

# Licensing Panel (Licensing Act 2003 Functions)

Date: **15 May 2020**

Time: **10.00am**

Venue **Virtual Meeting - Skype**

Members: **Councillors: O'Quinn (Chair), Simson, Osborne**

Contact: **Greg Weaver**  
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# AGENDA

## 4 TO APPOINT A CHAIR FOR THE MEETING

### WELCOME & INTRODUCTIONS

## 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.

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

## 6 HOVE SF CONNECT LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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Contact Officer: Corinne Hardcastle

Tel: 0127329

Ward Affected: Wish

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### **FURTHER INFORMATION**

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

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- Do not stop to collect personal belongings;
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- Do not re-enter the building until told that it is safe to do so.



# Licensing Panel (Licensing Act 2003 Functions)

## Agenda Item 6

Brighton & Hove City Council

|                          |   |   |                            |
|--------------------------|---|---|----------------------------|
| <b>Subject:</b>          | <b>Application for a Variation of a Premises Licence under the Licensing Act 2003</b> |   |                            |
| <b>Premises:</b>         | <b>Hove SF Connect<br/>373 Kingsway<br/>Hove<br/>BN3 4QD</b>                          |   |                            |
| <b>Applicant:</b>        | <b>BP Oil UK Limited</b>  |   |                            |
| <b>Date of Meeting:</b>  | <b>23 March 2020</b>  |   |                            |
| <b>Report of:</b>        | <b>Interim Executive Director Housing,<br/>Neighbourhoods and Communities</b>         |   |                            |
| <b>Contact Officer:</b>  | <b>Name:</b>  | <b>Becky Pratley</b>                      | <b>Tel: (01273) 292143</b> |
|                          | <b>Email:</b>   | <b>becky.pratley@brighton-hove.gov.uk</b> |                            |
| <b>Ward(s) affected:</b> | <b>Wish</b>   |   |                            |

### FOR GENERAL RELEASE

#### 1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Hove SF Connect.

#### 2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Hove SF Connect.

#### 3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a Variation of a Premises Licence under the Licensing Act 2003. The application proposes:
1. Extension of the hours for the sale of alcohol to 24 hours daily.
  2. To remove the embedded restrictions attached to the licence.
  3. To remove the conditions listed under Annex 2.
  4. To include in Annex 2 the conditions in boxes b to e of Section 16 of the application.
- 3.2 Section 16 (operating schedule) of the application is detailed at Appendix A.

### 3.3 Summary table of existing and proposed activities

|  | <b>Existing</b>   | <b>Proposed</b>                                 |
|--|---|---|
| <b>Late Night Refreshment</b>  | Every Day<br>23:00 to 05:00<br>Indoors and Outdoors   | No change                                       |
| <b>Supply of Alcohol</b>   | Every Day<br>08:00 to 23:00<br>Off the premises   | Every Day<br>00:00 to 00:00<br>Off the premises |
| <b>Hours premises are open to public</b>                             | Every Day<br>00:00 to 00:00   | No change                                       |
| <b>Conditions removed as a consequence of the proposed Variation</b> | 1.To remove the embedded restrictions attached to the licence.<br>2. To remove the conditions listed under Annex 2.<br>3. To include in Annex 2 the conditions in boxes b to e of Section 16 of the application. (See Appendix A) |   |

3.4 Existing licence attached at Appendix B.

3.5 The premises does not fall in the Cumulative Impact Area or the Special Stress Area.

#### **Representations received**

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

3.7 3 representations were received. They were received from The Environmental Protection Team, The Licensing Authority and a local resident.

3.8 Representations received had concerns relating to Prevention of Crime and Disorder and Prevention of Public Nuisance

3.9 Full details of the representations are attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

#### **4. COMMENTARY ON THE LICENSING POLICY**

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

##### **1. Introduction**

1.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing

decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol;
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club;
- The provision of regulated entertainment;
- The provision of late night refreshment.

