west side of Queens Road and then northward to the north-west corner of Queens Road junction with Church Street; thence along the north side of Church Street eastwards to its junction with Marlborough Place and continuing south-east across to the north-western junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Preston Street; northward to that point and along the west side of Preston Street to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Spring Street.

APPENDIX D

Brighton & Hove City Council – Special Stress Areas

The areas recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below:-



Area 1 - an area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Spring Street and along the north side of Western Road, Hove to its intersection with the west side of Holland Road; southward along the west side Holland Road to its end and then due south across the Kingsway to the mean water mark; along the mean water mark eastwards to the intersection with the boundary of the cumulative impact area and along that boundary northwards to the intersection of Western Road, Brighton with the west side of Spring Street.

Area 2 – an area bounded by and including: from a point on the west side of the Surrey Street / Terminus Road intersection adjacent to Guildford Road eastwards along the north side of Trafalgar Street to its eastern end; due east across York Place to the east side of Richmond Place; southward along the east side of Richmond Place and Grand Parade to the cumulative impact area's Edward Street boundary; westwards along the cumulative impact area's northern boundary to the north-west corner of the Church Street junction with Queens Road; north along the west sides of Queens Road and Surrey Street to the point on the west side of the Surrey Street / Terminus Road intersection adjacent to Guildford Road.

APPENDIX E

Measures to be included for consideration in SSAs are:

Matters that would normally be expected in operating schedules -

- the adoption of a “Challenge 21” policy with acceptable proof of id as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital cctv system by liaison with, and to a standard approved by, Sussex police
- policies for dispersal of customers which may include signage regarding taxi services’ telephone numbers and advice to respect neighbours and minimize noise
- systems to ensure any SIA door staff or Mobile Support Unit personnel display appropriate badges when on duty

Items to which positive consideration would be given -

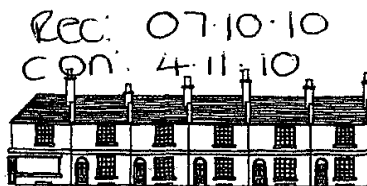
- membership of Brighton Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of ‘nightsafe’ radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators
- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Matters that might be recommended for appropriate restrictions -

- entry to premises by under 18s after certain times
- consumption of food and drink in smoking areas
- access to outside seating areas after certain times

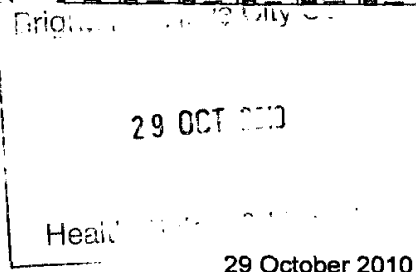
APPENDIX F

NORTH LAINE COMMUNITY ASSOCIATION



(A)

Licensing Department
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton BN1 1JP



VALID
SSA.
PN
CD.

Dear Sir/Madam

**1445/3/2010/02055//LAPREV – 93 North Road (Go Local)
Sale of alcohol, 6am – 02am, every day**

We write on behalf of the North Laine Community Association in respect of the above application to sell alcoholic drinks from 6am to 02am, every day, extended from 11pm every day.

We object to this application on the grounds of:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Prevention of children from harm

The North Laine is classed as a Special Stress Area, and we feel that selling alcohol to extended times of 02am every day would exacerbate the problems that the North Laine suffers from. Since the introduction of flexible opening hours in 2003 residents have had to put up with increased levels of noise from drinkers during the day and late at night, plus increased levels of anti-social behaviour and vandalism.

The North Laine Residents Association urges the committee to consider the evidence put to the Health Impact Assessment by local residents on the impact of the 2003 Act, the document presented to the Licensing Strategy Group by the NLCA, and the draft Statement of Licensing Policy September 2010.

Granting increased hours for the above premises will only add to levels of crime and anti-social behaviour and public nuisance in the area – an area that now has nearly 60 licensed premises.

We ask you to reject this application.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'Sandy Crowhurst'.

Sandy Crowhurst and
Roy Skam

North Laine Community Association, charity no 273989
Licensing Coordinator, Roy Skam, 2 Windsor Street, tel 326415
Planning and Environment Coordinator, Sandy Crowhurst, 41 Kensington Place BN1 4EJ
tel 681089 email: smcrowhurst@tiscali.co.uk



con: 4-11-10

(B)

VALID
C+D
CH.

BRIGHTON POLICE STATION

Brighton & Hove City Council

04 NOV 2010

Health, Safety & Licensing

Brighton & Hove Licensing Unit
Police Station
Holland Road
HOVE
BN3 1JY

Tel: 01273 66 59 43
Fax: 01273 66 55 24

Email: david.bateup@sussex.pnn.police.uk

1st November 2010

The Licensing Technical Support Officers
Environmental Health
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
BRIGHTON
BN1 1JP

Dear Sirs,

SUSSEX POLICE REPRESENTATION AGAINST THE APPLICATION FOR VARIATION OF THE PREMISES LICENCE FOR 'GO LOCAL' 93 NORTH ROAD, BRIGHTON, BN1 1YE.

Sussex Police wish to make representations in respect of this variation application on the grounds of the prevention of crime and disorder and the protection of children from harm.

The existing licence permits the sale of alcohol from 06:00 to 23:00 seven days a week. This variation application seeks to extend the hours for the supply of alcohol by three hours a day until 02:00 seven days a week. Sussex Police have concerns about such a dramatic increase in hours for the supply of alcohol until 02:00, particularly in relation to public drunkenness and antisocial and disorderly behaviour. I attach a statement from Police Constable Ben Jameson who is the Neighbourhood Policing Team officer covering the North Laine area of Brighton, which explains our concerns in more detail.

