

# Licensing Panel (Licensing Act 2003 Functions)

Date:           **14 April 2022**

Time:           **10.00am**

Venue           **Virtual**

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

Contact:       **Clare Chapman**  
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# AGENDA

## 1 TO APPOINT A CHAIR FOR THE MEETING

### WELCOME & INTRODUCTIONS

## 2 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.

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(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.

## 3 R&A GLOBAL FOOD LTD LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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Contact Officer: Corinne Hardcastle  
Ward Affected: Preston Park

**4 2 CHURCH STREET LICENSING PANEL (LICENSING ACT 2003  
FUNCTIONS)**

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*Contact Officer: Emma Grant/Emily Foutain*  
*Ward Affected: St Peter's & North Laine*

Date of Publication - Wednesday, 6 April 2022

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For further details and general enquiries about this meeting contact Clare Chapman, (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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# Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council

<b>Subject:</b>	<b>Application for a New Premises Licence under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>R&amp;A Global Food LTD 17 Preston Road Brighton BN1 4QE</b>		
<b>Applicant:</b>	<b>R&amp;A Global Food LTD</b>		
<b>Date of Meeting:</b>	<b>14 April 2022</b>		
<b>Report of:</b>	<b>Executive Director of Housing, Neighbourhoods &amp; Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Corinne Hardcastle</b>	<b>Tel: (01273) 292100</b>
	<b>Email:</b>	<b>Corinne.Hardcastle@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>Preston Park</b>		

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

- 1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for R&A Global Food LTD.

## **2. RECOMMENDATIONS**

- 2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for R&A Global Food LTD.

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

- 3.1 The application is for a New Premises Licence under the Licensing Act 2003. The application proposes a ground-floor shop, selling predominantly groceries, household items and international food, the area to be used for alcohol will be approximately 2 to 4 meters. This will be in the chiller situated at the right-hand side from the door and behind the counter to the left-hand side as you enter into the shop. Alcohol will only make up about 5 to 15 percent of the business.
- 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

	<b>Proposed</b>
<b>Supply of Alcohol</b>	Monday – Sunday 09:00 – 23:00 Off Sales
<b>Hours premises are open to public</b>	Monday – Sunday 09:00 – 23:00

**3.4** Special Stress Area: The premises falls within the Special Stress Area. This area is deemed an area of special concern in terms of the levels of crime, disorder, and public nuisance experienced within them. (See paragraphs 3.2 – 3.2.5)

#### **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** 6 representations were received. They were received from local residents, a local business, Sussex Police and The Licensing Authority.

**3.7** Representations received had concerns relating to Prevention of Crime and Disorder, Prevention of Public Nuisance, Protection of Children from Harm and upholding the Statement of Licensing Policy (Special Stress Area)

**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. This policy takes effect from the 4th February 2021. 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) the prevention of crime and disorder.
- (b) public safety.
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

## **1.3 Scope**

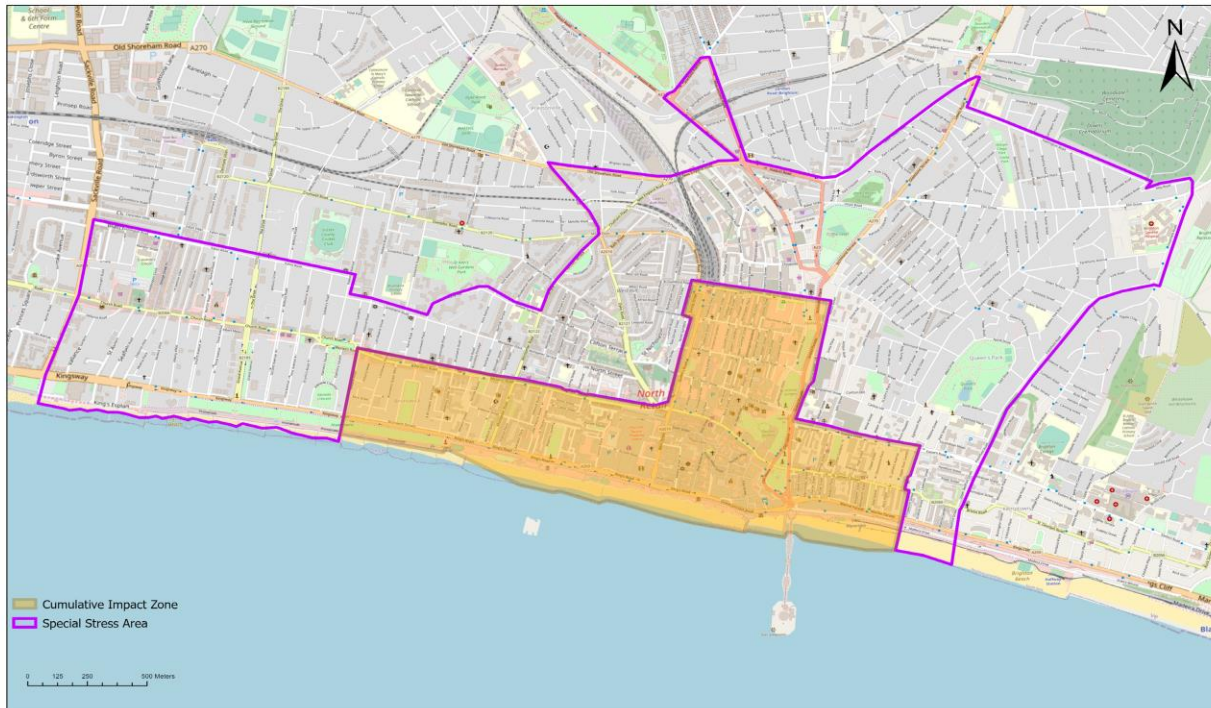
1.3.1 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e.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

### **3.2 Special Stress Area**

3.2.1 The map below details the area of the city centre which borders the Cumulative Impact zone at 3.1.3 and which is deemed an area of special concern in terms of the levels of crime and disorder and public nuisance experienced within it. The area recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below delineated in purple:

