

Licensing Panel (Licensing Act 2003 Functions)

Date: **1 October 2020**

Time: **10.00am**

Venue **Virtual Meeting - Skype**

Members: **Councillors:**, Simson, Appich and Deane

Contact: **Gregory Weaver**
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01273 291214
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AGENDA

22 TO APPOINT A CHAIR FOR THE MEETING

WELCOME & INTRODUCTIONS

23 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.

24 STOCKBEV LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

5 - 50

Contact Officer: Corinne Hardcastle
Ward Affected: Regency

Tel: 0127329

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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) or email democratic.services@brighton-hove.gov.uk

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Licensing Panel (Licensing Act 2003 Functions)

Agenda Item 24

Brighton & Hove City Council

Subject:	Application for a New Premises Licence under the Licensing Act 2003		
Premises:	Stockbev 7 Duke Street Brighton BN1 1AH		
Applicant:	Massary Exchange Limited		
Date of Meeting:	1 October 2020		
Report of:	Executive Director Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	Mark Savage-Brookes	Tel: (01273) 292100
	Email:	mark.savage-brookes@brighton-hove.gov.uk	
Ward(s) affected:	Regency		

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 Stockbev.

2. RECOMMENDATIONS:

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

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a New Premises Licence under the Licensing Act 2003. The application initially proposed a 24hr operation, but this has subsequently been reduced by the applicant (see table at 3.3, below). The applicant proposes the ground floor and basement areas will be sales areas retailing supply of alcoholic and non-alcoholic beverages, and food items. The shop will specialise in sale of alcoholic beverage, spirits, beer and wine.
- 3.2 Section 18 (operating schedule) of the application is detailed at Appendix A and the plan of the premises is attached at Appendix B

3.3 Summary table of proposed activities

	Proposed
Supply of Alcohol	Every Day 09:00 – 02:00 on and off premises
Hours premises are open to public	Every Day 09:00 – 02:00

3.4 Cumulative Impact. The premises falls within the Cumulative Impact Area (“The Area”) (see paragraphs 3.1 – 3.1.8).

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 Twenty representations were received. They were received from local residents, local businesses, a Resident Association, Sussex Police and The Licensing Authority.

3.7 Representations received had relevant concerns relating to the Prevention of Crime and Disorder and the Prevention of Public Nuisance. Concerns were also raised regarding Cumulative Impact.

3.8 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 Special Policies and Initiatives

3.1 Cumulative impact

3.1.1 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.

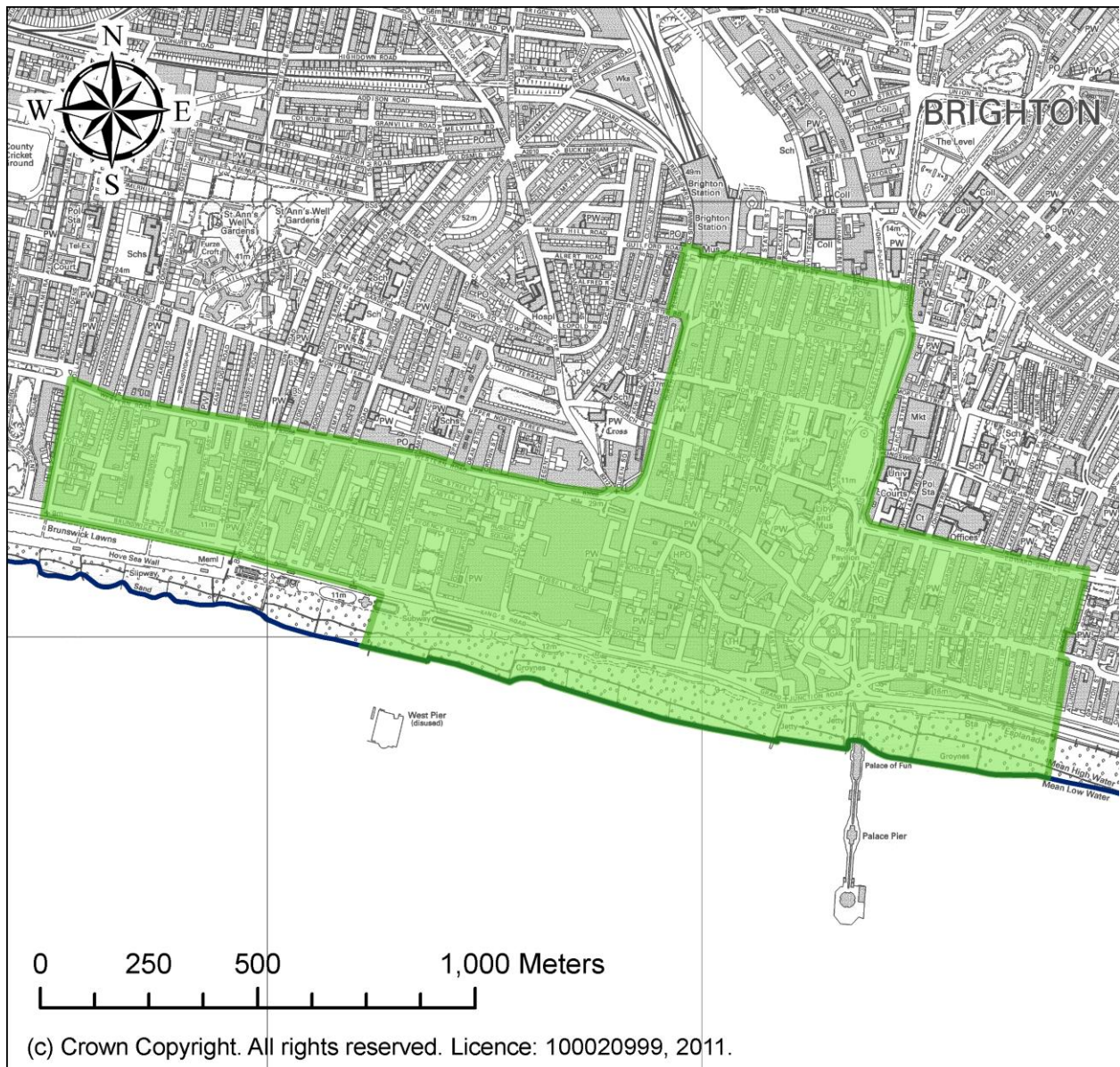
3.1.2 **Special Policy** - Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

The licensing authority, after careful consideration, has determined that the concentration of licensed premises in an 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 incorporating a Cumulative Impact Zone (CIZ) and Special Stress Areas (SSA's) were adopted in March 2008. Since that date, the licensing

authority has kept the CIZ and SSA's under review. On 15 December 2011 Full Council resolved to expand the CIZ and the special stress area, covering 1.5% of the administrative area of Brighton & Hove City Council. On 20th November 2014 Licensing Committee resolved to confirm the current CIZ and SSA as defined in the current Statement of Licensing Policy. On 29th November 2018 Licensing Committee resolved to extend the current SSA to include areas in Central Hove.