## **1.2 The licensing objectives are: -**

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

## **1.3 Scope**

Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations; i.e. the premises and its vicinity. Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the act.

## **3.3 The Matrix Approach**

### **The Licensing Authority will support:**

- 3.3.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for

violent crime and public disorder and therefore supports: mixed use venues encouraging a wider age balance.

3.3.2 A “matrix” approach to licensing decisions has been adopted and is set out below. It provides a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investor and businesses making applications.

Matrix approach for licensing decisions in a Statement of Licensing Policy (times relates to licensable activities)

|   | <b>Cumulative Impact Area</b> | <b>Special Stress Area</b> | <b>Marina</b> | <b>Other Areas</b>  |
|---|-------------------------------|----------------------------|---------------|---|
| <b>Restaurant</b>                               | Yes (midnight)                | Yes (midnight)             | Yes           | Yes (midnight)  |
| <b>Café</b>                                     | Yes (10pm)                    | Yes (midnight)             | Yes           | Yes (midnight)  |
| <b>Late Night Takeaways</b>                     | No                            | Yes (midnight)             | Yes           | Yes (midnight)  |
| <b>Night Club</b>                               | No                            | No                         | Yes           | No  |
| <b>Pub</b>                                      | No                            | Yes (11pm)                 | Yes           | Yes (midnight)  |
| <b>Non-alcohol lead (e.g. Theatre)</b>          | Yes (favourable)              | Yes (favourable)           | Yes           | Yes (favourable)  |
| <b>Off-licence</b>                              | No                            | No                         | Yes           | Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below) |
| <b>Members Club (club premises certificate)</b> | Yes (<100 capacity) (11pm)    | Yes (<100 capacity) (11pm) | Yes           | Yes   |

Notes on matrix

Subject to the following notes, the policy, as represented in the matrix, will be strictly adhered to

- 1) Each application will be considered on individual merit



- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to off set impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).
- 6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, member's clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
- 7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or cafés, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing and the Street Community and Drug Activity Profile. These documents are available on the following page of our website [www.brighton-hove.gov.uk/licensingact](http://www.brighton-hove.gov.uk/licensingact).
- 8) In an area where there are already several existing off-licences and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds.
- 9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.

### **3.5 Off licences**

- 3.5.1 In recent years there has been a noticeable shift towards more people buying alcohol from shops and drinking at home before going out prior to going into premises such as pubs and clubs. The council is concerned that alcohol loading from off-licence sales is a significant problem in the city and adversely affects the licensing objectives as it gives rise to problems of drunkenness, disorderly behaviour and a higher risk of alcohol sales to children. Representations from the police, local residents and the director of public health at licensing panel hearings have testified to these problems and Information published in the Public Health Framework for assessing alcohol licensing presents a ward by ward analysis of crime and disorder and health data which is relevant in this respect.
- 3.5.2 The special policy on cumulative impact and the special stress areas apply to off-licences as explained in the matrix approach at 3.3. But in general where applications are made for new premises or variations to existing licences, and where the police or others make representations against the grant of a further

licence for off sales, the council will give specific consideration to restricting the number, type, and the hours of premises selling alcohol exclusively for consumption off the premises. Decisions will be grounded in the Public Health Framework for assessing alcohol licensing. The council will want to be assured that the operating schedule of premises, and their overall management, training and levels of staffing, are appropriate to ensure that the licensing objectives are promoted in what may be challenging circumstances. Retail outlets and stores where the provision of fresh produce is the principle product sold maybe considered more favourably.

3.5.3 The Licensing Authority encourage off licences to join the Council led “Sensible on Strength” scheme to reduce the availability of cheap super strength beers and ciders. Off licences voluntarily sign up not to sell cheap super-strength beers and ciders over 6% ABV and operate good practice measures (see 3.5.4), for which they receive an accreditation as a responsible retailer.