## Special Stress Area and Cumulative Impact Zone, January 2021



Brighton & Hove Public Health Intelligence, 2021  
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The Special Stress Area - an area bounded by and including: The west side of Hove Street/Sackville Road, northwards to the intersection with the north side of Blatchington Road, along north side of Blatchington Road and Eaton Road, southwards at the junction onto the east side of Palmeira Avenue and then eastwards at the junction onto the north side of Landsdowne Road; eastwards to the junction with Furze Hill, along the north side Furze Hill to its end and then due east along the north side of Victoria Road to its junction with Montpelier Road (west side), north to where Montpelier Road joins Vernon Terrace then north to Seven Dials; north west along the west side of Dyke Road until the junction with the Old Shoreham Road, then East along the north side of Old Shoreham Road, continuing on the north end of New England Road, north west at Preston Circus at the junction of New England Road and Preston Road along the west side of Preston Road until the junction with Stanford Avenue then and north east along the north side of Stanford Avenue until the junction with Beaconsfield Road, south along the east side of Beaconsfield Road until the junction at Preston Circus and Viaduct Road, eastwards along the north side of Viaduct Road, then at the junction with Ditchling Road, North East along the north side of Upper Lewes Road until the junction with Lewes Road; south along the Lewes Road to junction with Hartington Road, along the north side of Hartington Road until the junction with St. Helen's Road, south into the north side of May Road, eastwards until its junction with Freshfield Road (east side), then south into Upper Bedford Street, into Bedford Street to the mean water mark south of Bedford Street, then due west until the mean water mark south of Lower Rock Gardens; North on Upper Rock gardens, to the north side of Eastern Road, west along Eastern Road and Edward Street until Grand Parade, north along the Eastern side of Grand Parade to the junction of York Place and Trafalgar Street, West along the Northern boundary of Trafalgar Street, up to and including Surrey Street and then South along the Western boundary of Queens Road to the junction with Air Street, West along the north side of Air Street, South-west to the junction of Western Road Brighton, then West along the North side of Western Road Brighton, South along the West side of Holland Road to the mean water mark south of Kingsway and Kingsway Esplanade as far as the west side of Hove Street/ Sackville Road.

3.2.2 This Special Stress Area (SSA) is of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it. The area will be kept under review.

3.2.3 New and varied applications for premises and club premises certificates within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. Appendix A of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.

3.2.4 On receipt of any application in the SSA, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in Appendix A, Licensing Best Practice Measures. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.

3.2.5 The Licensing Authority will keep the Cumulative Impact Zone and Special Stress Area under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening, the Special Policy will be reviewed.

### **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>Other Areas</b>
<b>Restaurant</b>	Yes (midnight)	Yes (midnight)	Yes (midnight)
<b>Café</b>	Yes (10 pm)	Yes (10 pm)	Yes (10 pm)
<b>Late Night Takeaways</b>	No	Yes (midnight)	Yes (midnight)
<b>Night Club</b>	No	No	No
<b>Pub</b>	No	Yes (11pm)	Yes (midnight)
<b>Non-alcohol lead (e.g. Theatre)</b>	Yes (favourable)	Yes (favourable)	Yes (favourable)
<b>Off-licence</b>	No	No	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

#### 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, members 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 cafes, 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 on 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 or where the premises is situated within a parade with another off licence 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 or restrictions placed on the terminal hour to reflect opening hours of other shops.

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.

10) Non-alcohol led category does not include "alcohol in shared workplaces". It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on "alcohol in shared workplaces" please see paragraph 3.3.4-3.3.6.

### **3.5 Off licences**

In recent years there has been a noticeable shift towards more people buying alcohol from shops and drinking at home 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.

3.5.1 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 principal product sold maybe considered more favourably.

3.5.2 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 3.5.3) for which they receive an accreditation as a responsible retailer.

3.5.3 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

3.5.4 The Licensing Authority and Sussex Police have specific concerns around the delivery of alcohol off the premises due to issues around the end location of delivery, age verification checks (Challenge 25), the increased possibility of the alcohol coming into the CIZ and SSA from other areas, as well as the personal safety of drivers when having to refuse a delivery at the end destination.

3.5.5 Alcohol delivery poses a unique set of challenges as it often transfers the final age verification to a person who has no responsibility in relation to the Premises Licence which authorised the sale of alcohol. A premises licence holder needs to be satisfied that their drivers or the delivery drivers of the third party company they chose to use, have received regular and comprehensive training in age verification and identifying persons who have consumed too much alcohol.

3.5.6 Evidence has shown that customers have previously used landmarks/businesses not related to them as addresses for delivery so that alcohol could be consumed in open spaces/parks. The risk being that this may lead to increased crime and disorder including anti-social behaviour and criminal damage, as well as the possibility that underage persons can gain access to alcohol. Concerns have also been raised about the delivery of alcohol to known street drinking hotspots. Therefore, a condition requiring all deliveries to be to a verifiable residential or business address and a face to face ID verification is vital in mitigating some of this risk.

3.5.7 While the Licensing Authority and Sussex Police recognise this is a growing area of business, new or variation applications to include the delivery of alcohol off the premises will be subject to increased scrutiny. Suggested conditions for the provision of an alcohol delivery service can be found at Appendix A. These are not exhaustive and each application will be considered on its own merits.

### **3.6 Street drinking**

3.6.1 The Licensing Authority will have regard to areas highlighted by Sussex Police that are at risk from alcohol related anti-social behaviour. The nature of these areas can be fluid/seasonal and so updated maps and data will be produced regularly to ensure the information is current. These hot spot areas are considered high risk for street drinkers and the Licensing Authority will have regard to prevention of crime and disorder by virtue of street drinking and anti-social behaviour when considering applications in this area.

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

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.