3.1.3 This special policy will refer to a Cumulative Impact Zone ("the CIZ") in the Brighton city centre, a detailed plan of which is shown below.

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.

- 3.1.4 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.
- 3.1.5 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.
- 3.1.6 The presumption of refusal does not relieve responsible authorities or other persons 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.
- 3.1.7 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, theatre or live music venue (where alcohol is not the primary activity) may be considered exceptional circumstances. 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.
- 3.1.8 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.

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)

	Cumulative Impact Area	Special Stress Area	Marina	Other Areas
Restaurant	Yes (midnight)	Yes (midnight)	Yes	Yes (midnight)
Café	Yes (10pm)	Yes (midnight)	Yes	Yes (midnight)
Late Night Takeaways	No	Yes (midnight)	Yes	Yes (midnight)
Night Club	No	No	Yes	No
Pub	No	Yes (11pm)	Yes	Yes (midnight)
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes	Yes (favourable)
Off-licence	No	No	Yes	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
Members Club (club premises certificate)	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 offset 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.
- 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.
- 4.1.5 Measures put in place should support the intentions of Operation Marble (police operational order), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the city centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

4.2 Sussex Police

- 4.2.1 The Police have experienced a shift in peak times during the policing of the night time economy with an increasing demand for resources further into the early hours of the morning. This may be indicative of individuals coming out later into the night time economy due to changes in disposable income. This is coupled with the increases in 'pre-loading,' when individuals coming into the night time economy have already consumed alcohol purchased at home. There has also been a noticeable increase in licensing activity mid-week. This has been partly due to the large student population taking advantage of a more affordable week night economy. Likewise, licensed venues have encouraged a wider customer base by hosting regular themed nights and offering discounted alcohol and entry. These trends provide obvious challenges to both the licensed on-trade and the police when assessing and responding to levels of drunkenness.
- 4.2.2 Dispersal from the city centre during the late evening and early morning continues to provide policing challenges. Over recent years, there has been a proliferation of off-licences and late-night refreshment venues along the city's arterial routes. This has led to incident 'hot spots' where patrons from the night time economy continue to interact, albeit away from any safety measures afforded by on-licences. As such, Sussex Police support the Council's Special Policy in offering guidance to both applicants and the Licensing Committee in relation to off-licences and late-night refreshment licences.
- 4.2.3 Sussex Police have a growing concern that, despite staff training in age-restricted sales, under age individuals are still being served alcohol in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted. Between December 2013 and July 2014, 21 off-licences and 13 on-licences were tested. 38% of the off-licences failed in contrast with a 85% failure rate with the on-licences; indicating a considerable risk in this area of the trade. It

is anticipated that initiatives, including the introduction of identification scanning machines at premises throughout the city, will go some way to mitigate this risk. Sussex Police also continue to work alongside the Business Crime Reduction Partnership to tackle the problem of those who use false identification to enter licensed premises and purchase alcohol.

- 4.2.4 Brighton and Hove Police are working closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. This includes such measures as offering vulnerability training and supporting initiatives such as mobile teams of volunteers actively checking people's well-being.
- 4.2.5 Policing the night time economy continues to provide a challenge and in the climate of limited resources and newly emerging problems, Sussex Police support maintaining the Council's Special Policy which defines cumulative impact and special stress. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton and Hove a safe and enjoyable city

4.3 Care, control and supervision of premises

- 4.3.1 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.
- 4.3.2 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, eg type of licence, capacity, operating hours' restrictions.
- 4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television,

licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.

- 4.3.4 This policy recognises the use of registered Door Supervisors All Door Supervisors will be licensed by the Security Industries Authority. Mobile security units and similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. The Licensing Strategy Group has sought to define the standards and operating guidance for such mobile units, which will be in need of regular review. This policy endorses the use of units following such guidance and standards in appropriate circumstances. A copy can be found on the licensing pages of the council's website.
- 4.3.5 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.

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.

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: 17/09/20

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: 17/09/20

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 (operating Schedule) of the Application
2. Appendix B – Plan of Premises
3. Appendix C – Representations
4. Appendix D – Map of area

Background Documents

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

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

APPENDIX A

Section 18 of 21

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.

As the Licensee, I Chirag Patel, Director of MassaryExchange Ltd in whose name the premises licence is issued, shall ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. We, the Licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.

In addition, consumption of alcohol will solely be for purpose of tasting and learning experience such as educational, sale of goods and all staff will be trained.

Due to pandemic situations, a record of all customers attending any training such as wine or whisky experience class learning their details will be recorded and ensure that individuals are following Government guidelines.

b) The prevention of crime and disorder

Any incidents of a criminal nature that may occur on the premises will be reported to the Police.

We, the Licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises.

The CCTV system shall conform to the following points:

1. Cameras must be sited to observe the entrance and exit doors both inside and outside.
2. Cameras on the entrances will capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
3. Cameras viewing till areas must capture frames not less than 50% of screen.
4. Cameras overlooking floor areas will be wide angled to give an overview of the premises.
5. Be capable of visually confirming the nature of the crime committed.
6. Provide a linked record of the date, time and place of any image.
7. Provide good quality images – colour during opening times.
8. Operate under existing light levels within and outside the premises.
9. Have the recording device located in a secure area or locked cabinet.
10. Have a monitor to review images and recorded picture quality.
11. Be regularly maintained to ensure continuous quality of image capture retention.
12. Have signage displayed in the customer area to advise that CCTV is in operation.
13. Digital images will be kept for 31 days.
14. Police will have access to images at any reasonable time.
15. The equipment will have a suitable export method, e.g. CD/DVD writer or USB so that the police can make an evidential copy of the data they require. This data will be in the native file format, to ensure that no image quality is lost when making the copy, if this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the equipment or CD can be replayed by the police on a standard computer. Copies will be made available to Police on request.