3.5.4 Areas of best practice that may be included in an Operating Schedule include;

- the installation of a digital CCTV system by liaison with, and to a standard approved by Sussex Police
- Challenge 25 policy
- Refusals system
- Documented staff training including underage sales, drunkenness and proxy sales
- Voluntary restriction of high strength alcohol - operating schedules may be used to limit high ABV beers and ciders
- BCRP membership (or other accredited scheme)
- No sale of single cans
- Displays should not be located at the entrance/exit points or near checks out

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

4.1.1 The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.

4.1.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.

- 4.1.3 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.
- 4.1.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

## **6 Prevention of Public Nuisance**

- 6.1 The following details and measures are intended to address the need for the prevention of public nuisance which may be associated with licensed premises and certificated club premises.
- 6.1.1 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, 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).
- 6.1.5 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.
- 6.1.6 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 6.2 below).

### **6.2 Smoking Advice**

- 6.2.1 Premises licence holders will be expected to:
- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
  - Comply with any planning conditions restricting the use of outdoor areas.
  - Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc. have the relevant planning permission.
  - Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
  - Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and

outdoor areas. Having reviewed the contents of the premises licence you may find it necessary to request a variation of your licence.

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

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

## **8 Integration of Strategies**

- 8.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by: -
- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
  - Liaising and consulting with Public and Alcohol Programme Board
  - Liaising and consulting with the East Sussex Fire & Rescue Service
  - Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
  - Liaising and consulting with the Planning authority
  - Liaising and consulting with the Highways authority
  - Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
  - Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice
- 8.2 In line with statutory requirements and the Council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.
- 8.3 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.
- 8.4 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.
- 8.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.

- 8.6 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.

## 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: 03/03/2020*

### 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: 05/03/2020*

### 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 16 (operating schedule) of the Application
2. Appendix B – Part A of Premises Licence

3. Appendix C – Representations
4. Appendix D – Map of area

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

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016, revised January 2019.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018.

Public Health Framework for assessing Alcohol Licensing. Annual Report – Ward. 5th edition. Public Health Intelligence. January 2019

### **Background Documents**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016, revised January 2019.





## **APPENDIX A**

### **Section 16 of 18**

#### **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.

##### **b) The prevention of crime and disorder**

1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose and to be to the reasonable satisfaction of the police.

2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium.

3. Any recording will 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 within 24 hours of request.

4. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.

5. The system will display, on any recording, the correct time and date of the recording.

6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

7. An incident log/register shall be maintained to record:

- all incidents of crime and disorder occurring at the premises;
- details of occasions when the police are called to the premises.

This log/register will be available for inspection by a police officer or other authorised officer on request.

8. There shall be no self-service of spirits except for spirit mixtures.

9. If there is only one member of staff on duty between 0000 and 0500, the entrance door to the shop will be closed to customers and any sales between these hours will be made through the night pay window.

10. Where there is more than one member of staff on duty between the hours of 0000 and 0500, a remote door lock facility will be in use for all admissions of customers entering the premises and all customers entering the premises will be monitored.

### **c) Public safety**

The premises licence holder 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**

1. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

2. Signage shall be displayed at the entry and exit of the site to request that customers consider and respect those local residents living in the immediate vicinity.

### **e) The protection of children from harm**

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be 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) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

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

- Induction training 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 or other authorised officer on request.

Training records will be maintained at the premises or electronically stored for a period of 12 months.

3. Signage shall be displayed in a prominent position within the store and at the night pay window notifying customers of the age verification policy adopted at the premises.

4. All cashiers shall be trained to record refusals of sales of alcohol in a refusals log/register.

The log/register will contain:

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

This log/register will be available for inspection by a police officer or other authorised officer on request.



# Brighton & Hove City Council

## **APPENDIX B**

## **Schedule 12**

### **Part A**

**Regulation 33, 34**

## **Premises Licence Brighton and Hove City Council**

**Premises Licence Number**

1445/3/2007/01175/LAPREV

### **Part I – Premises Details**

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

BP Convenience Store Hove  
373 Kingsway  
Hove  
East Sussex  
BN3 4QD

**Telephone number** 01273 422022

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

**Licensable activities authorised by the licence**

Late Night Refreshment  
Sale by Retail of Alcohol

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

**Late Night Refreshment** - Indoors and outdoors

Monday - Sunday: 23.00 - 05.00. Late night refreshment may be provided at the premises for consumption on or off the premises. When the shop doors are locked, service of late night refreshment will be through the night pay window. Late night refreshment will be in the form of hot drinks and/or hot snacks such as, but not exclusively, coffee, tea, hot filled baguettes and other bakery items.