- 4.1.1 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.
- 4.1.2 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.
- 4.1.3 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 4.1.4 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 Sussex Police have a specific Operation relating to the night time economy called Operation Marble (detailed in 3.4.1) and work closely with partners to ensure a safe and vibrant city centre. There continues to be an increasing demand for resources further into the early hours of the morning with the highest concentration of crimes occurring between 21:00 and 06:00 on a Friday into a Saturday and between 20:00 and 06:00 on a Saturday night into a Sunday. The data set used shows that up to 80% of arrests made in the timeframe 20:00 – 06:00 on these days were affected by alcohol. For full details of these statistics see the Cumulative Impact Assessment at Appendix E.

4.2.2 The dealing and use of drugs remains an issue across the city and Sussex Police welcome proactive policies from licensed premises. A drug safe and seizure recording initiative is in place of which further details can be obtained by contacting Brighton & Hove Police Licensing ([brighton.licensing@sussex.pnn.police.uk](mailto:brighton.licensing@sussex.pnn.police.uk)). This initiative encourages licensed premises with Door Supervisors to search and seize drugs from persons attempting to enter their premises and ensures that once drugs are removed from persons, they can be safely collected and destroyed by Sussex Police.

4.2.3 Dispersal from the city centre during the late evening and early morning remains a policing challenge. 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.

4.2.4 Sussex Police have continuing concerns that, despite staff training in age-restricted sales, under age individuals are still being served alcohol both on and off the premises in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted to highlight premises where sales are taking place and ensure appropriate enforcement action is taken to prevent further sales. The introduction of identification scanning machines at premises throughout the city has proved successful in mitigating some risk, but operators must maintain vigilance regarding the fraudulent use of genuine IDs. Sussex Police continue to work alongside the Business Crime Reduction Partnership to tackle the problem of those who use false or another's identification to enter licensed premises and purchase alcohol.

4.2.5 Sussex Police work closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. As well as work to prevent under age sales, vulnerability training is offered to identify persons who may have been made vulnerable through alcohol or drugs. Sussex Police also support initiatives such as (but not limited to) safe spaces, mobile teams of volunteers actively checking people's well-being and the Beach Patrol.

4.2.6 Public Space Protection Orders have proved an effective tool for Sussex Police in targeting enforcement action in problem areas of the city. It 'allows Police Officers



and Police Community Support Officers to remove alcohol from any person in a public place if that person is involved in anti-social behaviour (ASB) or the officer believes that by having alcohol in their possession there is an increased risk of ASB. It is an offence to refuse to hand over alcohol when required to do so.' They have been particularly effective in the day time economy where members of the street community are causing ASB issues for members of the public and local businesses, especially during the summer months where there is a large influx of visitors to Brighton & Hove.

4.2.7 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 and will continue to take enforcement action where appropriate if the actions of a Premises Licence Holder, Designated Premises Supervisor, Door Supervisors or Staff have fallen below the high standard expected across the city. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton & 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 Industry 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. This policy endorses the use of units following such guidance and standards in appropriate circumstances.

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.

4.3.6 Enforcement will be achieved by the enforcement policy appended (Appendix B).

## **6 Prevention of Public Nuisance**

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 (eg in order to smoke).

6.1.2 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence. Noise emanating from within licensed premises should not normally be audible outside.

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).

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

## **7 Protection of Children from Harm**

The following details and measures are intended to address the need for the protection of children from harm; this includes emotional and physical harm which may be associated with licensed premises and certificated club premises (for example the exposure too early to strong language and sexual expletives, eg in the context of film exhibitions or where adult entertainment is provided). It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions (unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely).

7.1.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the Licensing Strategy Group (eg passport, photo driving licence or pass card).

7.1.2 It is the licensing authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of emotional or psychological harm to them. Each application will be considered on its own merit but particular areas that will give rise to concern in respect of children are to be found in section 7.1.4 below.

7.1.3 To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures:-

- a) Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street
- b) Police and trading standards should implement test purchasing to reduce sales to under 18s in on and off sales licensed premises
- c) Further take-up of proof of age schemes will be promoted
- d) In-house, mystery shopper type schemes operated by local businesses will be supported
- e) Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to be DBS checked

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

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

Options may include:

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

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

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

## **8 Integration of Strategies**

8.1.1 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

8.1.2 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.

8.1.3 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.

8.1.4 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.

8.1.5 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.

8.1.6 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.

## **APPENDIX A – Licensing Best Practice Measures**

Best Practice Measures to be included for consideration, in particular in SSA:  
Matters that would normally be expected in operating schedules:

- the adoption of a policy (e.g. Challenge 25) with acceptable proof of ID as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital CCTV system by liaison with, and to a standard approved by, Sussex Police
- policies for dispersal of customers which may include signage regarding

taxi services' telephone numbers and advice to respect neighbours and minimize noise

Items to which positive consideration would be given:

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

Recommend best practice for both on and off premises

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences
- Signage on premises should set out legal duties
- Voluntary restriction of high strength alcohol – operating schedules may be used to limit high ABV beers and ciders
- Staff training – in addition to personal licence holders training, staff must be adequately trained for duties
- Challenge 25 would be the norm, particularly in the off licence trade
- Signage – proxy sale – deterrence

## **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 05/04/2022*

### 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: 05/04/22*

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

**Documents in Members' Rooms**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

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. 5<sup>th</sup> edition. Public Health Intelligence. January 2019

**Background Documents**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.





## Appendix A

<b>Section 18 of 21</b>
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<b>LICENSING OBJECTIVES</b>
-----------------------------

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

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

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<b>Continued from previous page...</b>
--

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

We will make sure there are enough staff on the shop floor during special occasions where a high volume of sales are anticipated.
---

b) The prevention of crime and disorder

Report any suspicious activities noticed. Not selling to any individual we believe to be drunk . Continuous training of staff to ensure their awareness of issues relating to drunkenness. Attain training programmes that will identify children at risk and issues of basic child protection.
---

The License holder will be on premises the majority of the time and will be contactable when not on the premises so that staff can be authorised to deal with any potential issues
--

