





**Brighton & Hove  
City Council**

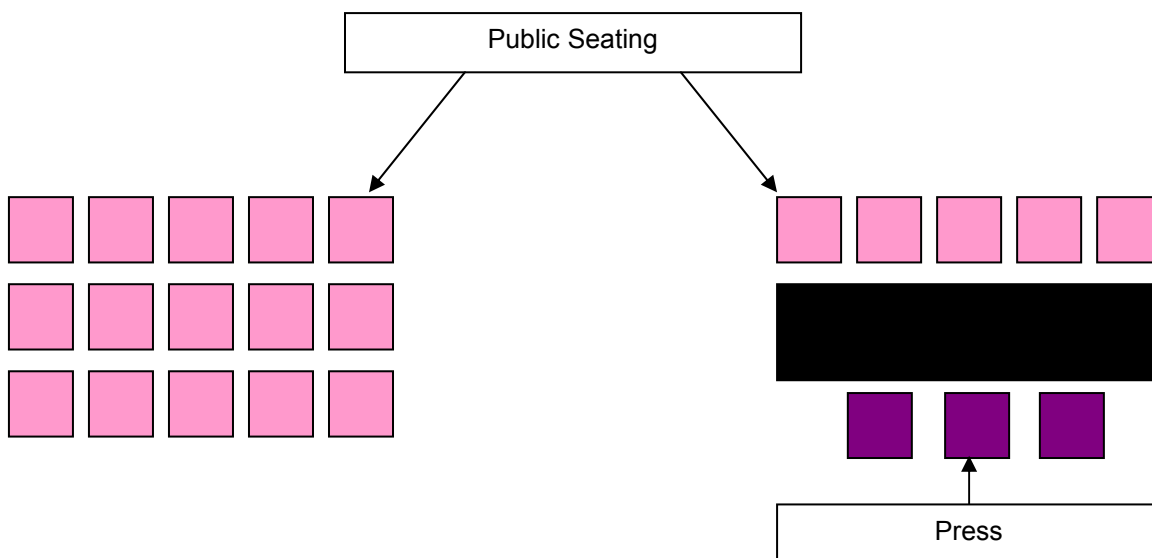
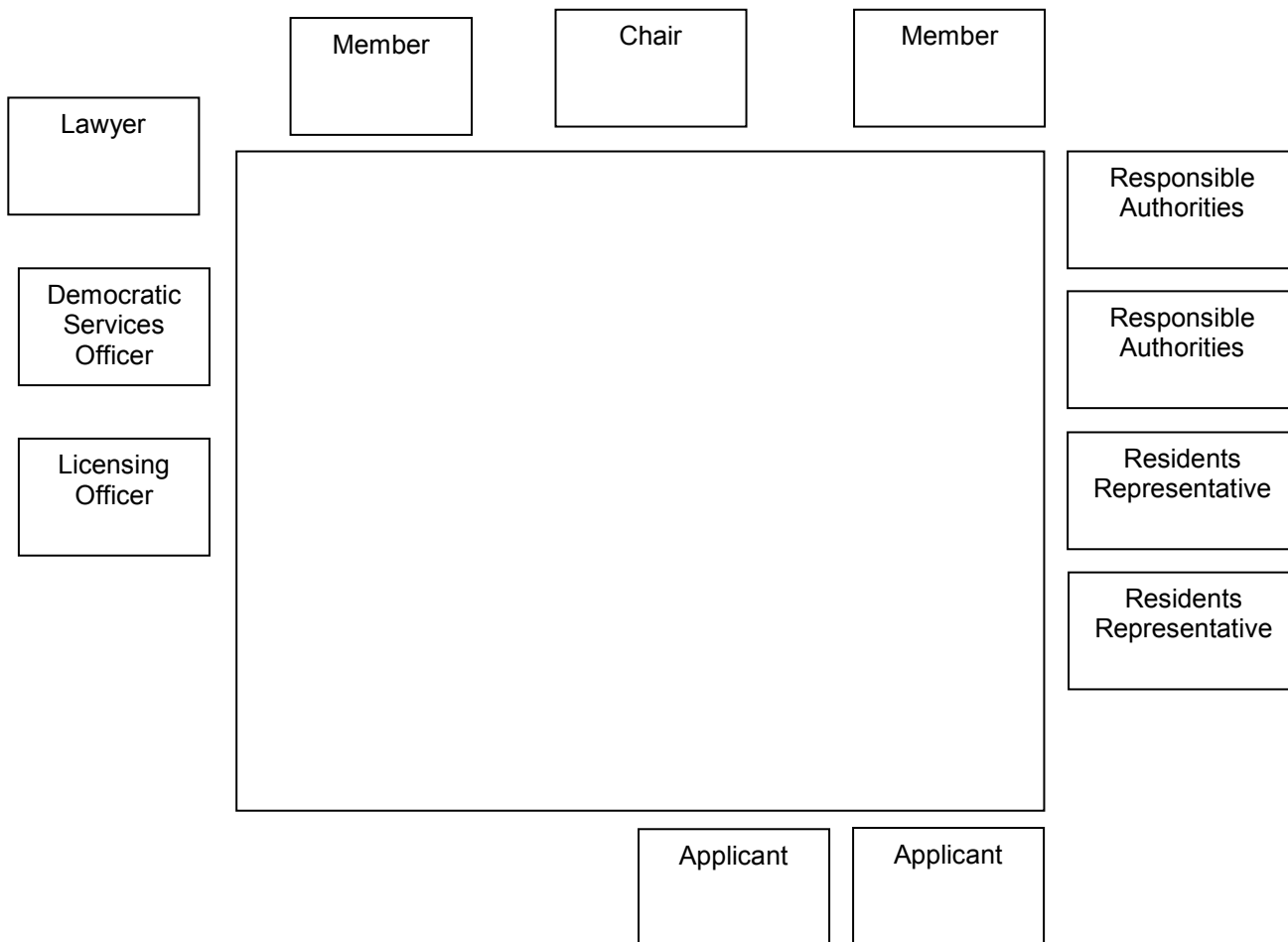
# Licensing Panel