c) Public safety

Appropriate fire safety procedures will be in place including fire extinguishers (foam, H₂O and CO₂), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances will be inspected annually. All emergency exits shall be kept free from obstruction at all times. A designated Fire marshal and manager at the shop will be fully trained including assistant staff to deal with emergency evacuation planning should there be a fire or any emergency situation, like flooding, earth quake and how to be safe. The fire marshal will support public to safety and move to meeting point at 51 Ship Street at least 100 meters away from the retail unit

d) The prevention of public nuisance

All customers will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

e) The protection of children from harm

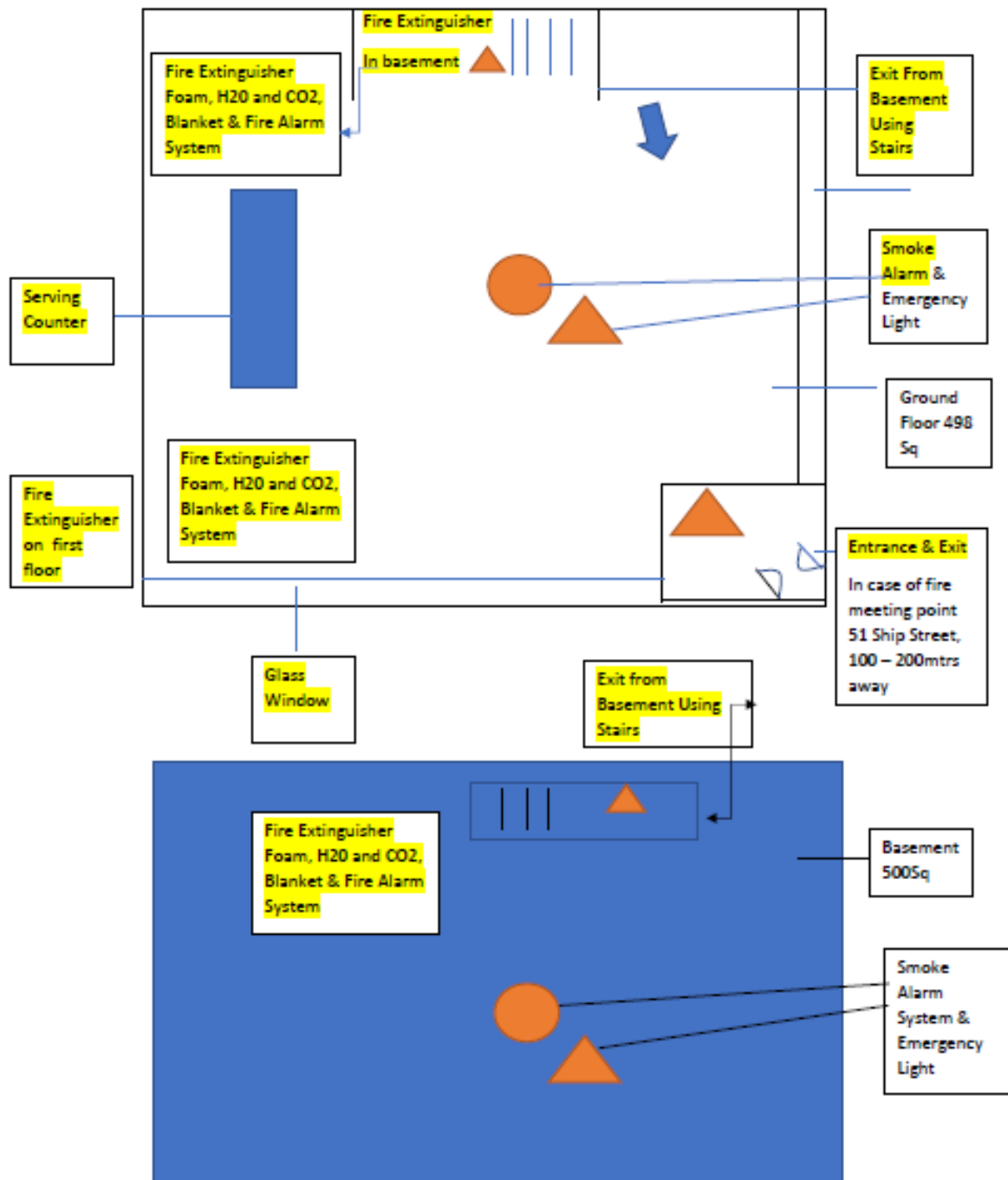
We, the licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.

All staff will be trained for UNDER AGE SALES PREVENTION regularly.

A register of refused sales shall be kept and maintained on the premises.

APPENDIX B

7 Duke Street, Brighton, BN1 1AH



APPENDIX C

From: **REDACTED TEXT**

Sent: 14 August 2020 13:43

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Objection to licence application at 7 Duke Street, BNI 1AH

MSB CON ENDS 07.09.20 VALID PCD, PPN & CIZ (A)

Dear Madam/Sir

I write to object to the application for a license at 7 Duke Street Brighton BNI 1AH.

This address is in a Cumulative Impact Zone and near a high density of pubs, clubs and bars. The centre of Brighton suffers greatly from night time noise and antisocial behaviour that is alcohol related.

There are enough opportunities to buy alcohol in the city centre without adding to them. For all these reasons I therefore request that you do not grant this application.

Yours faithfully

REDACTED TEXT

From: **REDACTED TEXT**

Sent: 15 August 2020 14:50

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Alcohol licence REPRESENTATION

MSB CON ENDS 10.09.20 VALIN PPN (B)

Dear Sir/Madam,

We've been notified through our **REDACTED TEXT** that the intended new owners of the shop on the corner of Middle Street and Duke Street, opposite the Victory Pub are applying for a license to sell alcohol 24hours.

We are all shocked to hear this as there is already enough trouble on the streets in central Brighton during the evenings and for certain types of people having access to alcohol throughout the night would certainly cause yet more noisy and disruptive behaviour so we are all in agreement that this would be disastrous if the licence was to be granted.

Yours faithfully,

REDACTED TEXT

From: **REDACTED TEXT**

Sent: 21 August 2020 15:14

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Fwd: Objection 7 Duke Street, Brighton. Sale of alcohol licence

MSB CON ENDS 10.09.20 VALID PCD (C)

To whom it may concern.

1445/3/2020/02532/LAPREN

We wish to record our objection to the application for the sale of alcohol at 7 Duke Street Brighton, the application for 24 hour use is totally unacceptable, particularly in such close proximity to a school which is a couple of doors away in Middle Street.

Our particular concern is the sale of alcohol for consumption off the premises and we assume this will mean the property being used as an off licence.

We feel that Duke Street is not an appropriate address for this type of business as it will encourage street drinkers to buy and consume alcohol in the street either on foot or using the public benches provided.

This application, if passed, encourages street drinking and will potentially add further nuisance to our customers and other visitors to the street. We feel this will also mean an even higher incidence of begging in the street, which is already at unmanageable levels and is not desirable particularly for the tourist trade.

This area is already overly serviced by alcoholic beverage suppliers and this extra competition will add further pressure on what are already struggling businesses.

We would like to see a more versatile group of businesses in this area that is becoming a more and more predominantly food and drinking area.

Please add our objection to your list and keep us informed of any decisions made regarding 7 Duke Street.

