

BRIGHTON & HOVE CITY COUNCIL

**LICENSING PANEL 2003
(Licensing Act 2003 Functions)**

9.30AM – 10 FEBRUARY 2006

BRIGHTON TOWN HALL

MINUTES

Present: Councillors Lepper (Chair), Older and Simson.

Also in attendance: Tim Nichols, Head of Environment and Licensing, Liz Woodley, Panel Solicitor and Caroline De Marco, Committee Administrator.

PART ONE

352. ELECTION OF CHAIR

352.1 **RESOLVED** – That Councillor Lepper be elected Chair for this meeting.

353. PROCEDURAL BUSINESS

353A. Declarations of Substitutes

353.1 There were none.

353B. Declarations of Interest

353.2 There were none.

353C. Exclusion of Press and Public

353.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Section 100A(3) or 100 1 of the Local Government Act 1972.

353.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any of the items on the agenda.

354. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – JENNIFERS SHOP, 11 ST JAMES'S STREET, BRIGHTON

354.1 The Committee considered the report of the Assistant Director, Public Safety, regarding an application for a premises licence under the Licensing Act 2003 for Jennifer's Shop, 11 St James's Street, Brighton (for copy see minute book).

354.2 The applicant Mr Hilton, was unable to be present due to a hospital appointment. He was represented at the Panel by Ms Balsham, Mr S Nasr and his solicitor Mr Perkins. Dr Thomas and Ms Henderson attended as residential objectors. Chief Inspector Barry and Mr Liddell, Licensing Officer, attended the Panel to make representations from Sussex Police.

354.3 The Licensing Manager summarised the application as set out in the report. Relevant representations had been received from the police, a Ward Councillor and local residents. A petition of support had been received but had not been included in the papers, as a significant number of signatories did not reside in the immediate area. The petition did not mention the licensing objectives. Environmental Health had received noise complaints in 2001 and 2002 when the premises was apparently opening 24 hours a day. CCTV was already provided in the shop. St James's Street was already included in the City-wide designated street drinking order.

354.4 Mr Liddell set out the police objections to the application as stated in their letter of 17 January 2006. The police considered that the application compromised the licensing objectives regarding crime and disorder and public safety. The police concerns related to cumulative impact and in particular to the premises, which they believed was run with little or no regard to crime and disorder or public nuisance. Until the Licensing Act 2003 came into force, Jennifer's Shop had exploited a legal loophole that allowed them to sell alcohol in bulk (cases of beers and wines) without a licence.

354.5 The police believed that sales were made to street drinkers and young people who would club together and buy a case and then split the contents in the street and open spaces around St James's Street. A significant number of offences had been committed on the premises. The police believed that the Designated Premises Supervisor, who was an employee of the applicants, and had several jobs in the city, was not in a position to be in day to day control on the premises.

354.6 Chief Inspector Barry informed the Panel that he was the District Commander. He drew the Panel's attention to the list of formal incidents recorded inside and immediately outside Jennifer's Shop. Chief Inspector Barry stated that St James's Street was a violent crime hot spot. It was important to take note of cumulative impact. The Police were trying hard to reduce crime caused by alcohol consumption. The police would prefer the application to be refused. However, if granted, they would wish the following

conditions to be imposed.

(1) A modern digital CCTV system and appropriate recording equipment is installed, operated and maintained throughout the premises internally and externally. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate co-operation and technical assistance to the police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime.

(2) SIA registered door supervisors shall operate from 8.00 p.m. Thursdays, Fridays and Saturdays & public holidays until 6.00 am or close. Outside of these hours that the premises employs an SIA approved Mobile Support Unit (MSU) to provide 24 hour security cover.

(3) The door should be locked from midnight and manned by two SIA registered Door Supervisors – in order to control and refuse entry.

(4) The DPS and two members of staff (three staff in total) will be on the premises at all times after 18.00 hours.

(5) There shall be no sales of beers or ciders over 5.9% (after consultation with and recommended by Trading Standards).

(6) The premises will adopt a policy whereby any person attempting to buy alcohol who appears to be under 21 will be asked for photographic ID to prove their age. The only ID that will be accepted are passports, driving licenses with a photograph or a "PASS" approved card, such as Connexions Card, Citizencard, Portman Card and Valikdate Card.

(7) Carrier bags with the name and address of the premises clearly displayed will be used for the sale of alcohol.

(8) The premises will maintain a refusals book and make this available when requested by the Sussex Police.

(9) All staff are trained to BIIAB standard and that this staff training is ongoing – with records kept of said training and made available to Sussex Police as and when required on request.

(10) The premises becomes a member of Brighton and Hove Business Crime Reduction Partnership and "Nightsafe" exclusion notice scheme.

(11) Crime prevention posters to be prominently displayed within the premises as and when requested by Sussex Police.

354.7 Dr Thomas informed the Panel that she accepted that there would be a degree of noise and bustle in St James's Street, however there needed to be a balance between commercial and residential needs. The area was predominantly residential. The trading hours applied for by Jennifer's Shop were unacceptable and should be refused on the grounds of public nuisance.