(Licensing Act 2003 Functions)

Title:	<b>Licensing Panel (Licensing Act 2003 Functions)</b>
Date:	<b>8 June 2015</b>
Time:	<b>10.00am</b>
Venue	<b>Committee Room 1, Brighton Town Hall</b>
Members:	<b>Councillors:</b> Marsh, Gilbey and Simson
Contact:	<b>PennyJennings</b> Democratic Services Officer 01273 29-1065 Penny.jennings@brighton-hove.gov.uk

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# Democratic Services: Meeting Layout



**AGENDA**

**4 TO APPOINT A CHAIR FOR THE MEETING**

**5 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.

**NOTE:** Any item appearing in Part Two of the Agenda states in its heading 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 exempt categories is available for public inspection at Brighton and Hove Town Halls.*

**6 SHIV NEWS LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS) 1 - 28**

Report of the Director of Public Health (copy attached)

Contact Officer: Sarah-Jane McNaught      Tel: 01273 294431  
Ward Affected: Queen's Park

## LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

**NOTES:** *Applicants, Agents, Representatives from Statutory Authorities and Other Interested Parties are kindly requested to wait outside before the beginning of the hearing until called in together by the clerk.*

*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.*

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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Penny Jennings, (01273 29-1065) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Friday, 29 May 2015

# Licensing Panel (Licensing Act 2003 Functions)

**Agenda Item 6**  
Brighton & Hove City Council

**Subject:** Application for a New Premises Licence under the Licensing Act 2003

**Premises:** Shiv News 79 - 80 St James's Street  
Brighton BN2 1PA

**Applicant:** Kanakbhai Patel

**Date of Meeting:** 8 June 2015

**Report of:** Director of Public Health

**Contact Officer:** Name: Sarah-Jane McNaught Tel: (01273) 294431  
Email: sarah.mcnaught@brighton-hove.gcsx.gov.uk

**Ward(s) affected:** Queen's Park

## FOR GENERAL RELEASE

### 1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for Shiv News

### 2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for Shiv News

### 3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a New Premises Licence under the Licensing Act 2003. The application proposes a convenience store
- 3.2 Section 18 of the application is detailed at Appendix A and the proposed plan of the premises is attached at Appendix B
- 3.3 Summary table of proposed activities

	<b>Proposed</b>
<b>M) Supply of Alcohol</b>	Everyday 09:00 to 21:00 Off the premises
<b>O) Hours premises are open to public</b>	Everyday 06:00 to 21:00

- 3.4 Cumulative Impact. The premises falls within the Cumulative Impact Area (“The Area”) (see paragraphs Prevention of Crime and Disorder 2.6 – 2.6.15 and Appendix C).

### **Representations received**

- 3.5 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:
- 3.6 Four representations were received. They were received from a local resident, a Resident Association, Sussex Police and the Licensing Team.
- 3.7 Representations received had concerns relating to Prevention of Crime and Disorder, Cumulative Impact, Prevention of Public Nuisance & Protection of Children from Harm.
- 3.8 Full details of the representations are attached at Appendix D. A map detailing the location of the premises is attached at Appendix E.

## **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**:

### **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 focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its area.
- 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.
- 1.10.4 The licensing authority’s preferred position is to ensure planning permission is in place before an application for a licence is made.

### **In respect of the Prevention of Crime and Disorder**

- 2.1 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.
- 2.2 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.
- 2.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 2.6 Cumulative impact** – the licensing authority may receive representations from either a responsible authority or other persons 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.
- 2.6.1 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.
- 2.6.2 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. The first Special Policy and Cumulative Impact Zone (CIZ) and Special Stress Area (SSA) were adopted in March 2008. Since that date, the licensing authority has kept the CIZ and SSA under review with the proviso that 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 SSA into the CIZ.

At Licensing Committee on 10<sup>th</sup> February 2011, committee called for a report on the review of the licensing policy following consultation with ward Councillors and the Police, reviewing evidence, having regard to resident concerns with a view to possible inclusion of special stress areas in the CIZ. The merits of a matrix approach to licensing decisions would also be

explored. On the 23<sup>rd</sup> June 2011 the Licensing Committee received a report and authorised officers to initiate consultation regarding a review of the CIZ.