Regards

REDACTED TEXT

Mr Mark Savage-Brookes
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BNI IJP

Date: 24th August 2020
Our Ref: 2020/18701/LICREP/EH
Phone: **REDACTED TEXT**
e-mail: **REDACTED TEXT**

MSB CON ENDS 10.09.20 VALID PCD & PPN (D)

Dear Mr Savage-Brookes,

Licensing Act 2003 – Licensing Authority representation against the application for a Premises Licence (Ref: 2020/02532/LAPREN)
Re: Stockbev, 7 Duke Street, Brighton, BNI IAH

I refer to the application made by Massary Exchange Limited for a new Premises Licence for Stockbev, 7 Duke Street, Brighton.

The application describes the premises as '*prominent corner retail premises unit is comprising a ground floor and basement, which is situated in the old town conservation area between The Lanes and Churchill Square shopping center*'. It goes on to state '*The ground floor and basement area will be sales area retailing supply of alcoholic and non-alcoholic beverages, and food items. The shop will specialise in sale of alcoholic beverage, spirits, beer and wine*'.

The application seeks the licensable activity of the sale of Alcohol 24 hours a day, seven days a week both on and off the premises, with the same opening hours.

I have concerns about this application and make a representation on the grounds of the Prevention of Crime and Disorder and Prevention of Public Nuisance and that this application falls within our Cumulative Impact Area.

The Council introduced a special policy to address cumulative impact on the 13th March 2008 and following further consultation the cumulative impact area (CIA) was expanded in December 2011. The special policy was set up because the Licensing Authority determined that the concentration of licensed premises and the subsequent numbers of people drawn into the city centre is causing exceptional problems of Crime and Disorder and Public Nuisance. The special policy will only be overridden in exceptional circumstances. New applications and variations to existing licences 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 on licensing objectives including the Prevention of Crime and Disorder and Public Nuisance. 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 SoLP 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 application seeks both on and off sales of alcohol 24 hours, every

day. The matrix says 'No' to both pubs or off licences in the Cumulative Impact Area. Each application is still considered on its individual merit and there is discretion to depart from the Matrix approach policy 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 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 (for example, a cumulative impact policy), 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.

There is no mention of the Statement of Licensing Policy or the Cumulative Impact Area in this application. The applicant has not demonstrated exceptional circumstances to depart from our policy or how they will not add to the existing cumulative impact of the area.

The premises is in the Cumulative Impact Area and is located in the electoral ward of Regency, which according to our Public Health Framework for Assessing Alcohol Licensing (5th edition- January 2019) is ranked the worst out of 21 wards under Crime and Disorder data for All violence against the person, All injury violence, Non-injury assault and Sexual offences. It ranks second worst for Police recorded alcohol related incidents and third worst out of all the wards for Criminal damage.

Under the Health data Regency ward ranks second worst for Alcohol suspected ambulance call outs and A&E attendances with a record of alcohol. It ranks third worst for Clients in alcohol treatment and Alcohol related mortality 2015-17.

I am making this representation as a guardian of our policy which this application is completely contrary to. I do not believe that the applicant has demonstrated that there are exceptional circumstances to justify departing from the Policy.

Yours sincerely

REDACTED TEXT

Licensing Officer,
Licensing Team,
Environmental Health and Licensing,
Regulatory Services

Police Station
John Street
Brighton
BN2 0LA

REDACTED TEXT
REDACTED TEXT

Date: 03rd September 2020

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

MSB CON ENDS 10.09.20 VALID PPN (E)

Dear Mark Savage-Brookes,

RE: PREMISES LICENCE APPLICATION FOR 7 DUKE STREET, BRIGHTON, EAST SUSSEX, BN1 1AH UNDER THE LICENSING ACT 2003. 1445/3/2020/02532/LAPREN.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above licence application on the grounds of the prevention of crime and disorder and public nuisance. We also make reference to the 2019 Brighton & Hove City Council (BHCC) Statement of Licensing Policy and 2019 Brighton & Hove Public Health Framework for Assessing Alcohol Licensing report.

This is an application for a new premises licence located at 7 Duke Street, Brighton. We understand the premises is currently a clothing shop and has not previously held a licence. The immediate surrounding area is a mix of mostly independent daytime retail outlets and a number of pubs / bars, restaurants and cafes. With The Lanes and West Street very close by, it falls very much within the heart of the City's Night Time Economy. There are also a number of residential properties in the surrounding area.

The application seeks the following licensable activities and timings:

Hours premises are open to the public:

Monday - Sunday: 24 Hours

Supply of alcohol (on and off sales):

Monday - Sunday: 24 Hours

On reviewing the application it is clear to Sussex Police that this application is for an alcohol led business. It states within the application that the premises will specialise in the sale of alcoholic

beverage, spirits, beer and wine and that the sales area covers both the ground and basement floors of the building. The application is for both on and off sales.

Reviewing the Public Health Framework report for Assessing Alcohol Licensing 2019 edition, Regency ward, of which this location is within, is ranked 2nd out of 21 wards for police recorded alcohol related incidents.

Excluding criminal damage of which its 3rd, the area is ranked worse for all other crime data including violence and sexual offences. Granting an additional licence within this area we believe could add further to issues currently experienced and so have a negative impact on the surrounding area.

This is an application for a 24 hour alcohol licence within a very busy part of the City and an area that already has a high number of licensed premises be that drinking establishments, off licences, restaurants and cafes. The area at times can be challenging for emergency services, especially during the Night Time Economy. Sussex Police are concerned about the impact that granting this application could have on the area. Although the highest risk would be early evening and throughout the night, we believe that daytime trading could also impact the area by increasing the risk of alcohol being consumption on the street as well as pre loading. A number of outlets within the area suffer from a high number of daytime shoplifting of alcohol. This increases ASB within the locally as it is then often consumed by already intoxicated persons within public spaces.

Due to the risks associated with intoxication, the City has a number of initiatives that support Police and other emergency services in safeguarding the general public. These include Beach Patrol, Safe Space, Good Night Owls and Street Pastors. The majority of these organisations are run by volunteers and operate in their spare time. The fact these services exists goes some way to prove the negative impact alcohol has.

With high numbers of persons descending on the City, Sussex Police operates a standalone night time operation each weekend and at other various peak times throughout the year. This involves dedicated Police resources patrolling the main night time economy area to free up our night duty officers so they can manage the rest of the City and the demands it has on our service. Having a visible police presence in the area, especially during the weekend evenings, goes some way to assist in reducing criminal incidents occurring, but unfortunately does not stop them in their entirety. The majority of incidents dealt with have an element of alcohol and or drugs linked to them. This is a mix of persons becoming drunk and disorderly, violent and a high number of incidents involve persons who have become a victim of crime due to their own vulnerability after consuming alcohol.