**Sale by Retail of Alcohol**

Monday - Sunday: 08.00 - 23.00

**The opening hours of the premises**

Open 24 hours a day



## Brighton & Hove City Council

**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**

BP Oil UK Limited  
Witan Gate House  
500-600 Witan Gate  
Milton Keynes  
Buckinghamshire  
MK9 1ES  
Telephone: 01908 853000

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

Registered Business Number      00446915

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

David Venning Chapman

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



# Brighton & Hove City Council

## Annex I - Mandatory conditions

### S 19; mandatory conditions where licence authorises supply of alcohol

1. No supply of alcohol may be made under the premises licence
  - a) at a time when there is no designated premises supervisor in respect of the premises,  
or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
6. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

### Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 —
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) “permitted price” is the price found by applying the formula—
$$P=D+(D \times V)$$
where—
    - (i) P is the permitted price,



## Brighton & Hove City Council

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and  
(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.  
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Embedded Conditions: Off Licences**

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

Removed by variation

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

*Source Section 164 Licensing Act 1964*



## Brighton & Hove City Council

### 3. Recorded Music

Premises licensed for the sale

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

*Source Section 182 Licensing Act 1964*

### Variations to Embedded Conditions:

Removal of restrictions on the hours of sale of alcohol

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

#### For the prevention of crime and disorder:

1. CCTV shall be installed or the existing system maintained fit for the purpose. The system will incorporate a camera covering the entrance door and be capable of providing an image which is regarded as identification standard.
2. The CCTV system shall incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.
3. The system will be fully operational and maintained throughout the hours that the premises are open for any licensable activity
4. The precise position of the cameras may be agreed with the Police from time to time.

#### For public safety:

1. The licence holder will at all times maintain adequate levels of staff. Such staff levels will be disclosed on request to the licensing authority and the Police.

#### For the prevention of public nuisance:

1. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

#### For the protection of children from harm:

1. All staff will be trained to require evidence of age from any person seeking to buy alcohol and appearing to the cashier to be under the age of 18. This evidence shall be photographic e.g. a Passport or photographic driving licence until other effective identification technology is introduced.