We do bank on a regular basis and no cash left on the premises overnight to minimise the risk or reduced effect of robbery
--

c) Public safety

There is CCTV cameras both in and front of the shop, There is atleast to two staff in the shop on a regular basis especially at peak periods
--

d) The prevention of public nuisance

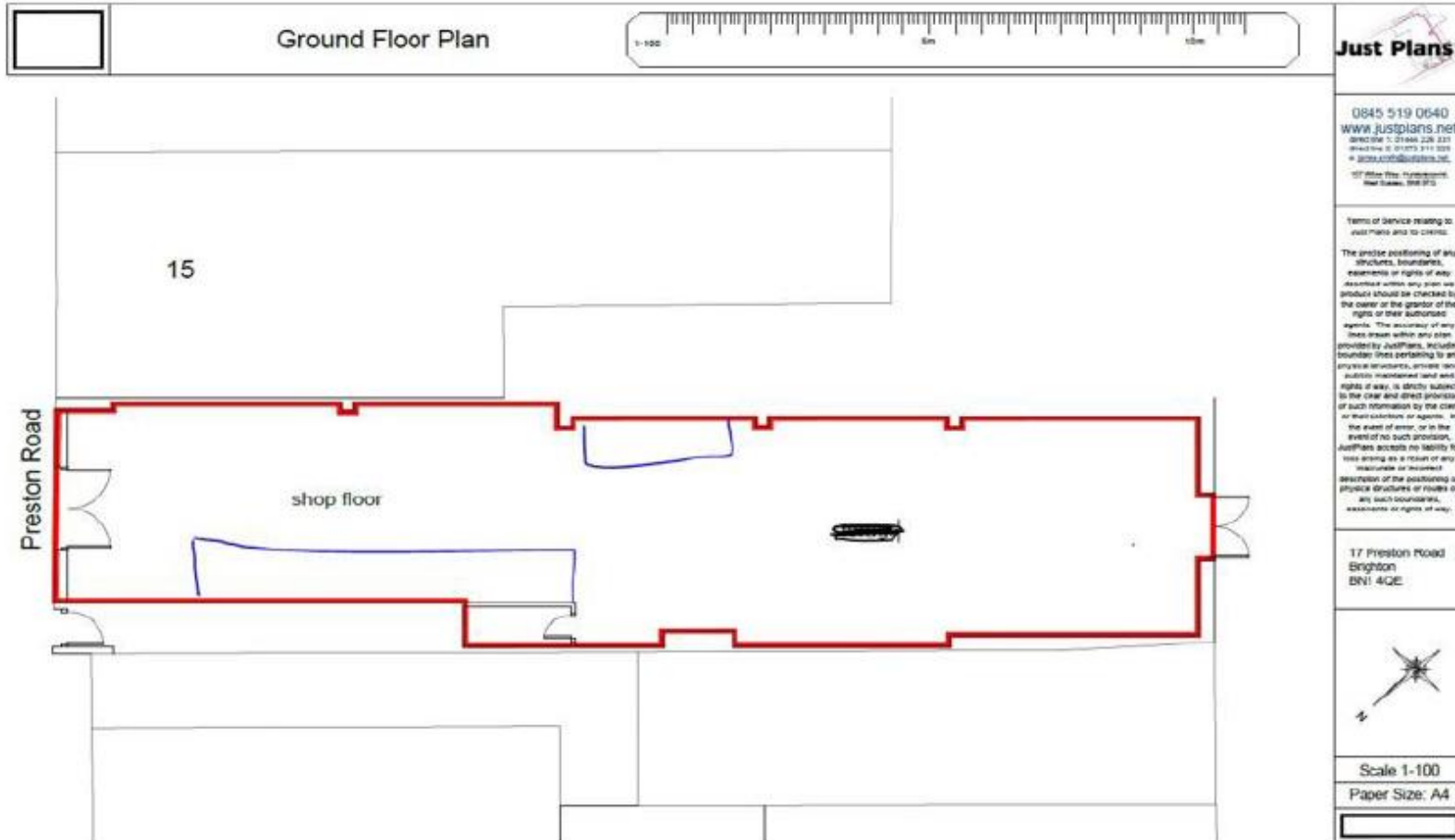
Display signs in and out of the building reminding the customers to leave in quite and peaceful manner
--

e) The protection of children from harm

Ensure appropriate forms of ID are checked recommended by the police and trading standard. these include Passports, photo driving Licenses.
---



# Appendix B





## **Appendix C**

**From:** Redacted <Redacted>  
**Sent:** 11 March 2022 19:27  
**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>  
**Subject:** Re : 17 Preston Road

**CH CON ENDS 17.03.22 VALID PCD, PPN (A)**

Redacted

Redacted

Redacted

Redacted

11 March 2022

I am writing to object the licencing application made by 17 Preston Road, Brighton.

There are already a high number of off licences in the local area as well as a number of restaurants and public houses. Current residents report that even with the relative calming of lockdown there is still late-night noise, anti-social behaviour and general prevalence of begging and homeless persons for whom alcohol is a chronic problem issue,

Therefore, I strongly feel there is no need for more outlets.

Yours Faithfully

Redacted petition with 63 signatures.

**From:** Redacted <Redacted>  
**Sent:** 11 March 2022 19:54  
**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>  
**Subject:** Re:17 Preston Road

**CH CON ENDS 17.03.22 VALID PCD, PPN (B)**

Redacted

Redacted

Redacted

Redacted

11th March 2022

With reference to an application made at 17 Preston Road for licencing at the premises.

I would strongly like to object to the application. I have a Redacted.

Drinkers gather outside Redacted.shouting, assaulting others and causing on going behaviour problems. I am concerned Redacted who have to work late hours.

This application, if passed, encourages street drinking and will poetically add further nuisance to redacted and disturbance to our friendly residences.

Yours Sincerely

Redacted petition with 23 signatures.

-----Original Message-----



From: Redacted <Redacted>  
Sent: 14 March 2022 18:41  
To: EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>  
Subject: Off license Application.

**CH CON ENDS 17.03.22 VALID PPN (C)**

It has just come to my attention that No 17 Preston Road has made an application for Off License. I would like to reject, as we know that the whole of London Road, Preston Road are full of shops, cafes, bars, pubs where people can be served till early morning. Preston Road is Residential area and we do get a lot of trouble at night. Street drinking or late night taxi stopping out and people waiting for buses already cause a lot of disturbance to our sleeping patterns as some of us have to start work early.