Police Station John Street Brighton BN2 0LA ¹Telephone 0845 60 70 999 Fax (01273) 665568

Website: <http://www.sussex.police.uk>



BRIGHTON POLICE STATION

It is also noted that this premises is situated within the Brighton & Hove City Council Special Stress Area. This area is designated a special stress area because the area is deemed to be an area of special concern in terms of the levels of crime and disorder and public nuisance experienced within it. Sussex Police take the view that granted this premises a variation on their licence to sell alcohol for a further three hours every night until 02:00 may only add to the stress being created by alcohol in the area already.

Yours faithfully,

pp
Graham Bartlett
Chief Superintendent
Divisional Commander
Brighton & Hove Division

Encs

(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

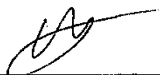
Statement of: Benjamin Philip JAMESON

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Constable CJ228

This statement (consisting of 2 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 which I know to be false or do not believe to be true.

Signature:



Date

31st October 2010

I am currently a Police Constable attached to the Neighbourhood Police Team covering the North Laine area of Brighton. My role is to proactively patrol my area to disrupt and deter criminal activity and provide reassurance to members of my community. I also work closely with members of the community, people who live and work in the area to find solutions to long term issues that affect them. This statement relates to a proposed extension of licensed alcohol sales at Go Local, an off licence/convenience store at 93 North Road, BN1 1YE.

One of the serious issues I encounter whilst patrolling the North Laine area is that of public drunkenness and associated antisocial and disorderly behaviour. There are a number of hot spot areas in the North Laine where members of the public and street community congregate to drink. As these groups get progressively drunker there is a considerable increase in drunken and disorderly behaviour. This behaviour generally involves swearing and abusive language to members of the group and passers by. However, it often escalates and has resulted in aggressive and abusive verbal and physical assaults on passers by and members of the local community.

I can exhibit BPJ/1 () to the court. This is a map of the North Laine area centred on the GO LOCAL store and the surrounding area. On this map I have highlighted a number of areas in orange. These areas are hot spots for street drinking and anti social behaviour. Point A is the GO LOCAL store.

At the top of North Road there is the Brighthelm Community Centre which has gardens at the rear of the building. These gardens are in close proximity to the GO LOCAL store. These gardens have experience significant problems with groups of youths gathering to get drunk. These youths have abused passers by, staff at the centre and during one incident a member of the public was assaulted. These gardens are also often used by members of the Street Community to drink. These groups are also antisocial and regularly abuse members of staff who ask them to control their behaviour.

I have done a basic interrogation of the Sussex Police OPERATIONAL INFORMATION SYSTEM. This




Continuation of statement of
system logs every reported incident made to Sussex Police.

Between 30th April 2010 and 31st October 2010 Sussex Police received 38 calls in relation to problems of drunkenness and associated anti-social behaviour at Brighthelm Gardens. I can produce a selection of these incident reports to the court as my exhibit BPJ/2 (), BPJ/3 (), BPJ/4 (). These exhibits evidence the ongoing problems and disorder experienced by the community as a direct result of alcohol misuse in the North Laine area.

Victoria Gardens is also in very close proximity to the Go Local store. Over the summer of 2010 there has been a significant increase in street drinking and associated anti social behaviour in the area. Large numbers of the street community congregate and are verbally abusive to each other and members of the public. Local residents have complained to the police and the council's Anti-Social Behaviour team that the group that gathers are abusive, urinate in public and have been seen fighting. Sussex Police Operation Drybeck has been designed to specifically tackle problems in this area.

It is my belief that an increase in licensed hours at the Go Local store will inevitably lead to an increase in anti social behaviour and disorder as a result of increased drunken behaviour.

As the Constable responsible for the North Laine area I regularly attend the North Laine Community Association Group meetings. This group sets the local police priorities for the area. One of the three key priorities is combating late night noise and anti social behaviour experienced by residents of the North Laine area. Anecdotally, residents have reported repeatedly being wakened at night by drunk people passing through. This is primarily on Thursday, Friday and Saturday nights between 12am - 3am. These people shout and scream and are generally very noisy. Residents have witnessed people urinating in their doorways and committing criminal damage to vehicles and property. It is my opinion that an increase in licensed hours at the Go Local store will lead to members of the public going in to the North Laine area to purchase alcohol and drink alcohol later at night and into the early hours of the morning. This will lead to a further increase in noise and disorder being experienced by local residents. It will also likely lead to an increase in the problems already being experienced at the existing hotspots of Victoria Gardens and Brighthelm Gardens.