- 2.6.3 On the 15<sup>th</sup> December 2011 Full Council resolved to expand the CIZ and the special stress area. The new CIZ covers 1.5% of the administrative area of Brighton & Hove City Council.
- 2.6.4 This special policy will refer to a Cumulative Impact Zone (“the CIZ”) in the Brighton city centre, a detailed plan of which is attached at **Appendix A** from the Statement of Licensing Policy (SoLP).
- 2.6.5 The special policy will only be overridden in exceptional circumstances. 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 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.
- 2.6.7 This special policy also applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments. Off licences also come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder.
- 2.6.8 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.
- 2.6.9 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 there are exceptional circumstances to justify 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, pub or theatre may be considered exceptional circumstances. In relation to this, the licensing authority considers it is more proportionate to look favourably upon a pub wanting to open until 11pm or a restaurant until 12 midnight as it has emerged from all the evidence and consultation responses that these type of premises operating within these hours are unlikely to add to cumulative impact in the area. The fact that a premises will be/is exceptionally well managed with a well qualified applicant, or that there are no residential premises nearby, will not be considered exceptional.
- 2.6.10 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.

2.6.15 The Licensing Authority will keep the Cumulative Impact Zone and Special Stress Area 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.

**2.7 The Licensing Authority will support:**

2.7.1 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. A "matrix" approach to licensing decisions has been adopted and is set out below.

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

	<b>Cumulative Impact Area</b>	<b>Special Stress Area and London Road</b>	<b>Mixed Commercial and Residential Areas (streets containing shopping parades)</b>	<b>Residential Area (mainly residences in street)</b>	<b>Marina</b>
<b>Restaurant</b>	Yes (midnight)	Yes (2am)	Yes	Yes (11.30pm)	Yes
<b>Late Night Takeaways</b>	No	Yes (midnight)	Yes (midnight)	Yes (midnight)	Yes
<b>Night Club</b>	No	No	Yes (3am)	No	Yes
<b>Pub</b>	Yes (11pm)	Yes (11pm)	Yes (3am)	Yes (11pm, midnight Friday and Saturday)	Yes
<b>HVVD (Super pub)</b>	No	No	No	No	Yes
<b>Non-alcohol lead (e.g. Theatre)</b>	Yes (favourable)	Yes (favourable)	Yes (favourable)	Yes	Yes
<b>Off-licence</b>	No	No	No	Yes (8pm)	Local shops only
<b>Members Club</b>	Yes (<100)	Yes (<100)	Yes	Yes (11pm and midnight Friday and Saturday)	Yes

### Notes on matrix

Subject to the following, the policy, as represented in the matrix, would be strictly adhered to:

- 1) Each application would be considered on individual merit
- 2) Departure from policy is expected only in exceptional circumstances
- 3) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix
- 4) Exceptional circumstances may include: close consultation with Sussex Police and the Licensing Authority, meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to off set impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts), BCRP membership
- 5) 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*

*6) Shatterproof drinking receptacles will normally be required by licence condition in alcohol led establishments in the city centre*

*7) Outdoor events will be supported where arranged through the council's event planning process*

*8) Favourable consideration will be given to residential need*

*9) Favourable consideration will be given to local businesses properly engaged with the local licensing authority and responsible authorities*

**2.7.6 Care, control and supervision of premises:** 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.

2.7.7 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.

2.7.12 Enforcement will be achieved by the enforcement policy.

2.7.13 Any enforcement checks will include outside drinking areas, looking particularly at noise, and customer smoking areas.

#### **4. In respect of the Prevention of Public Nuisance**

4.1 Planning, building control and licensing will be properly separated to avoid duplication and inefficiency. Granting of licences will not relieve applicants of the need to apply for planning permission or building control consent and there is an expectation that these issues will have been explored before licensing applications are submitted. Applicants are recommended to obtain correct planning consents prior to applying for a licence to avoid potentially inoperative licences.

4.2 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, 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)

- 4.7 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours on busy main roads and in the central leisure area. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood. Licensed premises in residential neighbourhoods will normally have a terminal hour no later than 2330. In mixed neighbourhoods they will normally have a terminal hour of no later than 0200 hours to counter noise disturbance to residents as informed by the health impact assessment and requested by Licensing Strategy Group. The Licensing Authority has adopted a matrix approach to licensing decisions (see 2.7.1)
- 4.8 While each application will always be considered on its merits, as an indication the St James's Street area and the North Laines/area will be considered residential neighbourhoods, and East Street a mixed neighbourhood.
- 4.9 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 4.10 below).
- 4.11 Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

## **5. In respect of the 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 moral, psychological 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).

- 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 (e.g. passport, photo driving licence or pass card).

5.2 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 physical, moral or psychological harm to them.

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

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

Options may include:-

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

5.7 Children and Young Persons Overview and Scrutiny Council reported on Reducing Alcohol Related Harm to Children and Young People to Licensing Committee who agreed:

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

5.7.2 Trading Standards have a programme of business support including training for local businesses to avoid under-age sales.

5.7.3 In determining applications and reviews, applications can only be dealt with on their individual merit. Use of schemes like Think 21 and Challenge 25 are appropriate on a case by case basis. Normally a Challenge 25 condition will be appropriate.