Redacted  
Redacted  
Redacted  
Redacted  
Redacted

-----Original Message-----

From: Redacted <Redacted>  
Sent: 14 March 2022 22:02  
To: EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>  
Subject: Re 17 preston road

**CH CON ENDS 17.03.22 VALID PCD, PPN (D)**

With reference to an application made at 17 Preston Road for licensing at the premises.

I would strongly like to object to the application. I'm living Redacted.

Drinkers gather in the bus stop redacted shouting and assaulting others which has caused me concern for myself and my girlfriend.

This licence, if passed, encourages street drinking and will potentially add further nuisance to me and my girlfriend and disturbance to our friendly residents.

**From:** Donna Lynsdale <[Donna.Lynsdale@brighton-hove.gov.uk](mailto:Donna.Lynsdale@brighton-hove.gov.uk)>  
**Sent:** 15 March 2022 16:55  
**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>  
**Cc:** Corinne Hardcastle <[Corinne.Hardcastle@brighton-hove.gov.uk](mailto:Corinne.Hardcastle@brighton-hove.gov.uk)>  
**Subject:** R&A Global Food Ltd, 17 Preston Road, Brighton BN1 4QE

**CH CON ENDS 17.03.22 VALID PCD, PCH, PPN, SSA (E)**

Good Afternoon

Please see attached my representation for the above application.

This is submitted on the grounds of the Prevention of Crime and Disorder and Prevention, Public Nuisance and Protecting Children from Harm and to uphold our Statement of Licensing Policy (SoLP).

Many thanks

Regards

**Donna Lynsdale** | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities

Brighton & Hove City Council, 2<sup>nd</sup> Floor, Barts House, Barts Square, BN1 1JP

T 01273 292494 | M 07717 303114 | [donna.lynsdale@brighton-hove.gov.uk](mailto:donna.lynsdale@brighton-hove.gov.uk)

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## **CORONAVIRUS - WASH YOUR HANDS MORE OFTEN FOR 20 SECONDS**

**Use soap and water or a hand sanitiser when you:**

- Get home or into work
- Blow your nose, sneeze or cough
- Eat or handle food



### **Protect yourself & others**

For more information go to [nhs.uk/coronavirus](https://www.nhs.uk/coronavirus)

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

Date: 15 March 2022  
Our Ref: 2022/00427/LICREP/EH  
Phone: 01273 292494 / 07717 303114  
Email: [donna.lynsdale@brighton-hove.gov.uk](mailto:donna.lynsdale@brighton-hove.gov.uk)

Dear Ms Hardcastle

**Licensing Act 2003 - Representation regarding the application for a New Application for: R&A Global Food Ltd, 17 Preston Road, Brighton BN1 4QE**

**Premises Licence - 2022/00546/LAPREN**

I refer to the application made by R&A Global Food Ltd, for a new Premises Licence to be issued for the above premises. The Licensing Team, in its role as a Responsible Authority, has concerns about this application and therefore I am submitting this representation on the grounds of the Prevention of Crime and Disorder and Prevention, Public Nuisance and Protecting Children from Harm and to uphold our Statement of Licensing Policy (SoLP).

The applicant has applied for a Premises Licence for alcohol for consumption 'off' the premises Monday-Sunday 9am to 11pm.

This representation is submitted as there are concerns that the application does not meet the requirements of the Council's SoLP, with regard to applications made within the Special Stress Area of the city. The Special Stress Area (SSA) is of concern to the Licensing Authority because of the relatively high levels of crime and disorder and nuisance experienced within it and we believe that the granting of this application could lead to increased associated issues with regard to crime, disorder and public nuisance in the nearby surrounding area.

The premises has a long history in breaching licence conditions, poor management, failed underage test purchases, non-duty paid (smuggled) alcohol and food safety issues. Resulting in the premises licence being revoked. Although this is a different applicant to the previous premises licence but feel it is important to make the panel aware of the recent troubled history of this premises.

The Council's SoLP includes a Matrix approach for licensing decisions. The SoLP 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. 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 8.33 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 8.35 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 (in this instance the matrix approach to decision making policy and the special stress area) applicants are 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.

On looking at the application form, particularly section 16 (licensing objectives), the applicant has not addressed the premise's location within the SSA. They also have not demonstrated exceptional circumstances to depart from our policy or how the grant of a premise licence would not impact on the existing issues of the area.

The applicant also has another premises at 4 Preston Road, Brighton. In November 2013 Brighton & Hove City Council and Sussex Police launched the 'Sensible on Strength' Scheme, which is also supported by other organisations that work with people who are affected by alcohol related harm in one way or another. Businesses were invited to voluntarily stop selling super-strength beer, lager, cider and perry above 6% ABV. The premises had been invited to join the scheme on numerous occasions but always declined.

We maintain that the Matrix Model states that no new off-licence applications should not be granted in the Special Stress Area 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 I make this representation on behalf the Licensing Authority as I believe the application made is contrary to our policy and therefore invite the panel to refuse the application.

Yours sincerely

Donna Lynsdale  
Licensing Officer  
Licensing Team

Police Station

John Street

Brighton

BN2 0LA

Tel: 01273 404535 ext 550809

Email:

brighton.licensing@sussex.police.uk

16<sup>th</sup> March 2022

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

**CH CON ENDS 17.03.22 VALID PCD, PCH, SSA (F)**

Dear Corrine Hardcastle,

**RE: APPLICATION FOR A NEW PREMISES LICENCE FOR R&A GLOBAL FOOD, 17 PRESTON ROAD, BRIGHTON, BN1 4QE UNDER THE LICENSING ACT 2003. APPLICATION 1445/3/2022/00546/LAPREN**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds of the prevention of crime and disorder and the protection of Children from Harm. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy.