Under the matrix approach within the Brighton & Hove City Council Statement of Licensing Policy Section 3.3.2 – a new off licence within the “Cumulative Impact Area” is not supported.

Paragraph 3.1.4 of the Brighton and Hove City Council 2016 Statement of Licensing Policy states:

“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”

Paragraph 3.1.5 of the Brighton and Hove City Council 2016 Statement of Licensing Policy states:

“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.”

Within the application the applicant makes no mention of the Brighton & Hove Statement of Licensing Policy and we do not feel they have fully considered the negative impact such an application could have. Nor do we feel they have given any exceptional circumstances to depart from the policy and for their application to be granted.

Taking in to account our comments above, the Statement of Licensing policy, Public Health framework report and the location of the proposed premises, Sussex Police are unable to support such an application and kindly ask the Licensing Authority to refuse granting such a licence.

Yours sincerely

REDACTED TEXT

Licensing Inspector

Sussex Police

From: REDACTED TEXT

Sent: 05 September 2020 12:37

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Alcohol

Ref: 1445/3/2020/02532/LAPREN

MSB CON ENDS 10.09.20 VALID PCD, PPN & CIZ (F)

I am sending this email to object to the premises located at 7 Duke Street, BN1 1AH being granted a license for the sale of alcohol. This is due to the fact that it is located in the Council's designated area of Cumulative Impact.

If the premises is granted a license on the basis that it is a restaurant, then I object to any off-sales of alcohol.

Kind Regards,

REDACTED TEXT

From: REDACTED TEXT

Sent: 07 September 2020 12:01

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Re: FW: 7 Duke Street 1445/3/2020/02532/LAPREN

MSB CON ENDS 10.09.20 VALID PCD, PPN & CIZ (G)

REDACTED TEXT

Further to my original email please find the ammended below.

I would like to contest this application under the grounds of Cumulative Impact as it falls within the city's CIZ.

REDACTED TEXT

Yours faithfully

REDACTED TEXT

From: REDACTED TEXT

Sent: 08 September 2020 16:27

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: 7 Duke street Brighton/ licence permission

MSB CON ENDS 10.09.20 VALID PPN (H)

Dear Sir/Madam,

I am writing to express my objection to the change of use for the shop number 7 Duke Street BRIGHTON Bn1 1AH.

I run **REDACTED TEXT** and having experienced the problems caused by erecting Tents and druggies and alcoholic beggars on the street in the past 2 years, I strongly believe the 24 hour off licence will completely change the image of the street in a bad way. Duke street is already struggling. This will be totally unnecessary and wrong addition to the street.

please feel free to get in touch if necessary.

Best Regards,

REDACTED TEXT

From: REDACTED TEXT

Sent: 09 September 2020 10:18

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Cc: REDACTED TEXT

Subject: Premises licence application for 7 Duke Street, Brighton, BN1 1AH

MSB CON ENDS 10.09.20 VALID PPN & PCD (I)

Hello,

I would like to register my objection to the granting of a premises licence to the address detailed in the subject line of this email under two licencing objectives:

The prevention of crime and disorder – as **REDACTED TEXT** to that for which the application is being made. The location of our office is **REDACTED TEXT** which is accessible from the street, with an entrance **REDACTED TEXT** of 7 Duke Street. During our tenancy we have witnessed forced entry of the automatic gates to this yard resulting in criminal damage, drug use, trespass and break ins. The secluded nature of the courtyard makes the witnessing of criminal acts difficult, which makes it a more attractive site for this activity to carry on.

I feel the presence of an establishment selling alcohol 24 hours a day will invariably attract more people to this location, including during unsociable hours. Our gates and courtyard could be a target for opportunist criminality which would undoubtedly increase in risk with more people visiting the location 24 hours a day.

The prevention of public nuisance – in addition to the criminality we have witnessed at our premises there has also been many instances of public nuisance in and around the courtyard, including urination, defecation, sexual activity and graffiti. This is particularly prevalent when the automatic gates are forced open, which, although difficult to do, is not impossible. Forcing the gates open also invariably results in damage to the gates which is expensive and time consuming to repair – and whilst the gates are broken there is unfettered access to the courtyard, which would make this area a very attractive off-street location for the consumption of alcohol purchased from the proposed licenced premises, as well as a increase in the chance of criminal activity as detailed above.

For your information, and due to the expensive nature of repairs to the gates I have copied the managing agents for our property into this email.

Kind regards

REDACTED TEXT

REDACTED TEXT

Brighton and Hove Licensing
Authority Licensing, 2nd Floor,
Bartholomew House Bartholomew
Square, Brighton, Bn1 1JP 7th

September 2020

MSB CON ENDS 10.09.20 VALID PPN & PCD (J)

Re. The application for a premises licence for 7 Dukes Street..

I object to this licence application, the property is in the Cumulative Impact Zone. There are already several 24 hour shops selling alcohol in the near vicinity, in West street, East Street, North Street and Kings Road, as well as all the pubs, bars and restaurants in the immediate area. There is no need for another premises to sell alcohol. The history of 24 hour licensing in this area which has been nothing but detrimental to the neighbourhood.

This area is part of Brighton old town with its original architecture and opposite the Fabrica Gallery, the old Victory pub and all the cafes offering alfresco dining, (even more so post lockdown). There have been numerous problems with public drinking in the town centre, with day time street drinkers and anti-social behaviour. If this licence is for a convenience store, (unclear by the application but likely given the information about the company on Companies House), it is likely to attract street drinkers and beggars. In addition this licence should be refused because a precedent must not be set for this building which could be abused in the future.


The committee are well aware of the alcohol induced problems of the city centre and, in addition to Cumulative Impact, the four main areas on which I object are equally relevant.

To have any alcohol sales at all on this corner are of massive concern to local residents, of which there are many. We can guarantee there would be an increase in public nuisance, and crime and disorder, as late night customers make their way down Middle Street to the beach for example, or sit on the steps of the Hippodrome or the Synagogue, (Middle Street), drinking their purchases with the resulting need to relieve themselves in the surrounding Twittens and doorways.

Day time drinkers are already rife in the city centre and with Middle Street School, merely 100 yards away it is not necessary to add to the places of acquisition when both children's and the public's safety is put at risk.

It is imperative that this application is refused for all the reasons stated -

- Cumulative Impact
- the prevention of crime and disorder.
- the prevention of public nuisance.
- the protection of children from harm.
- public safety.

 Kind Regards



REDACTED TEXT

09 SEP 2020



MSB CON ENDS 10.09.20 VALID PPN & PCD (K)

Brighton and Hove Licensing Authority
Licensing, 2nd Floor, Bartholomew House
Bartholomew Square, Brighton, Bn1 1JP
7th September 2020

Re. The application for a premises licence for 7 Dukes Street.