5.7.4 A clear causal link between price discounting and disorder will normally lead to the imposition of conditions prohibiting irresponsible promotions. This is now reflected in the new mandatory conditions which can be found on the licensing pages of the council's website.

## **5.8 Best Practice to protect children from harm**

The Council passed a Notice of Motion that licensing committee recommend best practice for both on and off premises to take on board on a voluntary basis, in order to promote responsible licensing.

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences
  - Signage on premises should set out legal duties
  - Voluntary restriction of high strength alcohol – operating schedules may be used to limit high ABV beers and ciders
  - Staff training – in addition to personal licence holders training, staff must be adequately trained for duties
  - Challenge 25 would be the norm, particularly in the off licence trade
  - Signage – proxy sale – deterrence
- The council will support accreditation schemes, such as Best Bar None and Purple Flag, where appropriate and subject to resources.

## **6. 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, 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.

6.6 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.

6.8 Other regulatory regimes: This policy avoids duplication with other regulatory regimes wherever possible.

## **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: 15/05/15*

### 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: 20/05/15*

### 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 – Section 18 of the Application
2. Appendix B – Proposed Plan of Premises
3. Appendix C – Brighton & Hove City Council – Cumulative Impact Zone
4. Appendix D – Representation
5. Appendix E – Map of area

### **Documents in Members' Rooms**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2011, as amended 20 December 2011.

### **Background Documents**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2011, as amended 20 December 2011.





## APPENDIX A

### Section 18 of 19

#### LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

CONDITIONS TO BE PART OF OPERATING SCHEDULE

1) THE DPS OR PERSONAL LICENCE HOLDER TO BE ON PREMISES AT ALL TIMES  
ALCOHOL IS OFFERED FOR SALE

2) INCIDENT BOOK TO BE KEPT AND MADE AVAILABLE TO THE RESPONSIBLE  
AUTHORITIES WHEN REQUESTED AT THE  
PREMISES

3) THE PREMISES WILL OPERATE A CHALLENGE 25 POLICY . SIGNAGE REMINDING  
CUSTOMERS OF THIS WILL BE DISPLAYED.

THE FOLLOWING PROOFS OF AGE ARE THE ONLY ONES TO BE ACCEPTED:

(A) PROOF OF AGE CARDS BEARING THE 'PASS' HOLOGRAM SYMBOL.

(B) UK PHOTO DRIVING LICENCE.

(C) PASSPORT.

THE LICENCE HOLDER/DPS SHALL OPERATE A STRICT CHALLENGE 25 POLICY AT  
THE PREMISES. POSTERS SHALL BE  
DISPLAYED INSIDE THE VENUE INFORMING CUSTOMERS.

ALL STAFF TO BE TRAINED IN RELATION TO UNDERAGE SALES AND CHALLENGE  
25, AND MADE FULLY AWARE OF THEIR

RESPONSIBILITIES IN RELATION TO VERIFYING THE AGES OF CUSTOMERS AND TO  
BE ABLE TO QUESTION POTENTIAL

UNDERAGE CUSTOMERS WHO MAY ATTEMPT TO PURCHASE ALCOHOL AND THE  
USE OF THE REFUSALS BOOK AND  
INCIDENT LOG

4) THE LICENCE HOLDER SHALL ENSURE THAT A REGISTER OF REFUSED SALES  
OF ALL AGE RESTRICTED PRODUCTS

(REFUSALS LOG) IS KEPT AND MAINTAINED AT THE PREMISES. THE REFUSALS  
BOOKS TO CONTAIN DETAILS OF TIME AND

DATE, DESCRIPTION OF THE ATTEMPTING PURCHASER, DESCRIPTION OF THE AGE  
RESTRICTED PRODUCTS THEY

ATTEMPTED TO PURCHASE, REASONS WHY THE SALE WAS REFUSED AND THE  
NAME/SIGNATURE OF THE SALES PERSON

REFUSING THE SALE.

5) ALL STAFF TO BE TRAINED IN THE USE OF THE REFUSAL BOOKS

THE REFUSALS BOOK TO BE EXAMINED ON A REGULAR BASIS (WEEKLY) BY THE  
LICENSEE AND DATE AND TIME OF

EACH EXAMINATION TO BE ENDORSED IN THE BOOK. ANALYSIS OF STAFF  
REFUSALS AND DATA SUCH AS THE TIME/DAY OF

REFUSALS TO BE CARRIED OUT BY THE LICENSEE ON A REGULAR BASIS IN  
ORDER TO PREDICT TRENDS AND IDENTIFY STAFF

TRAINING AND COMPLIANCE ISSUES

6) THE LICENCE HOLDER SHALL ENSURE THAT A CCTV SYSTEM IS INSTALLED AT  
THE PREMISES OF A STANDARD

ACCEPTABLE TO POLICE. THE SYSTEM SHALL BE MAINTAINED IN GOOD WORKING  
ORDER AND FULLY OPERATIONAL

COVERING ALL INTERNAL AREAS OF THE PREMISES TO WHICH THE PUBLIC HAVE ACCESS AND ALSO THE AREA IMMEDIATELY OUTSIDE THE PREMISES. ALL ENTRY AND EXIT POINTS SHALL BE COVERED ENABLING FRONTAL IDENTIFICATION (FULL HEAD AND SHOULDERS IMAGES) OF EVERY PERSON ENTERING THE PREMISES IN ANY LIGHT CONDITION TO AN EVIDENTIAL STANDARD. EXTERNAL CAMERAS WILL BE INSTALLED