This is a proposed new licence application in the City's Special Stress Area (SSA) which seeks the following hours and licensable activities:

Supply of alcohol (Off Sales)

**Every Day:** 09:00 – 23:00

Opening hours

**Every Day:** 09:00 – 23:00

The licensing decision matrix on page 16-17 of the Council Statement of Licensing Policy (SoLP) states that new premises applications or premises licence variations asking solely for the 'off' sale of alcohol in the SSA are indicated as a 'No' under the matrix.

There is no mention of the special stress area in the application, and the concerns relating to crime and disorder surrounding this area.

Preston Road suffers from high levels of crime and disorder. The local area including along London Road and Preston Park has pre-existing issues around high levels of alcohol consumption and anti-social behaviour both of which could potentially be added to with an additional premises with off sales.

There are already a high number of off licenses in the local area as well as a number of restaurants and public houses.

Sussex Police would also be concerned that any alcohol purchased from the premises is very likely to be taken and consumed within the SSA and possibly into the CIZ increasing the risk of anti-social behaviour in the city where many incidents that arise are alcohol fueled. Sussex police feel further incidents may occur as conditions were not offered not to stock over 6% ABV Beers, Ciders and Lagers, or not to sell single cans.

The applicant has not referred to the BHCC Statement of Licensing Policy (SoLP) in their application or offered anything that Sussex Police believe constitutes any reasoning why the SoLP should be departed from. Further, the applicant did not seek consultation with Sussex Police prior to submitting their application and so no further mitigation or exceptional circumstances have been discussed or further conditions offered.



Lastly this premises has a long history of breaching licence conditions due to poor management and has previously failed under age test purchases amongst other reasons which resulted in the previous premises licence being revoked in 2018. This may be a new applicant, but Sussex Police believe the history of this premises is relevant to this application.

Therefore, Sussex Police do not believe that the applicant has offered significant reasoning as to why this would be an exception or why the SoLP should be departed from.

Sussex Police invite the Licensing Authority to seriously consider refusing this application.

Yours sincerely,

REDACTED

Inspector Michelle Palmer-Harris

Licensing – Brighton & Hove Division

Sussex Police

Please address all future correspondence to Brighton & Hove Licensing Unit, Police Station, John Street, Brighton, BN2 0LA.



**Appendix D**





# Licensing Panel (Licensing Act 2003 Functions)

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>2 Church Street 2 Church Street Brighton BN1 1UJ</b>		
<b>Applicant:</b>	<b>2 Church Street Ltd</b>		
<b>Date of Meeting:</b>	<b>14 April 2022</b>		
<b>Report of:</b>	<b>Executive Director of Housing, Neighbourhoods &amp; Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Emma Grant</b>	<b>Tel: (01273) 292381.</b>
	<b>Email:</b>	<b>Emma.Grant@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>St Peter's &amp; North Laine</b>		

## 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 2 Church Street.

## 2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for 2 Church Street.

## 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 a Cafe with Cocktails situated in the North Laine serving food and drink to the local community and theatre goers. Seeking modest extension to the current opening hours of the premises up to 11pm Mon-Sun along with all current licensable activities (Performance of recorded music & sale by retail of alcohol) under the same conditions consistent with the Operating Schedule. Eg Substantial food shall be available at all times, table service only, no vertical drinking, regular checks of outside areas to clear glasses and no off-sales. We are working hard to provide value to the local, art and visitor economy and support the creative industries with tailored events.

- 3.2 Section 16 of the application is detailed at Appendix A.

**3.3** Summary table of existing and proposed activities:

	<b>Existing</b>	<b>Proposed</b>
<b>Recorded Music</b>	<p>Monday 08:00 – 16:00</p> <p>Tuesday – Saturday 08:00 – 18:00</p> <p>Sunday 09:00 – 16:00</p>	<p>Monday – Sunday 08:00-23:00</p> <p>Extension to the opening hours of the premises up to 01 :00am on Christmas Eve and New Years Eve along with current licensable activities {Performance of recorded music &amp; sale by retail of alcohol) under the same conditions consistent with the Operating Schedule. Eg Substantial food shall be available at all times, table service only, no vertical drinking, regular checks of outside areas to clear glass and no off-sales.</p>
<b>Late Night Refreshment</b>		<p>Monday – Sunday until 23:00</p> <p>On the premises up to 01:00 am on Christmas Eve &amp; New Years Eve</p>
<b>Supply of Alcohol</b>	<p>Monday – Thursday 08:00 – 21:00 On premises</p> <p>Friday &amp; Saturday 08:00 – 22:00 On premises</p> <p>Sunday 09:00 – 18:00 On premises</p>	<p>Monday – Sunday 08:00-23:00 On premises</p> <p>Extension to the opening hours of the premises up to 01:00 am on Christmas Eve &amp; New Years Eve along with current licensable activities (Performance of recorded music &amp; sale by retail of alcohol) under the same conditions consistent with the Operating Schedule. Eg Substantial food shall be available at all times, no vertical drinking, regular checks of outside areas to clear glass and no off-sales. The sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables.</p>

<p><b>Hours premises are open to public</b></p>	<p>Monday – Thursday 08:00 – 21:00</p> <p>Friday &amp; Saturday 08:00 – 22:00</p> <p>Sunday 09:00 – 18:00</p>	<p>Monday – Sunday 08:00-23:00</p> <p>Extension to the opening hours of the premises up to 01:00 am on Christmas Eve &amp; New Years Eve along with current licensable activities (Performance of recorded music &amp; sale by retail of alcohol) under the same conditions consistent with the Operating Schedule. Eg Substantial food shall be available at all times, no vertical drinking, regular checks of outside areas to clear glass and no off-sales. The sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables.</p>
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3.4 Existing licence attached at Appendix B.

3.5 Cumulative Impact. The premises falls within the Cumulative Impact Area (“The Area”) (see paragraphs 3.1 – 3.1.10).

**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 opposing representations and 5 supporting representations were received. They were received from local residents, a Resident Association, Sussex Police, Licensing Authority.

3.8 Representations received had concerns relating to Prevention of Crime and Disorder, Cumulative Impact, Public Safety, Prevention of Public Nuisance, Protection of Children from Harm.