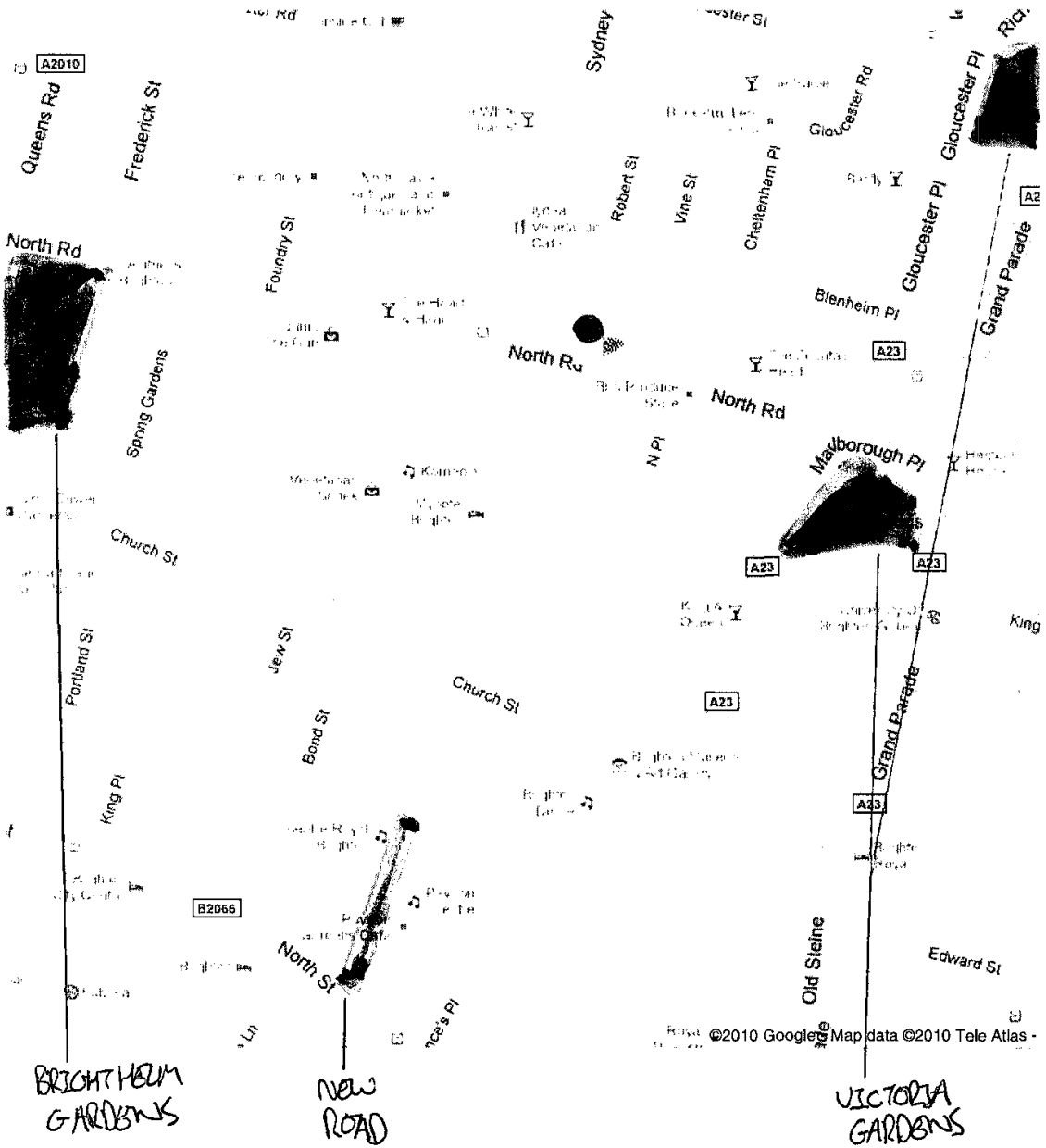


Print

Google maps

Address **93 N Rd**
Brighton, Brighton and Hove BN1 1,
UK

Notes



Rec By : TPHONE Serial: 1154 Ident: MC12C IH 1522 20100712
Phone : 01273 [REDACTED] NOT A TK
Location : BRIGHTHELM CH,BRIGHTON;NORTH RD
Origin : [REDACTED] -
Text : 4 MALES DRINKERS (ONE WITH CAN) OTHERS WITH SOFT DRINK
BOTTLES OR THERMOS BELIEVED TO CONTAIN ALCOHOL AND 3 MORE
MALES DRINKING CANS OF LAGER MORE ON A BENCH FURTHER DOWN
IN 20-30'S - 3 WERE APPROACHED ASKED NOT TO DRINK THEY WE
ABUSIVE - CALLER BELIEVES MORE WILL JOIN THEM
Title : 2;DRINKING IN GARDEN
Inc Type : ASBVOR Grade: 2 OccTime: 1522 Date: 20100712 Ras: CC1
004 Sect: CC1
Result : STDRINK: STDRINK:
OIC : 26991: MRS F WOODS CB CSF BRIGHTON
Grid Ref : Easting: 530960 Northing: 104561 View Map
1526 IH -MC12C Incident confirmed
1526 IH -MC12C CALLER ADVISED OF GRADE & SERIAL NUMBER
1526 IH -MC12C Motivation indicated ALCOHOL REL
1526 IH -MC12C Incident passed to TQ BRRAD
1526 LS1 -MS20 Incident acknowledged.
1527 IH -MC12C Incident linked to 1183 09/07/10
1527 IH -MC12C Incident linked to 1472 07/07/10
1527 IH -MC12C Incident linked to 1240 05/07/10
1527 IH -MC12C Incident linked to 1211 30/06/10
1541 -SYSTEM Late assignment to incident noted
1547 JAB -MS19 CCJ12
Assigned(1547) Arrived(****) Released
() Cancelled(1630)
1548 JAB -MS19 Incident placed on OQ BRRAD
1548 JAB -MS19 OIC selected 26991
1548 JAB -MS19 CCJ16
Assigned(1548) Arrived(****) Released
() Cancelled(1630)
1549 26991-CHA020 Full Incident printed : Printed for 26991
: Printed all pages to C1P1
1626 -SYSTEM Late arrival at incident noted
1630 JAB -MS19 CCJ12 - GRP OF MEN MOVED ON
1630 JAB -MS19 Released CCJ12 status 90
1630 JAB -MS19 Released CCJ16 status 90
1630 JAB -MS19 Incident Result 312 : Street Drinking
312 : Street Drinking

1630 JAB -MS19 Incident closed

Rec By : 999 Serial: 1072 Ident: MS17 WAM 1453 20100630
 Phone : 01273 [REDACTED] NOT A TK
 Location : BRIGHTHELM COMMUNITY CTRE,BRIGHTON;NORTH RD
 Origin : [REDACTED] (MANAGER ABOVE)
 Text : THERE ARE 4 VERY AGGRESSIVE DRUNKS IN THE CARPARK 3 MALES
 1 FEMALE IN THEIR EARLY 20S, THEY HAVE MADE THREATS TO SM
 THE WINDOWS WHEN I ASKED THEM TO LEAVE