Jennifer's Shop had been trading around the clock for some time now.

354.8 Dr Thomas explained that the problems at Jennifer's Shop had been reported regularly to the Community Safety Group. Jennifer's Shop was well known for the around the clock availability of alcohol. People were being attracted into a high crime area to buy alcohol when the police wanted to move people along and away from the area. Regular and sizeable numbers of people were being attracted into a high crime area. The residents were experiencing unacceptable levels of noise.

354.9 Dr Thomas reported that since the Licensing Act 2003 had been implemented, Jennifer's Shop had complied with the Act and had not sold alcohol. As a result, this had led to a noticeable reduction of noise for residents. The noise had mainly been caused by people in groups on the pavement outside the shop, who appeared to be in no hurry to leave. Dr Thomas had counted 25 people outside the shop on one occasion. 10 people was quite common. Customers traversed residential streets to reach the shop and make their return journey. Others arrived by car and taxi, often playing their car stereos.

354.10 Dr Thomas explained that ambient music was played in the shop and this could be heard in resident's homes as the shop door was invariably left open throughout the night. Dr Thomas reported that she had on many occasions seen bulk purchases divided up among a group of people after leaving the shop. This resulted in individuals drinking in the street during the night. This was not acceptable so near to residents' homes. Dr Thomas requested that the application be refused.

354.11 Ms Henderson reported that she and her 13 year old daughter were being frequently being woken up in the night by the noise and disturbance caused by Jennifer's Shop.

354.12 Dr Thomas and Ms Henderson confirmed that they had both witnessed occasions when the police had been called to the premises.

354.13 Mr Perkins set out the case for the applicants. He amended the application to remove the request for late night refreshment. Mr Perkins stressed that the premises had been trading legally for 24 hours a day as a convenience store. Alcohol had been sold in bulk until the Licensing Act 2003 came into effect in November 2005. This had been perfectly legal.

354.14 Mr Perkins stressed that the store was used largely by the gay community who were not recognised for causing crime or public nuisance. St James's Street was a noisy area with a number of late night premises. Mr Perkins did not think the grant of a licence would make a difference to crime and disorder or noise in the area. The licence was required due to demand.

354.15 Mr Perkins stressed that the problem of music being played at night could be resolved by the door being kept shut after a certain hour except for access and egress. The premises wished to operate for normal off sales until

10.00 p.m. After 10.00 p.m. the premises planned to sell bulk quantities of alcohol to discourage sales to passers by. The premises wished to adopt the "Think 21" Policy. Mr Perkins's clients did not want to sell alcohol to drunk people or children. Mr Perkins did not accept the cumulative impact argument by the police, which was not backed up by clear evidence. Meanwhile, the Designated Premises Supervisor was on duty at the premises after a certain hour in the evening.

354.16 Mr Perkins explained that bulk quantities were held in a store room at the back of the shop. The alcohol was only brought out after it had been paid for. Meanwhile, there were now 4 or 5 other outlets in the city, which had been granted late night licences to sell alcohol. This would mean that Jennifer's Shop would no longer be known as the only shop where late night alcohol was available. Mr Perkins considered that the Panel could safely grant the licence with appropriate conditions. Mr Perkins stressed that CCTV was already in place. Bulk sales only would be sold after 10.00 pm to cater for their clientele. SIA registered doorman would control the door from midnight. There would be no sale of beer or lager over 5.9%. There would be a refusals book. The premises would employ a mobile support unit. The premises would join the Brighton and Hove Business Crime Reduction Partnership and "Think 21". The applicants agreed that a personal licence holder should be present after 10.00 p.m. If granted more personal licence holders would be recruited.

354.17 Ms Balsham confirmed that if the application was granted, alcohol would be sold by the case after 10.00 p.m. She believed this would deter street drinkers.

354.18 **RESOLVED** - That the application for a premises licence under the Licensing Act 2003 be refused.

Reasons for refusing licence: The Panel have taken into account the licensing objectives of the prevention of crime and disorder, public safety and prevention of public nuisance. The Panel have heard evidence from both the police and local residents that there have been numerous incidents when those objectives have been compromised. Further, the Panel do not have confidence that the measures suggested by the applicants or any conditions the Panel may place on the granting of a licence will satisfy those licensing objectives.

The Panel solicitor reminded the applicant of his appeal rights to the Magistrates Court under the Licensing Act and that appeals must be made within 21 days of notification of the decision given at the hearing.

355. APPLICATION FOR A VARIATION OF A PREMISES LICENCE GRANTED UNDER THE LICENSING ACT 2003 – ALLSORTS NEWSAGENTS, 159 NORTH STREET, BRIGHTON

355.1 The Committee considered the report of the Assistant Director, Public Safety, regarding an application for a variation of a premises licence granted

under the Licensing Act 2003 for Allsorts Newsagents, 159 North Street, Brighton (for copy see minute book).

355.2 The applicants, Mr and Mrs Abodi attended the Panel with their representative Mr Simmonds. Mr Liddell attended to make representations on behalf of Sussex Police.