7) MANAGEMENT AND PERMANENT MEMBERS OF STAFF WILL BE TRAINED IN THE OPERATION OF THE SYSTEM WITH AT LEAST ONE MEMBER STAFF ON DUTY EACH DAY WHO IS ABLE TO DOWNLOAD IMAGES FROM THE CCTV SYSTEM

8) THE CCTV SYSTEM WILL HAVE THE CAPABILITY TO EITHER DOWNLOAD FOOTAGE ONTO DISC OR MEMORY STICK. THE FOOTAGE ON THE CCTV SYSTEM WILL BE RETAINED FOR A MINIMUM PERIOD OF 31 DAYS BEFORE RE-WRITING ITSELF WITH CORRECT DATE AND TIME SHOWING. THE FOOTAGE SHALL BE MADE AVAILABLE TO POLICE OR LOCAL AUTHORITY OFFICERS UPON REQUEST. IMAGES SHOULD BE ABLE TO BE REPLAYED ON A COMPUTER

9) PERSON CONVERSANT WITH DOWNLOADING IMAGES SHOULD BE ON THE PREMISES

10) IF THE CCTV SYSTEM IS BROKEN THE LICENCE HOLDER SHALL NOTIFY THE LICENSING AUTHORITY IMMEDIATELY AND GET THE FAULT RECTIFIED AS SOON AS PRACTICABLE.

11) THE LICENCE HOLDER SHALL ENSURE THAT A LOG IS KEPT WITH DETAILS OF THE DATES OF ALL WORK/REPAIRS CARRIED OUT ON THE CCTV SYSTEM INCLUDING THE NAME AND PHONE NUMBER OF THE ENGINEER.

12) THE CCTV CAMERAS VIEWS ARE NOT TO BE OBSTRUCTED

13) THE CCTV SYSTEM SHALL, EXCEPT FOR MAINTENANCE BY A CONTRACTOR BETWEEN 09.30 HOURS AND 22.00 HOURS BE FULLY OPERATIONAL AND RECORDING TWENTY FOUR HOURS EACH DAY

14) NO BEER, LAGER OR CIDER ABOVE 6.0% WILL BE SOLD AT THE PREMISES

15) NO DELIVERIES OF ALCOHOL BETWEEN 20.00 HOURS AND 09.00 HOURS THE FOLLOWING DAY.

16) BOTTLE MARKING SHALL TAKE PLACE ON ALCOHOL PRODUCTS TO IDENTIFY THE PREMISES.

17) NO SINGLE CANS OF BEER, LAGER OR CIDER OF ALCOHOL WILL NOT BE SOLD. MINIMUM SALE OF 4 CANS OR BOTTLES

18) STAFF TRAINING TO OCCUR AT FOUR MONTHLY INTERVALS, TO BE RECORDED AND AVAILABLE TO POLICE OR RESPONSIBLE AUTHORITIES ON REQUEST. THIS TRAINING TO COVER AMONG OTHER LICENSING MATTERS, AGE VERIFICATION, CONSEQUENCES OF UNDER AGE SALES, STREET DRINKERS, PROXY SALES AND DRUNKS, LICENSING HOURS ETC.

19) ALL STAFF TO BE FULLY TRAINED AND SUPERVISED BEFORE BEING ALLOWED TO SELL ALCOHOL WITHOUT SUPERVISION.

20) DETAILS TO BE KEPT OF NAME, DATE OF BIRTH, NATIONAL AND ADDRESS OF STAFF

21) LEAVE QUIETLY SIGN TO BE DISPLAYED.

22) NOTICE TO BE DISPLAYED ASKING PATRONS NOT TO LITTER AFTER LEAVING THE PREMISES.

23) NO SPIRITS TO BE SOLD IN BOTTLES LESS THAN 35CL

24) DAILY LITTER PATROLS

25)

A TRAINING LOG IS TO BE KEPT FOR ALL STAFF MEMBERS, IN WHICH STAFF SIGN THAT THEY HAVE RECEIVED THE RELEVANT TRAINING ESPECIALLY IN REGARDS TO THE LICENSING OBJECTIVES AND LICENSING ACT 2003.

26) CHALLENGE 25 SIGNAGE, PROXY SALE SIGNAGE, NO SINGLE CAN SIGNAGE AND STREET DRINKER SIGNAGE WILL BE DISPLAYED AT THE ENTRANCE TO THE PREMISES, AT THE DISPLAY SECTION OF ALCOHOL AND AT THE POINT OF SALE.