 Title : 2:AGGRESSIVE DRUNKS
 Inc Type : ASBVOR Grade: 2 OccTime: 1453 Date: 20100630 Ras: CC1
 004 Sect: CC1
 Result : STDRINK: STDRINK:
 OIC : CH208: PC P HARRIS C DOG HOVE
 Grid Ref : Easting: 530960 Northing: 104561 View Map
 1456 WAM -MS17 Incident confirmed
 1457 WAM -MS17 Incident linked to 1180 15/06/10
 1457 WAM -MS17 Incident linked to 1284 25/05/10
 1457 WAM -MS17 Incident linked to 394 24/05/10
 1457 WAM -MS17 Incident passed to TQ BRRAD
 1457 WAM -MS17 Motivation indicated ALCOHOL REL
 1457 WAM -MS17 Incident tagged for AREA
 1457 WAM -MS17 Incident tagged for DIVISION
 1458 EH -MS19 Incident acknowledged.
 1503 CL401-CBF260 Full Incident printed : Printed for CL401
 : Printed all pages to C11P.
 1511 -SYSTEM Late assignment to incident noted
 1525 LMJ -MS20 HD37
 Assigned(1525) Arrived(1525) Released(1529) Cance
 1525 LMJ -MS20 Arrived HD37
 1525 LMJ -MS20 HD37 ASNT
 1525 LMJ -MS20 Incident placed on OQ BRRAD
 1529 LMJ& -MS20A HD37 - SPOKEN TO STAFF - CAN THIS BE FLAGGED UP F
 OFFICERS - REGULAR PROBLEM
 1529 LMJ& -MS20A OIC updated CH208
 1529 LMJ& -MS20A Released HD37 status 02
 1530 LMJ& -MS20A Incident stored on TQ BRNSTC
 1558 DMM& -MS19 Resource CR101 re-assigned from 1127 30/06/10
 1558 DMM& -MS19 CR101
 Assigned(1558) Arrived() Released() Cance
 1559 DMM -MS19A Resource CR101 re-assigned to 1211 30/06/10
 1600 DMM -MS19A Incident linked to 1211 30/06/10

***** 01/07/10 *****
0757 27379-CBC071 PRINTED FOR NORTH LAINE NPT. PCSO SHARMAN MICROBE.
0757 27379-CBC071 Full Incident printed : Printed for 27379
: Printed all pages to C1P1
0757 27379-CBC071 Incident acknowledged.
0758 27379-CBC071 Incident Result 312 : Street Drinking
312 : Street Drinking
1221 60585-CBC047 PCSO SHARMAN SPOKE TO THE INFORMANT AT 1200HRS ON
WHO STATED THIS IS AN ONGOING PROBLEM LATELY AND
MAKE SURE WE ARE AWARE OF THE PROBLEMS. TOLD HIM
STREET DRINKING TEAM OFFICERS ARE ALL AWARE AND B
PATROL IN BRIGHTHELM WHENEVER POSSIBLE. INFORMANT
THE DIFFICULTY WE HAVE IN THAT THIS CAN HAPPEN AT
THAY CAN BE THERE ONE MINUTE BUT GONE THE NEXT. A
***** 02/07/10 *****
1144 02645-CBF002 Incident closed

Rec By : RADIO Serial: 1990 Ident: MS19 DJC 2206 20100614
 Phone :
 Location : BRIGHTHELM COMMUNITY CTRE,BRIGHTON;NORTH RD
 Origin : CCJ16
 Text : GROUP OF YOUTHS DRINKING SMASHING BOTTLES - MOST MOVED ON
 ONE CAUSING PROBLEMS
 UNIT TO ASSIST

 Title : 4:PROB YOUTHS
 Inc Type : ROWDY Grade: 4 OccTime: 2206 Date: 20100614 Ras: CC1
 004 Sect: CC1
 Result : STDRINK: STDRINK: ALCOHOL REMOVED
 OIC : CB847: PC M P BUTTON CB NRT BRIGHTON
 Grid Ref : Easting: 530960 Northing: 104561 View Map
 2207 DJC -MS19 Incident confirmed
 2207 DJC -MS19 CCJ16
 Assigned(2207) Arrived(2207) Released
 (2223) Cancelled()
 2207 DJC -MS19 Arrived CCJ16
 2207 DJC -MS19 Resource CR06 re-assigned from 1826 14/06/10
 2207 DJC -MS19 CR06
 Assigned(2207) Arrived(2210) Released
 (2222) Cancelled()
 2207 DJC -MS19 CV AWARE
 2207 DJC -MS19 Incident placed on OQ BRRAD
 2208 ACS -MSV006 Motivation indicated CCTV
 2208 ACS -MSV006 CCTV Aware and monitoring (CDCCTVAWA300507)
 2210 DJC -MS19 Arrived CR06
 2211 DJC -MS19 CCJ16 BY QUEENS RD ENTERANCE
 2222 LMJ -MS20 Resource CR06 re-assigned to 1845 14/06/10
 2222 LMJ& -MS20A CR06 - ALCOHOL CONFISCATED - MOVED ON
 2222 LMJ& -MS20A OIC updated CB847
 2223 LMJ& -MS20A Released CCJ16 status 90
 2223 LMJ& -MS20A Motivation indicated ALCOHOL REL
 2223 LMJ& -MS20A Incident Result 312 : Street Drinking
 312 : Street Drinking
 /ALSOHOL REMOVED
 2223 LMJ& -MS20A Incident Result 312 : Street Drinking
 312 : Street Drinking
 /ALCOHOL REMOVED
 2223 LMJ& -MS20A Incident closed