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. This policy takes effect from the 4th February 2021. 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) the prevention of crime and disorder.
- (b) public safety.
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

**1.3 Scope**

1.3.1 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



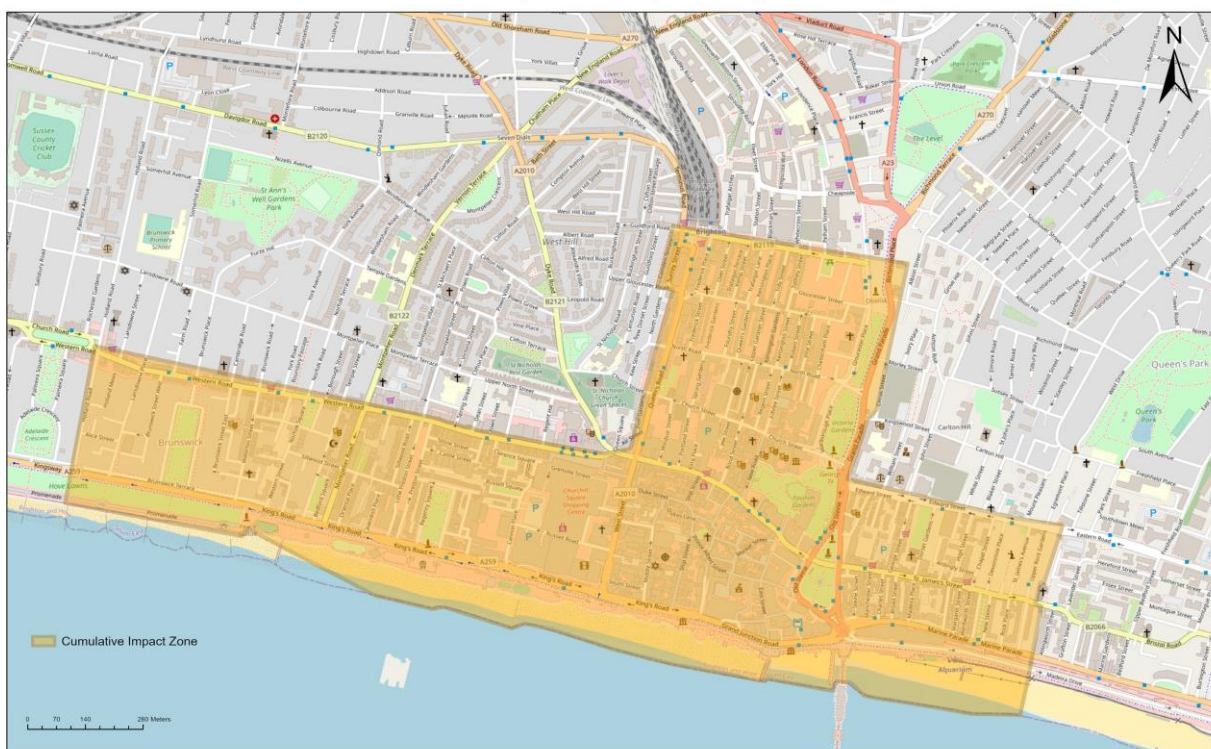
confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore, does not form part of this licensing policy statement.

**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.

3.1.3 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) was 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 the 29th November 2018 Licensing Committee resolved to expand the SSA into Central Hove. It is now proposed to expand the SSA into Preston Road and Beaconsfield Road. The licensing authority has published a Cumulative Impact Assessment which can be found at Appendix E.

3.1.4 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.

Cumulative Impact Zone, January 2021



Brighton & Hove Public Health Intelligence, 2021  
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3.1.5 The Cumulative Impact Zone 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 Air 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 Lower 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.

3.1.6 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.

3.1.7 This special policy also applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments. Off licences also come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder.

3.1.8 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.

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

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

### **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>Other Areas</b>
<b>Restaurant</b>	Yes (midnight)	Yes (midnight)	Yes (midnight)
<b>Café</b>	Yes (10 pm)	Yes (10 pm)	Yes (10 pm)
<b>Late Night Takeaways</b>	No	Yes (midnight)	Yes (midnight)
<b>Night Club</b>	No	No	No
<b>Pub</b>	No	Yes (11pm)	Yes (midnight)
<b>Non-alcohol lead (e.g. Theatre)</b>	Yes (favourable)	Yes (favourable)	Yes (favourable)
<b>Off-licence</b>	No	No	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
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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, members 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 cafes, 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 on 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 or where the premises is situated within a parade with another off licence 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 or restrictions placed on the terminal hour to reflect opening hours of other shops.
- 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.

10) Non-alcohol led category does not include “alcohol in shared workplaces”. It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on “alcohol in shared workplaces” please see paragraph 3.3.4-3.3.6.

**3.3.3 Cafes** - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following conditions that will prevent the premises becoming a public house.

- The sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables.
- Substantial food shall be available at all times. The licensing authority shall judge each case on its own merits but as a general rule, a bowl of crisps, nuts, or olives does not constitute substantial food.

**3.3.3 Restaurants** - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following restaurant condition.

- Intoxicating liquor shall not be supplied or sold on the premises otherwise than to persons taking table meals there and for the consumption by such a person as an ancillary to their meal. There will be no vertical drinking.
- Restaurants with outside service - the licensing authority will also consider applications from restaurants that request to serve alcohol to areas adjacent to or immediately outside their premises. In addition to the above conditions for cafes, the licensing authority will require evidence that the applicants have an agreement with the local authority to use the area as defined on a plan provided. The following condition may also apply:
  - The sale and supply of alcohol for consumption off the premises shall be restricted to an area licensed by the Local Authority for use of the public highway as shown on the plan deposited and such area shall be defined by a physical barrier acceptable to the licensing authority.

## **3.6 Street drinking**

3.6.1 The Licensing Authority will have regard to areas highlighted by Sussex Police that are at risk from alcohol related anti-social behaviour. The nature of these areas can be fluid/seasonal and so updated maps and data will be produced regularly to ensure the information is current. These hot spot areas are considered high risk for street drinkers and the Licensing Authority will have regard to prevention of crime and disorder by virtue of street drinking and anti-social behaviour when considering applications in this area.