I object to this licence application, the property is in the Cumulative Impact Zone. There are already several 24 hour shops selling alcohol in the near vicinity, in West street, East Street, North Street and Kings Road, as well as all the pubs, bars and restaurants in the immediate area. There is no need for another premises to sell alcohol. The history of 24 hour licensing in this area which has been nothing but detrimental to the neighbourhood.

This area is part of Brighton old town with its original architecture and opposite the Fabrica Gallery, the old Victory pub and all the cafes offering alfresco dining, (even more so post lockdown). There have been numerous problems with public drinking in the town centre, with day time street drinkers and anti-social behaviour. If this licence is for a convenience store, (unclear by the application but likely given the information about the company on Companies House), it is likely to attract street drinkers and beggars. In addition this licence should be refused because a precedent must not be set for this building which could be abused in the future.

The committee are well aware of the alcohol induced problems of the city centre and, in addition to Cumulative Impact, the four main areas on which I object are equally relevant.

To have any alcohol sales at all on this corner are of massive concern to local residents, of which there are many. We can guarantee there would be an increase in public nuisance, and crime and disorder, as late night customers make their way down Middle Street to the beach for example, or sit on the steps of the Hippodrome or the Synagogue, (Middle Street), drinking their purchases with the resulting need to relieve themselves in the surrounding Twittens and doorways.

Day time drinkers are already rife in the city centre and with Middle Street School, merely 100 yards away it is not necessary to add to the places of acquisition when both children's and the public's safety is put at risk.

It is imperative that this application is refused for all the reasons stated -

- Cumulative Impact
- the prevention of crime and disorder.
- the prevention of public nuisance.
- the protection of children from harm.
- public safety.

Kind Regards

Bartholomew Square, Brighton, BN1 1JP
01323 323232

09 SEP 2020

From: REDACTED TEXT

Sent: 08 September 2020 00:14

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Application for a Premises Licence: Massary Exchange T/A Stockbev , 7 Duke Street , BN1 1AH

MSB CON ENDS 10.09.20 VALID PCD, PPN & CIZ (L)

Dear Licensing Panel,

I wish to object to this application of a Premises Licence to sell alcohol for on and off sales at 7 Duke St by Massary Exchange. This is in an area where there are already several existing off-licences and I'm concerned about the negative effects of a further place which can sell alcohol 24 hours a day.

The council is already concerned by the negative effects of drinking by making a Cumulative Impact Zone in the centre of the city; 7 Duke Street is in the very centre of this CIZ and the granting of an alcohol licence will only have a negative impact on the area.

This application must be refused. Kind

regards

**REDACTED
TEXT**

From: REDACTED TEXT

Sent: 09 September 2020 13:08

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: 7 Duke Street, Brighton, BN1 1AH- objection to alcohol license

MSB CON ENDS 10.09.20 VALID PPN & PCD (M)

Dear Sirs

May I lodge an objection to the above licence application?

I trade at **REDACTED TEXT** to the premises and have done for 10 years- trading **REDACTED TEXT**

The street is a high class retail destination with a mix of boutique shopping and restaurants- this is not the venue to attract 24 hour drinkers- particularly street drinkers who may wish to purchase alcohol throughout the night.

This would only increase the instances of anti- social behaviour that blights Brighton city centre and the constant mess, human waste, sick and broken glass.

There are already several licensed premises along such a short stretch of road.

Warmest regards

**REDACTED
TEXT**

From: REDACTED TEXT

Sent: 09 September 2020 14:47

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: REF: Licence - 1445/3/2020/02532/LAPREN , 7 Duke Street

MSB CON ENDS 10.09.20 VALID PPN & PCD (N)

I am writing to lodge an objection to the proposed Licensing of the above premises to sell alcoholic beverages 24 hours, Monday through Sunday.

I have managed **REDACTED TEXT** for the last 12 years. In this time I have witnessed the general decline in Duke Street with regards to cleanliness and appearance. I wholeheartedly support the Councils Culminative Impact Area and do not understand why the Council would be considering licensing a premises in a street in an area that is already saturated with places to buy alcohol.

We have also suffered rising levels of graffiti and damage to our property over the last few years and I believe that a 24hr shop specialising in the sale of Alcohol will only raise the likelihood of more damage, more disturbance and more issues for the Residents and Businesses in Duke Street.

There has been a concerted effort by the Duke Street Traders to improve Duke Street over issues experienced over the past few years regarding Drug use, Begging and Homelessness and I believe agreeing this License will have a negative impact on the area in general.

Regards,

REDACTED TEXT

From: **REDACTED TEXT**

Sent: 09 September 2020 17:56

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Massary Exchange Ltd T/A Stockbev 7 Duke street BN11AH

MSB CON ENDS 10.09.20 VALID PPN (O)

Good Afternoon,

Just this quick email to object the project to open an Off Licence on 7 Duke street, BN11AH.

I actually **REDACTED TEXT**, and i can confirm, the are against The opening of an Off licence open 24/24h. Duke street.

The options to buy alcohol into the 3 mn walking distance around is already massive :

- Coop north street
- Pub the victory
- Coktail bar the twisted lemon
- Pub the 7 stars
- Honest burger
- The 32
- Bangerz and burgerz
- Off licence west street
- Nando's
- Monjibello
- Deli artisan
- Erpigan house
- Marwood
- trading post
- cafe coho

All those places sell alcohol on premise and take away.

This list is non exhaustive.

During the week end, the situation is already extremely critic and Close to be out of control, with people drunk and bad behaviour everywhere at any time of the day.

It come to a point where its hard to trade and be attractive for family's with this crowd around.

As well, we have a school with pupils literally 50m from this location on middle street.

So please, we cannot now deal with this, especially with all the covid crisis, we need to be attractive and bring back family's clientele.

Kind regards

REDACTED TEXT

From: REDACTED TEXT

Sent: 10 September 2020 14:08

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Re: 7 Dukes Street, BNI

MSB CON ENDS 10.09.20 VALID PPN & PCD (P)

Dear Committee,

The application for a premises licence for 7 Dukes Street should be rejected immediately as this property is in the heart of the Cumulative Impact Zone. There are numerous establishments to buy alcohol, whether in a pub, bar or restaurant within the immediate vicinity which work harmoniously together in this charming part of the old town, where, now post lock down, visitors and locals are enjoying the outside seating.

For those who need alcohol on a 24 hour basis there are plenty of outlets in West Street, North Street, East Street and Kings Road.

Other than 'sale of alcohol (24 hours)' it is unclear from the application the precise intention of the applicant but one would presume, from checking their business profile on Companies House, that their intention leans more towards the 'convenience' 24/7 style business. This would be totally inappropriate for this attractive building, in its prominent corner position with its huge picture windows. There is a history of 24 hour licencing in this area which has been nothing but detrimental.