355.3 The Licensing Manager summarised the application as set out in the report. A representation had been made by Sussex Police who were concerned that the grant of the variation might lead to crime and disorder. There were no other representations. There was no history of noise complaints.

355.4 Mr Liddell set out the police objections as stated in his letter of 19 January 2006. Although the Police accepted that the premises was a well run shop, they requested that the current hours for the sale of alcohol stay in place. The police considered that the 24-hour sale of alcohol would have a significant impact on the policing of North Street, which was a crime "hot spot". If the Panel were to decide to grant the licence the police requested conditions which were set out in their letter.

355.5 Mr Simmonds informed the Panel that Allsorts was a well run family business. The applicants wanted to apply for later hours to expand the service for people who wanted to buy alcohol. The premises currently traded to 3.00 a.m. and did not wish to open 24 hours a day, every day. After 11.00 or 00.00 hours the applicants intended to have a minimum of three staff on duty, including a Designated Premises Supervisor if practicable. CCTV was already in place. Alcohol was mostly contained in a store room. A fridge, which could be locked and covered, contained some alcohol. New doors were planned at the premises to improve security.

355.6 Mr Simmonds stressed that the cost of a mobile support unit and door supervisors would be disproportionate to what the applicants were seeking to achieve. At the moment the applicants sold approximately 30 to 40 cases of beer a month. They would have to sell 70 cases a month to cover the cost of the extra security. The applicants planned to join the Brighton and Hove Crime Reduction Partnership (Night Safe) scheme.

355.7 Mr Simmonds informed the panel that he was not aware of any incidents occurring inside the premises. This was confirmed by Mr Liddell.

355.8 **RESOLVED** - That the application for a variation to a premises be granted with the following conditions:-

(1) That the existing digital CCTV system and recording equipment be maintained throughout the premises, internally and externally to the satisfaction of Sussex Police. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate co-operation and technical assistance to the police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime.

(2) That the applicants join the Brighton and Hove Crime Reduction Partnership (Night Safe) Scheme within one month of granting the licence.

Reasons for attaching conditions: It was considered that the above conditions were necessary to address the concerns of Sussex Police relating to potential crime and disorder.

The Panel solicitor reminded the parties of their appeal rights to the Magistrates Court under the Licensing Act and that appeals must be made within 21 days of notification of the decision given at the hearing.

356. APPLICATION FOR A VARIATION TO A PREMISES LICENCE GRANTED UNDER THE LICENSING ACT 2003 – BHARAT'S NEWSAGENT, 72-73 EAST STREET, BRIGHTON

356.1 The Committee considered the report of the Assistant Director, Public Safety, regarding an application for a variation to a premises licence granted under the Licensing Act 2003 for Bharat's Newsagent, 72-73 East Street, Brighton (for copy see minute book).

356.2 The applicants, Mr and Mrs Filmon attended the Panel with their representative Mr Simmonds. Mr Liddell attended to make representations on behalf of Sussex Police.

356.3 The Licensing Manager summarised the application as set out in the report. A representation had been made by Sussex Police who were concerned that the grant of the variation might lead to crime and disorder. There were no other representations. There was no history of noise complaints.

356.4 Mr Liddell set out the police objections as stated in his letter of 19 January 2006. The Police accepted that the premises was a well run shop, but requested that the current hours for the sale of alcohol stay in place. The police considered that the 24-hour sale of alcohol would have a significant impact on the policing of East Street and The Laines area, which was a crime "hot spot". If the Panel were to decide to grant the licence the police requested conditions which were set out in their letter.

356.5 Mr Simmonds informed the Panel that Bharats was a well run successful business which did not have a record of problems. The shop had an ice cream hatch, which could be used for the sale of alcohol at night. The shop door could be locked during this period. There was adequate security in the store and good CCTV coverage. Alcohol was stored behind the counter. A blind could be pulled down to cover the alcohol if necessary. The applicants did not intend to always trade for 24 hours a day, but wanted the facility to do so. The applicants were willing to join the Brighton and Hove Crime Reduction Partnership (Night Safe) Scheme. The cost of employing door supervisors and a

Mobile Support Unit would be overbearing and was considered unnecessary.

356.6 **RESOLVED** - That the application for a variation to a premises licence be granted with the following conditions:-

(1) That the existing digital CCTV system and recording equipment be maintained throughout the premises, internally and externally to the satisfaction of Sussex Police. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate co-operation and technical assistance to the police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime.

(2) That the door be closed and service be maintained through the hatch on occasions which the police or the Licensing Authority directs.

(3) That the applicants join the Brighton and Hove Crime Reduction Partnership (Night Safe) Scheme within one month of granting the licence.

Reasons for attaching conditions: It was considered that the above conditions were necessary to address the concerns of Sussex Police relating to potential crime and disorder.

It was noted that the operating schedule requires a minimum of three staff on duty after 23.00 hours.

The Panel solicitor reminded the parties of their appeal rights to the Magistrates Court under the Licensing Act and that appeals must be made within 21 days of notification of the decision given at the hearing.

The meeting concluded at 1.36 p.m.

Signed

Chair

Dated this

day of

2006