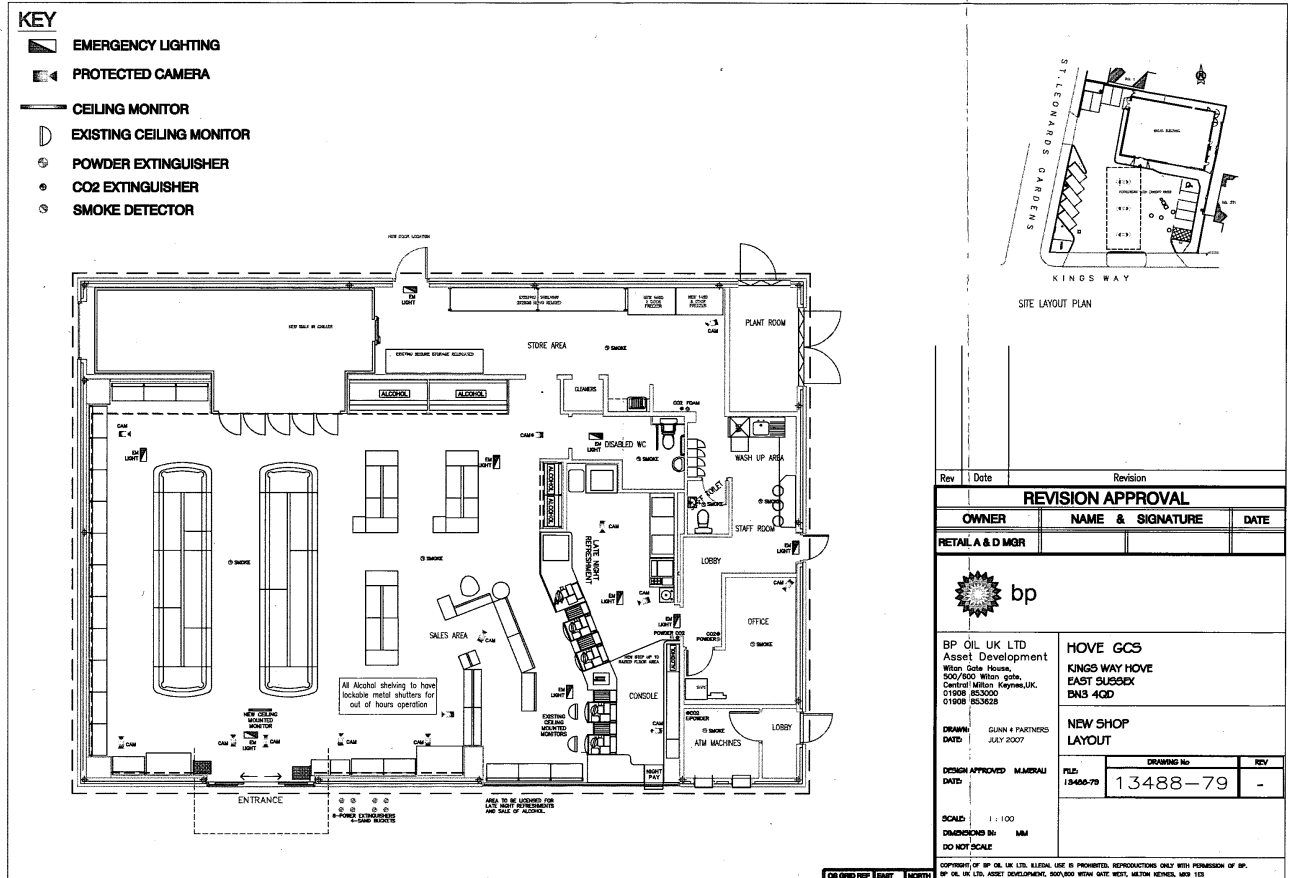
### Annex 3 - Conditions Attached after a hearing of a Licensing Panel

None



# Brighton & Hove City Council

## Annex 4 – Plans



| Rev   | Date                        | Revision  |            |     |          |   |
|---|-----------------------------|---|------------|-----|----------|---|
| <b>REVISION APPROVAL</b>  |                             |   |            |     |          |   |
| <b>OWNER</b>  | <b>NAME &amp; SIGNATURE</b> | <b>DATE</b>   |            |     |          |   |
| RETAIL A & D MGR  |                             |   |            |     |          |   |
|   |                             |   |            |     |          |   |
| BP OIL UK LTD<br>Asset Development<br>Wilson Gate House,<br>500/502 Wilson Gate,<br>Central Milton Keynes, UK<br>MK9 3JQ<br>01908 853000<br>01908 853628                      |                             | <b>HOVE GCS</b><br><b>KINGS WAY HOVE</b><br><b>EAST SUSSEX</b><br><b>BNS 4GD</b>  |            |     |          |   |
| DRAWN: GUNN & PARTNERS<br>DATE: JULY 2007   |                             | <b>NEW SHOP LAYOUT</b>  |            |     |          |   |
| DESIGN APPROVED: M.J.MERU<br>DATE:  |                             | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">DRAWING No</th> <th style="width: 40%;">REV</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">13488-79</td> <td style="text-align: center;">-</td> </tr> </tbody> </table> | DRAWING No | REV | 13488-79 | - |
| DRAWING No  | REV                         |   |            |     |          |   |
| 13488-79  | -                           |   |            |     |          |   |
| SCALE: 1 : 100<br>DIMENSIONS IN: MM<br>DO NOT SCALE   |                             |   |            |     |          |   |
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**APPENDIX D**