In addition this licence should be refused because a precedent must not be set for this building which could be abused in the future.

The committee is well aware of the alcohol induced problems of the city centre and, in addition to Cumulative Impact, the four main areas on which we can object are equally relevant.

To have any alcohol sales at all on this corner are of massive concern to local residents, of which there are many. We can guarantee there would be an increase in public nuisance, and crime and disorder, as late night customers make their way down Middle Street to the beach for example, or sit on the steps of the Hippodrome or the Synagogue drinking their purchases with the resulting need to relieve themselves in the surrounding Twittens and doorways.

Day time drinkers are already rife in the city centre and with Middle Street School, merely 100 yards away it is not necessary to add to the places of acquisition when both children's and the public's safety is put at risk.

It is imperative that this application is refused for all the reasons stated-

Cumulative Impact

The prevention of crime and disorder.

The prevention of public nuisance.

The protection of children from harm.

Public safety.

Regards

REDACTED TEXT

REDACTED TEXT

Brighton and Hove Licensing Authority

Licensing, 2nd Floor, Bartholomew House

Bartholomew Square, Brighton, Bn1 1JP

7th September 2020

MSB CON ENDS 10.09.20 VALID PPN, PCD (Q)

Re. The application for a premises licence for 7 Dukes Street..

I object to this licence application, the property is in the Cumulative Impact Zone. There are already several 24 hour shops selling alcohol in the near vicinity, in West street, East Street, North Street and Kings Road, as well as all the pubs, bars and restaurants in the immediate area. There is no need for another premises to sell alcohol. The history of 24 hour licensing in this area which has been nothing but detrimental to the neighbourhood.

This area is part of Brighton old town with its original architecture and opposite the Fabrica Gallery, the old Victory pub and all the cafes offering alfresco dinning, (even more so post lockdown). There have been numerous problems with public drinking in the town centre, with day time street drinkers and anti-social behaviour. If this licence is for a convenience store, (unclear by the application but likely given the information about the company on Companies House), it is likely to attract street drinkers and beggars. In addition this licence should be refused because a precedent must not be set for this building which could be abused in the future.

The committee are well aware of the alcohol induced problems of the city centre and, in addition to Cumulative Impact, the four main areas on which I object are equally relevant.

To have any alcohol sales at all on this corner are of massive concern to local residents, of which there are many. We can guarantee there would be an increase in public nuisance, and crime and disorder, as late night customers make their way down Middle Street to the beach for example, or sit on the steps of the Hippodrome or the Synagogue, (Middle Street), drinking their purchases with the resulting need to relieve themselves in the surrounding Twittens and doorways.

Day time drinkers are already rife in the city centre and with Middle Street School, merely 100 yards away it is not necessary to add to the places of acquisition when both children's and the public's safety is put at risk.

It is imperative that this application is refused for all the reasons stated -

- Cumulative Impact
- the prevention of crime and disorder.
- the prevention of public nuisance.
- the protection of children from harm.
- public safety.

Kind Regards **REDACTED TEXT**

From: REDACTED TEXT

Sent: 10 September 2020 16:27

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: 7 Dukes Street

MSB CON ENDS 10.09.20 VALID PCD & PPN (R)

Ship Street, Middle Street and Ship Street Gardens Residents Association

Dear Premises Licencing Committee,

As a residents association, of long standing, we have been acutely aware of the many applications for an alcohol licence for many different premises within the City, and the Old Town in particular, and witnessed the effects that has had on the area, especially after the 24 hour law came into place.

Therefore, it was with great relief, with the introduction of the Cumulative Impact Zone we felt some control was now in place to monitor the purchase of alcohol within the City centre and we, as residents, would have some support when raising our concerns over new applications for the sale of alcohol.

This application, for a premises licence for the sale of alcohol for 7 Duke's Street, should be refused without question as, firstly and most importantly, it is in the centre of a Cumulative Impact Zone, and secondly, with an application that is so very vague we are concerned that, should a 24 hour, or any licence for alcohol, be granted, the precedent would be set for this building that could pave the way for abuse of that permission in the future.

The situation of 7 Dukes Street, on its prominent corner position, is already a hot spot for late night, alcohol induced, aggression when groups converge from south, east and west. This is not a pleasant experience for the public in general, for businesses in the area or for residents when simply walking home. To have that exact spot selling alcohol into the night will only exacerbate any possible tense situation.

Duke Street is a thriving street of mostly independent small shops, eateries and cafes with a particular buzz to it. This should be encouraged. It would be a shame to detract from that feel with the introduction of an outlet selling alcohol 24/7 when many such establishments are nearby in East Street, North Street, West Street and Kings Road.

We respectfully ask that this application be rejected on grounds of being in a Cumulative Impact Zone, and with concerns for crime and disorder, public nuisance and public safety.

Regards

REDACTED TEXT

From: REDACTED TEXT

Sent: 10 September 2020 20:35

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Cc: REDACTED TEXT

Subject: Objection for Premises License 7 Duke Street

MSB CON ENDS 10.09.20 VALID PCD, PPN & PCH (S)

Hello,

My name is **REDACTED TEXT**. I would like to formally object to the proposal for a 24/7 Off License at 7 Duke Street, with regard to crime and disorder, public nuisance and the safety and protection of children.

As stated in Brighton and Hove's licensing documentation section 3.5.1:

'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.'

This is a particular concern for myself, **REDACTED TEXT**, as we are predominantly a family oriented business. I strongly put forward that the addition of a 24/7 off license in the area could put young families and children at risk of crime and drunk and disorderly behaviour, as **REDACTED TEXT** neighbours the proposed premises.

As a business we operate a significant proportion of our trade from outside seating, **REDACTED TEXT**. We feel that the activities as quoted in section 3.5.1 would put our customers in the vicinity of drunk and disorderly conduct and ultimately at risk of crime.

Concerns have also been raised within our team of the potential for late night drinking and disorderly conduct outside our establishment at the proposed premises. This presents a safety concern for the staff who are closing the restaurant after hours. We **REDACTED TEXT** to take out our waste and also when bringing in the furniture from outside, often this is carried out alone. I have serious concerns about my staffs safety being in the vicinity of a 24/7 off license after close of business, with regards to the council's concerns in section 3.5.1.

We have also paid consideration to 3.1.4 of the licensing policy, in reference to the Cumulative Impact Zone:

'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.'

As Duke Street falls within the Cumulative Impact Zone, as mapped out by Brighton and Hove council we strongly feel there are grounds to reject this premises proposal. Having worked on Duke Street I have seen first hand that drunk and disorderly behaviour is not uncommon in this area. I strongly feel that the addition of a 24/7 Off License would have a further detrimental impact on the surrounding community.