SNC REC: 07.10.10
CON: 04.11.10

(C)

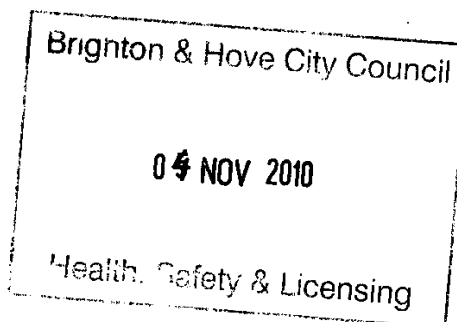
Councillor Lizzie Deane

Brighton & Hove City Council
King's House
Grand Avenue
Hove BN3 2LS

VALID
SSA
CID
RN.

29th October 2010

The Licensing Technical Support Officers
Environmental Health
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP



Dear Sirs,

**1445/3/2010/02055/LAPREV – 93 North Road (Go Local)
Sale of alcohol, 6am – 2am, every day**

I am writing as a ward councillor for St Peter's and North Laine to register my objection to the application for a premises licence by the Go Local store at 93 North Road. The basis for this opposition is that granting a premises licence here will not promote the city's licensing objectives, particularly with regard to the prevention of crime, disorder and antisocial behaviour.

The North Laine is classed as a Special Stress Area, where residents already suffer ongoing noise nuisance and antisocial behaviour at all hours of the day and night. They have endured this inconvenience since 2003 when the licensing legislation was first amended, and it is totally unacceptable to expect them to continue to do so.

Extending the current license for the sale of alcohol between 6.00am and 2.00am daily at these premises will do nothing to enhance public safety, combat crime and disorder, prevent public nuisance or protect children from harm. Indeed, it will do quite the reverse. Extending the licence to these new hours would provide a further source of alcohol within an area so heavily populated with licensed premises that crime, disorder and public nuisance have already reached problem levels for the local police.

Cont'd/...

Telephone: (01273) 291138
Email: lizzie.deane@brighton-hove.gov.uk

Green Member for St Peter's & North Laine Ward



Web: www.brighton-hove.gov.uk
Telephone: (01273) 290000
Printed on recycled, chlorine-free paper

93 North Road (cont'd)

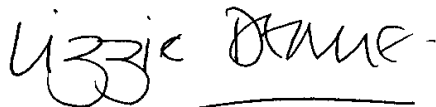
fv

Yet these are the very reasons why a Cumulative Impact Zone was introduced in March 2008 and, while 93 North Road is not actually within this zone, it is at a very close proximity. I would urge the Committee to consider that granting the license will almost certainly have a similar effect on nearby residents as those living within the CIA.

I would also urge the Committee to consider the findings of the Health Impact Assessment, in which evidence of the negative effects of the flexible licensing hours was put forward by local residents, the document presented to the Licensing Strategy Group by the North Laine Community Association, and the draft Statement of Licensing Policy, September 2010.

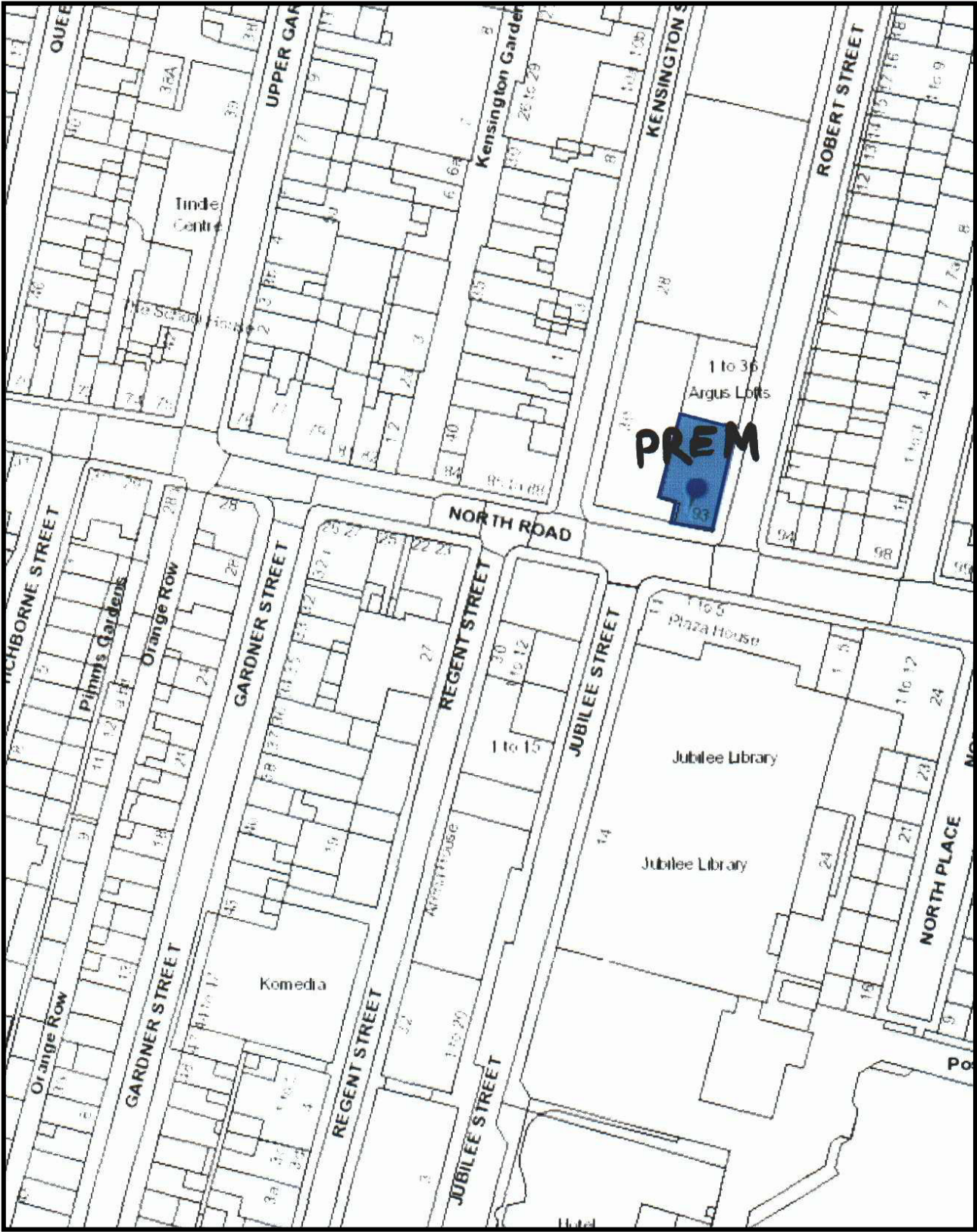
In view of the above, I would urge the Licensing Authority to refuse the application.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Lizzie Deane', with a horizontal line drawn underneath it.