27) MAXIMUM 15% OF DISPLAY SPACE FOR ALCOHOL

28) ALL SPIRITS KEPT BEHIND COUNTER

b) The prevention of crime and disorder

As above in a)

c) Public safety

As above in a)

d) The prevention of public nuisance

As above in a)

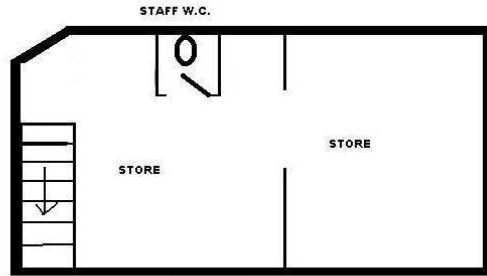
e) The protection of children from harm

As above in a)

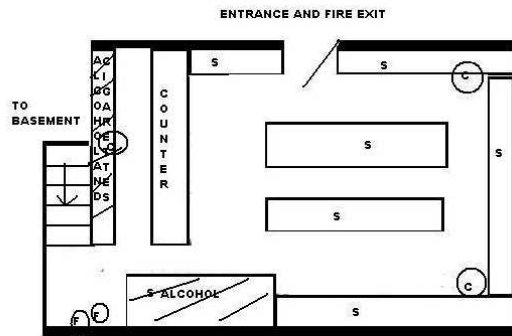


# APPENDIX B

PREMISES: SHIV NEWS, 79-80 ST JAMES STREET, BRIGHTON, BN2 1PA



BASEMENT



GROUND FLOOR



ALCOHOL DISPLAY AREAS



GENERAL DISPLAY AREAS

NO MORE THAN 15% OF DISPLAY SPACE FOR ALCOHOL

ALL SPIRITS KEPT BEHIND COUNTER

F FIRE EXTINGUISHERS

1 X 2KG CO2 1 X 6LTR FOAM

C CCTV EXISTING CCTV

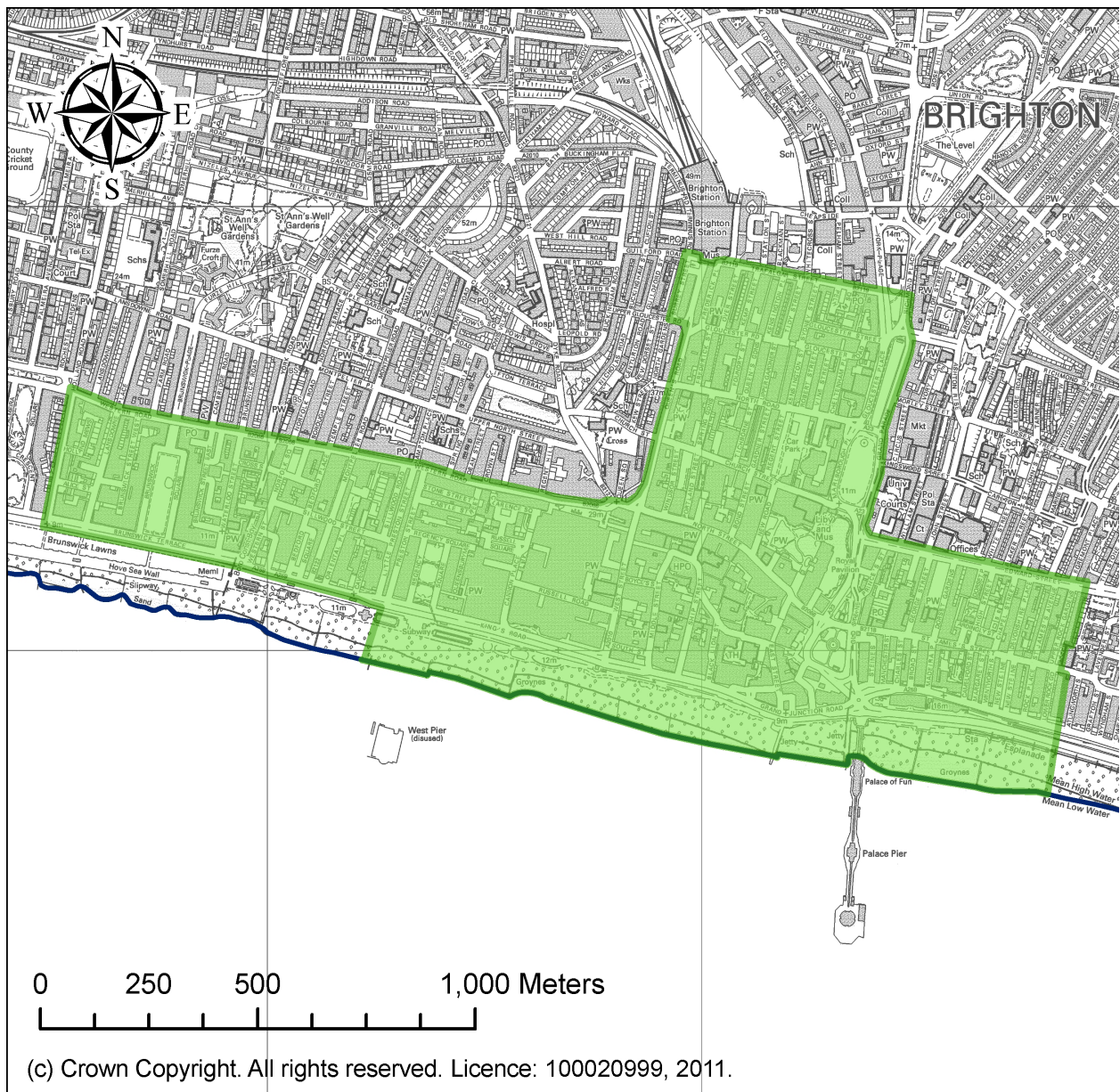
FURTHER CAMERAS TO BE FITTED TO USUAL STANDARD OF POLICE OUTSIDE AND INSIDE WITHIN COMPLIANCE TERMS OF DATA PROTECTION ACT

SCALE 1:100 AT A4



## 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 Holland Road 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 Surrey Street junction with Queens Road; thence along the north side of Trafalgar Street eastwards to its junction with York Place and continuing south-east across to Grand Parade, then south to the 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 Holland Road; northward to that point and along the west side of Holland Road to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Holland Road.