Please confirm receipt of this objection. We appreciate the council's cooperation and understanding in this matter. If you require any further information please contact me via this email address.

Kind regards, **REDACTED TEXT**

REDACTED TEXT

MSB CON ENDS 10.09.20 VALID PCD, PPN & PCH (T)

9 September 2020

To whom it may concern

I am **REDACTED TEXT**

I am writing this letter in reaction to a planning application for an alcohol license for the premises "Massary Exchange Ltd T/A Stockbev"-Which I am told will be directly **REDACTED TEXT**.

I am officially expressing my right to object the application on the bases of its potential in the ruin of the local neighbourhood charm and negatively impacting my **REDACTED TEXT** which is up and coming. I, along with others, fear that this application, if accepted; will push away potential positive custom and cause financial and physical damage to those surrounding it.

This is further enforced by the fact our **REDACTED TEXT** the planned "24 hour off-license" and we believe our customers and customers of other premises wouldn't find the outside space appropriate once such business opens; which during a pandemic where outside seating is most desired-could be problematic and negatively detrimental to the neighboring businesses which rely on this feature.

the grounds of my objections will be described in detail and are as follows;

- An increase in crime and disorderly behaviour
- Public safety, including the safety of staff members.
- Public nuisance
- The welfare and protection of children.

I first of all would like to just express that I was only made aware of this on the 8th of September 2020, 2 days before all and any queries of objection could be passed on to the applicant. Thus why my views are being received quite late on in the process.

Whilst I am unaware if any previous attempt had been made to make me or my company directors aware of such an application-I am sadly quite disappointed by the fact that I was only made aware of this application by a neighbour.

Duke Street has a particular charm to it, its family friendly during the day and fun but tame at night. It has an almost 'village within a city' character.

However, this is only achieved by the hard work of the local businesses making it a positive, friendly environment and the strict licensing laws that have been put in place-which ultimately keeps visitors and workers safe.

"Anti-Social Behaviour, Crime and Policing Act 2014: Contains powers to close premises that are causing nuisance or disorder.

These powers can be exercised by the Council or Police and they replace the closure powers in the Licensing Act 2003. The act also contains powers to issue Community Protection Notices in respect of persons or businesses committing anti-social behaviour which is spoiling a community's quality of life."

BRIGHTON & HOVE CITY COUNCIL STATEMENT OF LICENSING POLICY 2016 page 34

With this new license application, it is believed by us and many others that there will be an increase of anti social behavior and potential damage to property from those being refused service or heavily under the influence which can be expected throughout the day and night, ruining the charm our street has and creating a dangerous environment for those of us entering or leaving work and families with small children.

It is stated in the licensing that; 'we' must be considerate and consciously aware of the likely outcome of selling alcohol to members of the public, and also being aware of how it can affect the city. Due to this we utilize the challenge 25 and only serve alcohol with food. This allows the neighborhood to remain a friendly and positive environment especially for families with young children and the general public visiting our city. Such places as the applicant's, contradicts this. for guidance we must keep in mind and follow the statement below;

"Alcohol-related death rates are twice the national average in Brighton & Hove. The City experiences local problems and local trends such as pre- and post loading, binge drinking and street drinking created by cheap alcohol and fierce, localised price competition, particularly between off-licence stores and supermarkets. To tackle these emerging themes the Director of Public Health chairs the Alcohol Programme Board (APB), which is a partnership of licensee representatives and colleagues from health, licensing, the police, universities and voluntary sector – which oversee the city's strategy on alcohol."

BRIGHTON & HOVE CITY COUNCIL STATEMENT OF LICENSING POLICY 2016 page 2

We as a restaurant do not tolerate binge drinking and refuse to serve anyone over the limit or heavily under the influence. This is to aid in the control and containment of any crime, disorderly behaviour and uphold public safety; it is to primarily ensure all neighbouring businesses can function and it's staff members are safe from negative behaviours-we fear we'll find this hard to police with a 24 hour off-licence over the road where these same rules do not apply.

The safety of my staff members is one of my main priorities. With many small hiding spots and alleyways, one can only assume that by allowing a 24 hour premises that could encourage a negative crowd, possibly leading to unwanted attention and possible afflictions or attacks; We want to keep this street a happy and safe place.

As **REDACTED TEXT**, I personally don't want to worry about locking up on my own or taking the bins out back. If we can ensure that crime rates don't increase, then surely we are well within our rights to object this application to help ensure we are working in a safe environment.

2.1.4"Central Brighton and particularly the West Street area have been identified as a violent crime hotspot. Through effective coordination of relevant strategies and policy areas (eg licensing, policing and public safety), the council will seek to improve safety by encouraging a more balanced range of complementary evening and night-time economy uses which appeal to a wide range of age and social groups and managing existing late night uses within identified parts of central Brighton. Local work to reduce violent crime is coordinated through the Local Public ... Service Agreement / Violent Crime Action Plan. In addition, a 'Cumulative Impact Zone' within central Brighton has been adopted by the Council's Licensing Committee and grants greater powers to control the number of licensed premises in the city centre."

Duke Street and the surrounding area is within the 'Cumulative Impact Area' meaning that extra precaution must be considered with allowing such a premises selling mainly alcohol to reside within this area; Thus meaning it **must** be considered with this particular licensing application. Again, a 24 hour premises makes this harder to police and keep the city safe. It is ultimately not in keeping with the local authorities licensing legislations.

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."

BRIGHTON & HOVE CITY COUNCIL STATEMENT OF LICENSING POLICY 2016 -page 21

As the quotation above clearly reads, even the local council has concerns of off-licences adding to the massive drunk and disorderly behaviour issue we have in this city. Allowing such a place goes against this statement-which can be found in an official document-this is not hearsay, but a genuine concern.

Whilst we are aware of how the city's economy works and survives, being that its a city full of life, and that there is only so much control we have in dealing with such behaviours, an off-licenses being opened in 'Cumulative Impact Area' seems to be negligent.

I also wanted to address the rumors that have circulated throughout the neighborhood that the premises holder desires to do 'wine tasting'. This isn't a proven fact, but one that I am definitely concerned about if true.

If that is indeed the case, how can they possibly achieve this considering everything I've mentioned above. One business shouldn't be exempt from the licensing restrictions. If plans aren't put forward where we as a collective can see that the applicant is being considerate of such limitations, then we don't accept and firmly reject this plan.

If you wish to come in to my establishment and have a conversation then please feel free to do so. Myself and my company directors only want what is best for our business to ensure its survival and also to keep up the positive environment we seem to have been so lucky to be allowed into.

Yours sincerely,

REDACTED TEXT

APPENDIX D