## **APPENDIX C**

Mrs R Pratley  
BHCC Licensing Team  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

Date: 17<sup>th</sup> February 2020  
Our Ref: 2020/01906/LICREP/EH  
Phone:  
Email:

### **BP CON ENDS 25.02.20 VALID PCD & PPN (A)**

Dear Mrs Pratley,

**Re: Licensing Act 2003 - Representation regarding the application for a Variation to the Premise Licence issued for:  
Hove SF Connect, 373 Kingsway, Hove, BN3 4QD  
Reference no. 2020/00338/LAPREV**

I refer to the application made by BP Oil UK Limited, for a variation to the Premises Licence issued for the above premises. The Licensing Team, in its role as a Responsible Authority, has concerns about this application and its impact on crime and disorder and public nuisance and therefore submits this representation, which I write on its behalf.

This representation is also submitted as there are concerns that the application does not meet the requirements of the Council's Statement of Licensing Policy (SoLP), with regard to applications made for Off Licences within the 'Other Areas' section of the city.

The applicant currently holds a Premises Licence which allows off sales of alcohol from 08:00 - 23:00 hours every day and they are applying to vary these hours to allow 24 hour alcohol off sales. The premises already has 24 hour opening hours and late night refreshment from 11pm-5am every day.

The Council's SoLP includes a Matrix Model approach for licensing decisions, which 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 Model, on pages 17-18 of the Council's SoLP, indicates that in the 'Other Areas' of the city, off-licences might be granted with a terminal hour of 11pm. The SoLP does state that each application is still considered on its individual merit and there is discretion to depart from the policy where justified. However, departure from the Matrix Model is only expected in exceptional circumstances.

Guidance issued under S182 of the Licensing Act 2003 states in paragraph 8.41 that in completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. The guidance goes on to say in paragraph 8.43 that

If requested by a third party under the provisions of the **Freedom of Information Act 2000** the contents of this letter may be disclosed by Brighton & Hove City Council. For further advice please contact (01273) 291207 or search our website on [www.brighton-hove.gov.uk/foi](http://www.brighton-hove.gov.uk/foi)

applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area ... applicants are also expected to demonstrate an understanding of how the policy impacts on their application, any measures they will take to mitigate the impact, and why they consider the application should be an exception to the policy.

I have looked carefully at this application, paying particular attention to the Matrix and any exceptional circumstances provided for departing from the Matrix. I contend that no exceptional circumstances have been provided. I am therefore concerned that allowing 24 hour alcohol sales will impact on the Licensing Objectives of The Prevention of Crime and Disorder and The Prevention of Public Nuisance.

We maintain that the Matrix Model states that off-licence applications should only be granted until 11pm in the location that this premises sits within and note that no exceptional circumstance evidence has been provided by the applicant to warrant departure from this part of the policy.

The Licensing Team act as guardians of the council's SoLP and we make this representation as we believe the application made is contrary to our policy and will impact on Licensing Objectives. We therefore invite a Sub-Committee Panel to decide the outcome of this application on behalf of the Licensing Authority.

Yours sincerely,

**Senior Licensing Officer**  
Licensing Team  
Environmental Health and Licensing

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

Date: 25<sup>th</sup> February 2020  
Our Ref: 2020/01831/EPLIC/EH  
Phone:

e-mail:

**BP CON ENDS 25.02.20 VALID PPN (B)**

**Dear Sir/Madam,**

**Licensing Act 2003: St Leonards Filling Station/M&S supermarket,  
373 Kingsway Hove BN3 4QD**

I wish to make a representation against an application for 24 hour alcohol sales at this premise. The business is a petrol station with M&S food, plus alcohol sales on the busy coast road. It is surrounded by residential houses on 3 sides; up to the boundary to the east and north.