## APPENDIX D

Brighton & Hove  
Licensing Unit  
4<sup>th</sup> Floor  
Police Station  
John Street  
Brighton  
BN2 OLA

20<sup>th</sup> April 2015

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

SJM CON ENDS 12.05.15 VALID CIZ (A)

Dear Mr Whitelegg,

**RE: APPLICATION FOR A NEW PREMISES LICENCE FOR SHIV NEWS, 79 – 80 ST JAMES’S STREET, BRIGHTON, BN2 1PA, UNDER THE LICENSING ACT 2003. 1445/3/2015/01866/LAPREV.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above new premises application on the grounds of cumulative impact, the prevention of crime and disorder and public nuisance.

Sussex Police oppose the application received on 15<sup>th</sup> April 2015 by PR Retail Consultants on behalf of the applicant Kanakbhai Patel.

This is an application for a new off licence at a newsagents and convenience store on St. James’s Street. This proposed site is situated within the Brighton & Hove City Council cumulative impact zone. The decision making matrix on page 15 of the Council Statement of Licensing Policy gives a clear “no” to new off licence permissions in the cumulative impact area. The notes accompanying the matrix state that this policy should only be departed from only in exceptional circumstances.

The basis for Sussex Police’s opposition to this application is that the granting of the new premises licence for these premises will not promote the licensing objectives, particularly the prevention of crime and disorder and the prevention of public nuisance, but will give rise to negative cumulative impact.

The concentration of licensed premises within this area of the City causes problems of anti-social behaviour, crime and disorder and public nuisance. Consequently, after due consultation and consideration, on 13<sup>th</sup> March 2008 the Licensing authority

resolved that it was both appropriate and necessary to adopt a special policy in relation to cumulative impact.

Paragraph 2.6.5 of the Council 2011 Statement of Licensing policy (as amended 20<sup>th</sup> December 2011) states that “the special policy will only be overridden in exceptional circumstances. The effect of this special policy is that application for new premises licence or club premises certificate within the area, or variations which are likely to add to the existing cumulative impact, will be refused following relevant representation. This presumption can be rebutted by the applicant if they can show that their application will have no negative cumulative impact”.

This application makes no reference whatsoever to cumulative impact and the City’s Statement of Licensing Policy. Nor does the application cite any exceptional circumstances for departure from the policy.

It is the view of Sussex Police that the applicant fails to demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Sussex Police contend that nothing in the application or the operating schedule either rebuts the presumption of refusal contained within paragraph 2.6.5 of the Licensing Authority’s statement of licensing policy, or provides any reason for the Licensing Authority to depart from its special policy.

Accordingly the Committee is invited to refuse this application.

Yours faithfully,

Nev Kemp  
Chief Superintendent  
Divisional Commander  
Brighton & Hove Division

Sarah-Jane McNaught  
Licensing Team, BHCC  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

Date: 22<sup>nd</sup> April 2015  
Our Ref: 2015/01866/LAPREN  
Phone:  
Fax:  
Email:

SC COND ENDS 12.05.15 VALID PCD, PCH & CIZ (B)

Dear Mrs McNaught,

**RE: Licensing Act 2003 - Representation against the application for a new Premises Licence for Shiv News, 79 - 80 St James's Street, Brighton**

I wish to make representation against the new premises licence application (ref. 2015/01866/LAPREN) for Shiv News, 79 - 80 St James's Street, Brighton submitted by Kanakbhai Patel on the grounds that it will undermine the licensing objectives of prevention of crime and disorder and protection of children from harm and is contrary to the Council's Statement of Licensing Policy.

The applicant is applying for the sale of alcohol for consumption off the premises Every Day 09:00 - 21:00 with it's opening hours commencing from 06:00 until 21:00.

The Licensing Authority and the Police/Local Authority partnership Alcohol Programme Board are concerned about emerging themes concerning the availability of alcohol, in particular, proxy sales, pre-loading, street drinking and binge drinking.

Brighton & Hove City experiences local problems and local trends such as pre-loading, binge drinking and street drinking created by cheap alcohol and fierce, localised price competition, particularly between off-licence stores and supermarkets.

This premises falls within the Licensing Authority's Cumulative Impact area which was adopted to give greater power to control the number of licensed premises within the city centre. The effect of special policy is that applications for new premises licences or club premises certificates should normally be refused following relevant representations. This presumption of refusal can be rebutted by the applicant if they can show that their application will have no negative cumulative impact. The Licensing Authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case.