Cllr Lizzie Deane
Green Party councillor for St Peter's & North Laine ward

Appendix G



Licensing Panel (Licensing Act 2003 Functions)

Agenda Item 90

Brighton & Hove City Council

Subject:	Application for a New Premises Licence under the Licensing Act 2003		
Premises:	Sainsbury's, Unit 1 134-138 North Street, BN1 1RG		
Applicant:	Sainsbury's Supermarkets Limited		
Date of Meeting:	21 December 2010		
Report of:	Head of Environmental Health & Licensing		
Contact Officer:	Name:	Sarah Cornell	Tel: (01273) 295801
	E-mail:	Sarah.Cornell@brighton-hove.gov.uk	
Wards Affected:	Regency		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for Sainsbury's.

2. RECOMMENDATIONS:

- 2.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for Sainsbury's.

2.2.1 The application is for:

A New Premises Licence under the Licensing Act 2003.

The application proposes:

Supermarket which is to sell a broad range of groceries, household products and alcohol. Situated at Unit 1, 134-138 North Street, Brighton BN1 1RG.

2.2.2 Part P of the application is detailed at Appendix A and the plan is attached at Appendix B.

2.3 Summary table of proposed activities

	Proposed
L Late Night Refreshment	Indoor and Outdoors Every Day 23:00 – 24:00 The provision will take place inside the premises but customers may leave the premises with items purchased.
M Supply of Alcohol	Off the Premises Every Day 06:00 – 24:00
O Hours premises are open to public	Every Day 06:00 – 24:00
N Adult entertainment services, activities, other entertainment or matters ancillary to use of the premises that may give rise to concern in respect of children	The premises will sell other age restricted products.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Cumulative Impact: The premises falls within the Cumulative Impact Area (“The Area”) in Brighton city centre (see paragraphs Prevention of Crime and Disorder 2.4.10 – 2.4.14 and Appendices C – E).

3.2.1 Representations received

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

3.2.2 Five representations were received. They were received from local residents, a Residents Association, a local Councillor and Sussex Police.

3.2.3 Representations received had concerns relating to Prevention of Crime and Disorder, Cumulative Impact and Prevention of Public Nuisance.

3.2.5 Full details of the representations are attached at Appendix F. A map detailing the addresses of the persons who have submitted the representations and their location in relation to the premises is attached at Appendix H.

Please note that Relevant Authorities and Residents' Associations are not included.

4. CONSULTATION

Commentary on licensing policy

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

General

1.2 The licensing objectives are:-

- (a) Prevention of crime and disorder;
- (b) Public safety;
- (c) Prevention of public nuisance;
- (d) Protection of children from harm.

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

1.5 Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act

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

In respect of the prevention of crime and disorder

- 2.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority recommends that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door staff so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection.
- 2.3 It is expected that the designated premises supervisor (DPS) will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises.
- 2.4 Cumulative impact – the licensing authority may receive representations from either a responsible authority or an interested party that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with ‘need’ which relates more to the commercial demand for a particular type of premises. The issue of ‘need’ is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore does not form part of this licensing policy statement.
- 2.4.1 Special Policy - Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 2.4.2 The licensing authority after careful consideration has determined that the concentration of licensed premises in a small area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to Cumulative Impact is necessary as part of its statement of licensing

policy. This special policy was adopted for inclusion within the statement of licensing policy by Council on 13 March 2008.

2.4.3 This special policy will refer to a Cumulative Impact area (“the Area”) in the Brighton city centre, a detailed plan of which is attached at Appendix C of the Statement of Licensing Policy (SoLP).

2.4.4 The effect of this special policy is that applications for new premises licences or club premises certificates within the Area, or variations which are likely to add to the existing Cumulative Impact, will normally be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.

2.4.5 Any variation application will potentially come within this special policy, including those for extensions of hours, subject always to an applicant satisfying the authority that there will be no adverse effect on Cumulative Impact.

2.4.6 This special policy also applies to all new premises licences and club premises certificates, for example pubs, off-licences, restaurants and take-away establishments.

2.4.7 The presumption of refusal does not relieve responsible authorities or interested parties of the need to make a relevant representation. If there are no representations the licensing authority must grant the application in terms consistent with the operating schedule submitted.

2.4.8 Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether it is justified in departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the Cumulative Impact of the Area, it may be granted. The Impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of Cumulative Impact, a small restaurant or theatre may not.