There is an in/out access on the coast road and a further side entrance into St Leonards Gardens, residential road alongside. There is car parking for numerous customer vehicles and an automated cash point.

Deliveries of food and drink take place to the west and rear of the building, there are no barriers between the delivery bay/fans and residential buildings. Fuel deliveries are at the front to the east side of the forecourt.

There are large fans that run continuously on the western side of the building, overlooked by housing. On the eastern side new air conditioning units were installed last year (there is a high brick wall between the AC units and the adjoining garden). There is lighting throughout the site that is on, including at night.

Currently the licence allows alcohol sales from 8:00 to 23:00 every day. There is a late night refreshment (LNR) 23:00-05:00 Monday to Sunday. The applicant has requested the sale of alcohol 24hrs 7 days per week all year.

I have concerns about this application and make a representation on the grounds of prevention of public nuisance, one of the 4 licensing objectives within the Licensing Act 2003.

There is a current noise nuisance investigation related to delivery and fan noise, open since August 2019 that is not yet settled. In the past there have been complaints about customers loitering in the vicinity, use of the St Leonards access by cars with loud radios and revving engines, young people using the airline and being abusive when challenged, noise from deliveries, including in the early hours and noise from fans, including at night.

Agreement has been reached with the applicant to the following proposed condition to be attached to the premises licence, to assist in ensuring public nuisance is controlled now and in future:

*Signage shall be displayed at the entry and exit of the site to request that customers consider and respect those local residents living in the immediate vicinity.*  
(see application form).

Unfortunately, it has been impossible to obtain agreement for the following proposed conditions (in italics):

*1 Staff to ensure persons leaving the premises do not congregate in the immediate vicinity i.e. the pavement alongside premises, especially between the hours of 23:00 and 0700, so as to minimise disturbance;*

*2 Staff should regularly monitor the whole site to ensure there is no nuisance to neighbours. A record shall be kept, including date, time, location and the action taken. This record shall be made available for inspection by council officers on request;*

Although the applicant states they do currently monitor the site, and I have suggested that CCTV may be used to replace paper records, or this could be part of the suggested noise management plan, this condition is not agreed.

*3 Keep the premises and immediate vicinity free from litter by periodically inspecting and removing litter throughout the operating period. Provide rubbish bins and empty when full;*

Proposed condition 3 is not agreed, the applicant proposes instead:

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

*4 Deliveries, recycling and rubbish should not be dropped off, collected or placed outside except between the hours of 07:00Hrs and 19:00Hrs;*

The applicant has verbally confirmed that deliveries to not take place before 0700, but will not agree to formalising this with a condition.

*5 Ensure that external lighting is designed and operated (including changes submitted to the planning authority, if necessary), so as not to cause light nuisance to neighbours;*

This issue was covered by the original planning permission in 1999; there have been material changes to the layout and fittings, not all of which would be/have been subject to further planning application. There is the potential for light nuisance and petrol stations that operate 24/7 alongside residential properties are more likely to attract public light nuisance complaints, these can then ultimately be dealt with by enforcement of the licensing conditions.

*6 Submit a noise management plan (NMP) addressing all the public nuisance conditions in detail to show how you will ensure that public nuisance will not occur and to demonstrate that you are taking all reasonable steps to prevent neighbour disturbance. This plan should be used to train staff, available to the authorities and neighbours and reviewed periodically, especially in the light of operational changes. NMP shall be recorded and reviewed on an annually basis or if there is a change in circumstances, and a copy kept on the premises.*

A NMP is a policy document that brings together all practices that relate to noise control and management e.g. plant and equipment, control of people noise, deliveries and so on. It is particularly useful where part of the operation is outdoors and noise breakout into neighbouring land is more likely. The idea is for the company to think through the best practicable means of controlling noise now and as the business on this site evolves. In my dealings with the company front line and head office I have found there appear to be operational barriers to compliance with standards relating to public nuisance. I imagine the policy areas already appear in documents within the organisation, but I have not experienced effective implementation to date. The licensing policy emphasises the need for management, training and support of staff in promoting licensing objectives, the authority must have confidence in the management of the unit. A NMP is a tool for the company to use to avoid breaching the licence. I would advise that this is good practice to mitigate against public noise nuisance.