The Council's Statement of Licensing Policy also includes a Matrix approach for licensing decisions with provisions for a terminal hour for all classes of licensed premises in a particular area. The Matrix Model recognises the diverse operation and different risks presented by different classes of licensed premises. It provides a vision of what the licensing authority would like to see within its area and gives an indication of likelihood of success or otherwise to investors and local businesses making applications.

The Matrix (on page 15 of the Council's Statement of Licensing Policy) states that in the Cumulative Impact area no new off-licence permissions will be granted. The aim is to reduce availability of alcohol to address street drinking, binge drinking and post-loading.

There is an obvious disconnect in where alcohol is sold for off consumption and any subsequent nuisance or crime and disorder. Causality of alcohol sale, consumption, nuisance and impact is difficult to link back to the place where alcohol is purchased and consumed. Each application is still considered on its individual merit.

Furthermore, the premises is located in the electoral ward – Queens Park, which according to our Public Health Framework for Assessing Alcohol Licensing is ranked the 3<sup>rd</sup> worst (out of 21 wards) for all alcohol related violence, violence against the person, non-injury assault and sexual offences (2<sup>nd</sup> worse), as well as total crime where the victim or suspect was under the influence of alcohol. This ward is also ranked the 3<sup>rd</sup> worst for ambulance call-outs related to alcohol. Furthermore, this ward is significantly higher (ranked 1<sup>st</sup>) for A&E attendances and hospital admissions related to alcohol.

Granting this application is likely to add additional burdens and problems to the already challenging area and although the applicant has put a number of provisions in their operating schedule, there is no mention of the Statement of Licensing Policy or Cumulative Impact area, I therefore do not believe that the applicant has demonstrated that there are exceptional circumstances to justify departing from the Policy. I therefore request this application is refused in line with 2.6.5 of our Statement of Licensing Policy.

Yours sincerely

A handwritten signature in cursive script that reads "S. Cornell". The signature is written in black ink and is enclosed within a thin, hand-drawn oval border.

Sarah Cornell  
Senior Licensing Officer  
Licensing Team, Environmental Health and Licensing  
Regulatory Services

Licensing Dept.  
Environmental Health  
Brighton & Hove City Council  
Bartholomew House  
Bartholomew Square  
Brighton BN1 1JP

26/4/2015

SJM CON ENDS 12/05/15 VALID CIZ (C)

Dear Mr Whitelegg,

RE: APPLICATION FOR NEW PREMISES LICENCE for SHIV NEWS  
79-80 ST JAMES'S ST. BRIGHTON, BN2 1PA 1445/3/2015/01866/LAPREV

I write as a member of the Brighton & Hove Licensing Strategy Group where I represent The Kingscliffe Society, and I am standing in for the Secretary David Hainsworth who is away.

The Society wishes to object to this application on the grounds that is within the CIA designated by Brighton & Hove City Council which is an area under extreme pressure from the over use of alcohol. The Matrix drawn up to guide applications within this area indicates it should rate a firm No.

Within this we further note that because of the amount of street drinking in the area most of the licensed supermarkets no longer sell strong lagers and ciders while limiting its availability to the street drinking community. This does not always seem to apply to independent shops.

We particularly object to the hours of operation with a 9 am start. I know of very few jobs where the availability of alcohol is a necessary adjunct to a morning paper. I hope your department will continue to support hard pressed residents in the face of unalloyed alcohol use.

Yours faithfully  
Roger Rolfe

**5 Charles Street, Brighton BN2 1TG**

28 April 2015

Environmental Health, Licensing and Safety  
Brighton & Hove City Council  
Bartholomew House  
Bartholomew Square Brighton BN1 1JP

SJM CON ENDS 12/05/15 VALID PN,CIZ & PCD (D)

Dear Licensing Team

**New Premises Licence Application - Shiva News 79-80 St. James's Street, BN2 1PA**

This is a representation to ask that the above application for a new premises licence for off sale of alcohol be refused so as to protect the licensing objectives, particularly of prevention of public nuisance and the prevention of crime and disorder. Further, the premises are in a Cumulative Impact Zone (CIZ) and we are of the view that to grant a licence would not be in harmony with the Council's cumulative impact policy.

As we understand it, the Council's Statement of Licensing Policy 2011, as amended December 2011, is clear that the cumulative impact policy shall apply unless exceptional circumstances indicate that it should be overridden. We have seen the Shiva News application form and cannot find any 'exceptional circumstances' nor, in the application, does the applicant show that their application if granted would have no negative cumulative impact. In fact, we can't find that there is any reference to cumulative impact in the application.

The Council is fully aware of the concentration of licensed premises in the St. James's Street area and their potential and actual negative effects, which, presumably is why the area is in the CIZ. We hope that this attempt to add to that number will not be successful. Instances of public nuisance and public disorder can still occur but in our experience the introduction of the CIZ has helped to make life more bearable for those of us who live in this overwhelmingly residential area. Further, the decision-making matrix set out in the Council's licensing policy seems crystal clear in respect of new off license applications; i.e. they should be refused.

We are grateful to the Council for protecting the licensing objectives and protecting our area and we hope that will continue, with this application being refused.

Thank you for listening to our concerns.

Yours sincerely

George and Janie Thomas

**APPENDIX E**