2.4.9 If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved.

2.4.14 The Licensing Authority will keep the Cumulative Impact Area and Special Stress Areas under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening; the Special Policy will be reviewed with a view to bringing the SSAs into the Cumulative Impact Area. If it is found that

the above problems are receding the Special Policy may be reviewed with a view to revising the areas' boundaries.

2.5.1 Diversity of premises

This attempts to ensure that there is a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It will provide resilience against changing trends and attract a more diverse range of customers from different age groups, different communities of interest and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This in turn may have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time, may create opportunities for violent crime and public disorder and therefore encourages mixed use venues, varying hours of business and a wider age balance.

2.5.5 Care, control and supervision of premises

The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The Police will consider the applicants, objecting to the application where appropriate. The Police will suggest crime prevention measures in relation to, for example, the internal layout of the premises, close circuit television, help points, lighting and security staff. The Police may ask for conditions which support such measures to be imposed when planning or licensing applications are granted, e.g. type of licence, capacity, opening time restrictions.

2.6 Shops, stores and supermarkets which provide alcohol for consumption off the premises: the normal scenario will be to provide for sales of alcohol at any time when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.

2.8 Enforcement issues will be considered in the light of any relevant enforcement policies and close links will be sought between all enforcing authorities, e.g. through the use of intelligence sharing and strategy groups. Such protocols may lead to the targeting of agreed high risk and problem premises whilst permitting a lighter touch approach in respect of well run premises.

In respect of the prevention of public nuisance

4.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, or as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke)

- 4.3 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence.
- 4.5 Staggered closing times will not be used to combat binge drinking disorder and antisocial behaviour. Zoning will be avoided. A general principle of later opening so that customers can leave for natural reasons, slowly over longer periods will be promoted, to prevent unnatural concentrations of people. The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 4.8 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre and on busy main roads. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood.

Strategic Integration

- 6.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening.
- 6.7 This policy avoids duplication with other regulatory regimes wherever possible.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

The licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

Finance Officer Consulted: Karen Brookshaw Date: 01.12.2010

5.2 Legal Implications:

The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Rebecca Sidell Date: 01.12.2010

5.3 Equalities Implications:

Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

5.4 Sustainability Implications:

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

5.5 Crime & Disorder Implications:

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

5.6 Risk and Opportunity Management Implications:

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

5.7 Corporate / Citywide Implications:

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

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part P of the Application
2. Appendix B – Plan of Premises
3. Appendix C – Brighton & Hove City Council – Cumulative Impact Area
4. Appendix D – Brighton & Hove City Council – Special Stress Area
5. Appendix E – Measures to be considered in SSA's
6. Appendix F – Representations
7. Appendix G – Map of area

Documents in Members' Rooms

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

Background Documents

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

APPENDIX A

P

Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)

b) The prevention of crime and disorder

1. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The system will incorporate a camera covering each of the entrance doors and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
3. The system will incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The system will display on any recording the correct time and date of the recording.
5. A system will be in place to maintain the quality of the recorded image.

c) Public safety

The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

e) The protection of children from harm

The licence holder shall ensure that all cashiers are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 21 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.

From: Robert Botkai [mailto:rbotkai@wslaw.co.uk]

Sent: 29 November 2010 11:08

To: EHL Safety

Cc: David.Bateup@sussex.pnn.police.uk; Catriona MacBeth; Danielle Crawford; Elaine Finlay

Subject: Sainsbury's North Street Brighton

Jim

Further to discussions with the police and EHO the application for the above store is further amended as follows:

Conditions already sent to licensing officer:

1. The licence holder shall ensure that all cashiers are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.

2. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

Induction training which must be completed and documented prior to the sale of alcohol by the staff member.

Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer on request.

3. All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:

- details of the time and date the refusal was made;
- the name of the staff member refusing the sale;
- description of the person attempted to purchase;
- details of the alcohol the person attempted to purchase.

This register will be available for inspection by a police officer on request

4. All cashiers shall be instructed to record in an incident book/register:

- All incidents of crime and disorder occurring at the premises
- Details of occasions when the police are called to the premises

This book/register will be available for inspection by a police officer on request.

Additional conditions following discussions with police and TSO:

5. Staff shall be instructed, through training, to refuse to sell age restricted products to any adult who they suspect to be passing age restricted products to under age children (i.e. proxy sales). Staff will be instructed to maintain a log of such refusals.
6. There shall be no sales of beer, lager or cider with an alcohol content in excess of 5.5% save for premium products that have been approved by the police.
7. The need for door security shall be assessed by the Licence Holder or Designated Premises Supervisor on a regular basis and door staff shall be employed when and where the risk assessment deems this appropriate.
8. Any sale of alcohol at a self scan checkout shall be approved by a member of staff who shall physically attend at the checkout to approve the sale.
9. Alcohol shall not be displayed within 5 metres of the store entrance
10. An electronic system for recording refusals shall be installed at each manned till in operation at all times.

For the avoidance of doubt, I am not suggesting that the above conditions have been agreed by the officers. They simply flow from discussions held.

Please confirm that this matter is listed for 13 December.