*7 Licensees are expected to communicate with local residents and businesses to address and resolve relevant problems. This could include giving contact telephone numbers to local residents so they can report any issues to the manager at the premises and have them dealt with. It is expected that contacts at the premises would be in a position of responsibility, available when the premises are open, so that problems can be addressed at the time.*

The applicant is happy to provide contact number if requested by residents. However, the direct contact with staff by residents to date has not resulted in an effective response, and they have turned to the local authority instead.

To summarise my concerns are that much of the activity related to this business – several fuel, alcohol (wine from M&S and other alcohol from DHL) and food/goods deliveries each week, go on outdoors and can be heard by neighbours. The air handling equipment to keep food and alcohol cold operate 24/7 and can be heard by nearby residents. Noise will increase when 9 extra hours per day of alcohol sales are added. The outdoor area is sensitive due to the proximity of residents.

There are no other 24hr outlets for alcohol in the area and this is a busy route for people going home from a night out in the City. The 24hr alcohol sales are likely to be a magnet for all groups, raising concerns about dispersal of customers. The M&S food attracts customers from a wide area and there will be increased vehicle movements and footfall at all hours, beneath the bedroom windows of local residents.

Finally, the council's licensing policy does not support increase hours of availability of alcohol off sales beyond 23:00 where there is the potential for concern from residents.

Yours sincerely,

Environmental Health Officer

From:  
Sent: 25 February 2020 21:46  
To: EHL Safety  
Subject: Licence - I445/3/2020/00338/LAPREV

## **BP CON ENDS 25.02.20 VALID PCD & PPN (C)**

Good evening,

I am contacting you this evening to lodge my objection to the proposed licence application submitted by Hove SP Connect, Kingsway, Hove for the extension of their licence to sell alcohol 24/7. The granting of this variation will be detrimental to those living nearby creating a destination venue for those seeking alcohol within a residential area. This will, at a minimum be a public nuisance to those living within the vicinity of the garage.

1. The area is residential, there are no other premises open at this time so will create a destination for people seeking alcohol with no place other than the forecourt or immediate area for them to congregate.
  2. The garage already attracts noisy late night visitors towards and through the weekends, more so in the summer months when they hang around in warmer weather.
  3. There is already a 24 hour licence holder near to Portslade Station where the pubs are meaning that there is no requirement to grant this application and draw people from the immediate area of the pubs should they wish to purchase more alcohol.
  4. There is adequate provision for home delivery of alcohol so there is no need for people to be disturbing others whilst out in search of alcohol at all times of the night.
  5. The boundary wall of the garage was sprayed with graffiti and has not been addressed by the garage and neither have they engaged with residents over the issue. They have little concern for those living nearby simply leaving the graffiti in place.
  6. Concerns regarding general noise and disturbance have gone unaddressed and disregarded by employees of the garage until council intervention. Whilst this relates to poor maintenance of their equipment and general disturbance to neighbours they were still unwilling to engage or address the issue until the environmental department intervened. This shows a complete lack of regard for neighbours who are effected by their business. Not to mention the increased disruption for extra deliveries and vehicles for those not arriving on foot so more noise and pollution within the immediate area.
  7. The rubbish discarded by those using the garage already, is constantly left on the floor of the forecourt or neighbouring roads, and therefore outside the homes of those in the immediate area which is anti-social and a nuisance. This situation will only be magnified by attracting more customers especially if those customers have been drinking and are in search of more alcohol to extend their drinking.
- Nothing about this application enhances the lives of those living nearby who already live alongside the garage being open 24/7 with BP only seeking to further raise their profit margins with disregard for those who must endure the increased disruption to their lives and potential anti-social behaviour associated with proactively attracting people seeking alcohol to a residential area at all times of the day and night every day of the year!

Thank you for your consideration.



Kind regards