Thanks

Robert

Robert Botkai
Partner

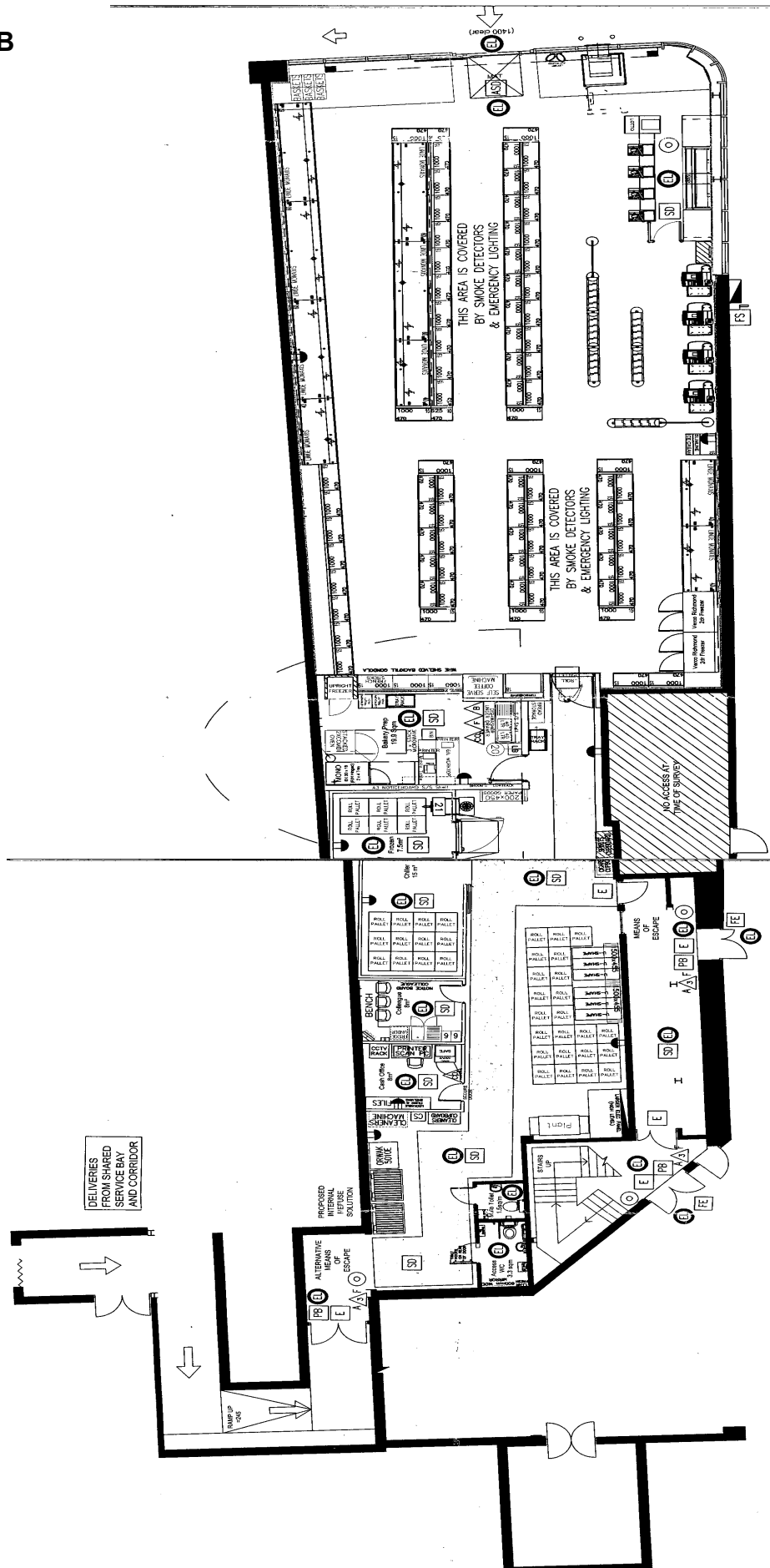
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APPENDIX B



APPENDIX C

Brighton & Hove City Council - Cumulative Impact Area



The Cumulative Impact Area comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Spring Street to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Ayr Street with the west side of Queens Road and then northward to the north-west corner of Queens Road junction with Church Street; thence along the north side of Church Street eastwards to its junction with Marlborough Place and continuing south-east across to the north-western junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Preston Street; northward to that point and along the west side of Preston Street to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Spring Street.

APPENDIX D

Brighton & Hove City Council – Special Stress Areas

The areas recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below:-



Area 1 - an area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Spring Street and along the north side of Western Road, Hove to its intersection with the west side of Holland Road; southward along the west side Holland Road to its end and then due south across the Kingsway to the mean water mark; along the mean water mark eastwards to the intersection with the boundary of the cumulative impact area and along that boundary northwards to the intersection of Western Road, Brighton with the west side of Spring Street.

Area 2 – an area bounded by and including: from a point on the west side of the Surrey Street / Terminus Road intersection adjacent to Guildford Road eastwards along the north side of Trafalgar Street to its eastern end; due east across York Place to the east side of Richmond Place; southward along the east side of Richmond Place and Grand Parade to the cumulative impact area's Edward Street boundary; westwards along the cumulative impact area's northern boundary to the north-west corner of the Church Street junction with Queens Road; north along the west sides of Queens Road and Surrey Street to the point on the west side of the Surrey Street / Terminus Road intersection adjacent to Guildford Road.

APPENDIX E

Measures to be included for consideration in SSAs are:

Matters that would normally be expected in operating schedules -

- the adoption of a “Challenge 21” policy with acceptable proof of id as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital cctv system by liaison with, and to a standard approved by, Sussex police
- policies for dispersal of customers which may include signage regarding taxi services’ telephone numbers and advice to respect neighbours and minimize noise
- systems to ensure any SIA door staff or Mobile Support Unit personnel display appropriate badges when on duty

Items to which positive consideration would be given -

- membership of Brighton Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of ‘nightsafe’ radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators
- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Matters that might be recommended for appropriate restrictions -

- entry to premises by under 18s after certain times
- consumption of food and drink in smoking areas
- access to outside seating areas after certain times

Document is Restricted

APPENDIX G