## **3.9 Promoters and irresponsible drinks promotions**

3.9.1 The Licensing Act 2003 makes no mention or provision for the use of promoters within licensed premises. Many of the late night bars and clubs within the Brighton

& Hove Cumulative Impact Zone regularly hire promoters to sell nights at their venues. In recent years with the introduction of promoters within the Brighton night time economy, several issues have arisen. This includes promoters vouching for underage customers to get them inside licensed premises where they can access alcohol, providing flyers to passers-by who throw them on the floor and irresponsible promotions for their nights. Many premises now have an agreement with their promoter for acceptable promotions and behaviour which includes the signing of a written contract of expectations. This shows premises evidencing their due diligence and ensures that promotion companies know what is expected of them. The contract could include, obligations to pick up self-generated litter, verification of ages of their customers and users of their social media, promoters being over the age of 18 and responsible advertising on social media.

3.9.2 The Licensing Authority expect licensed premises to develop staff policy and training on recognising signs of drunkenness and vulnerability, for example, offering drinking water and tips for refusing customers who appear drunk. And discourage company policies that promote bonuses and sales incentives for selling alcohol. Licensing Authority will expect necessary precautionary processes to restrict drunkenness, e.g. Licensing Guidance states happy hours should not be designed to encourage individuals to drink excessively or rapidly.

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

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.

- 4.1.1 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.
- 4.1.2 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.
- 4.1.3 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 4.1.4 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 Sussex Police have a specific Operation relating to the night time economy called Operation Marble (detailed in 3.4.1) and work closely with partners to ensure a safe and vibrant city centre. There continues to be an increasing demand for resources further into the early hours of the morning with the highest concentration of crimes occurring between 21:00 and 06:00 on a Friday into a Saturday and between 20:00 and 06:00 on a Saturday night into a Sunday. The data set used shows that up to 80% of arrests made in the timeframe 20:00 – 06:00 on these days were affected by alcohol. For full details of these statistics see the Cumulative Impact Assessment at Appendix E.

4.2.2 The dealing and use of drugs remains an issue across the city and Sussex Police welcome proactive policies from licensed premises. A drug safe and seizure recording initiative is in place of which further details can be obtained by contacting Brighton & Hove Police Licensing ([brighton.licensing@sussex.pnn.police.uk](mailto:brighton.licensing@sussex.pnn.police.uk)). This initiative encourages licensed premises with Door Supervisors to search and seize drugs from persons attempting to enter their premises and ensures that once drugs are removed from persons, they can be safely collected and destroyed by Sussex Police.

4.2.3 Dispersal from the city centre during the late evening and early morning remains a policing challenge. 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.

4.2.4 Sussex Police have continuing concerns that, despite staff training in age-restricted sales, under age individuals are still being served alcohol both on and off the premises in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted to highlight premises where sales are taking place and ensure appropriate enforcement action is taken to prevent further sales. The introduction of identification scanning machines at premises throughout the city has proved successful in mitigating some risk, but operators must maintain vigilance regarding the fraudulent use of genuine IDs. Sussex Police continue to work alongside the Business Crime Reduction Partnership to tackle the problem of those who use false or another's identification to enter licensed premises and purchase alcohol.

4.2.5 Sussex Police work closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. As well as work to prevent under age sales, vulnerability training is offered to identify persons who

may have been made vulnerable through alcohol or drugs. Sussex Police also support initiatives such as (but not limited to) safe spaces, mobile teams of volunteers actively checking people's well-being and the Beach Patrol.

4.2.6 Public Space Protection Orders have proved an effective tool for Sussex Police in targeting enforcement action in problem areas of the city. It 'allows Police Officers and Police Community Support Officers to remove alcohol from any person in a public place if that person is involved in anti-social behaviour (ASB) or the officer believes that by having alcohol in their possession there is an increased risk of ASB. It is an offence to refuse to hand over alcohol when required to do so.' They have been particularly effective in the day time economy where members of the street community are causing ASB issues for members of the public and local businesses, especially during the summer months where there is a large influx of visitors to Brighton & Hove.

4.2.7 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 and will continue to take enforcement action where appropriate if the actions of a Premises Licence Holder, Designated Premises Supervisor, Door Supervisors or Staff have fallen below the high standard expected across the city. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton & 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 Industry 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. This policy endorses the use of units following such guidance and standards in appropriate circumstances.

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.

4.3.6 Enforcement will be achieved by the enforcement policy appended (Appendix B).

## **5 Public Safety**

The following details and measures are intended to address the need for the protection of public safety which may be associated with licensed premises and certificated club premises.

5.1.1 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

5.1.2 Normally in the city centre, pubs and clubs will be expected to operate using polycarbonate or toughened/shatterproof glass.

5.1.3 Conditions may be imposed in accordance with operating schedules to protect public safety including where justified:

- (a) provision of closed-circuit television and panic buttons.
- (b) use of shatterproof drinking vessels; bottles requiring use of toughened glass or plastic should normally be required unless applicants can show exceptional reasons.
- (c) use of door supervisors, licensed by the Security Industry Authority.
- (d) requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.
- (e) occupant capacity conditions will be applied where appropriate.
- (f) the provision of designated and suitably trained first aiders.

5.1.4 Where appropriate, licence holders or their authorised representatives will submit event safety plans and operating manuals, attend Event Planning Teams or Safety Advisory Groups and similar meetings prior to large events and shall be part of Event Liaison Teams during such events. Due regard shall be had to relevant guidance and publications including, for example: HSE approved code of practice for events

## **6 Prevention of Public Nuisance**

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 (eg in order to smoke).

6.1.2 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence. Noise emanating from within licensed premises should not normally be audible outside.

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.

## **7 Protection of Children from Harm**

The following details and measures are intended to address the need for the protection of children from harm; this includes emotional and physical harm which may be associated with licensed premises and certificated club premises (for example the exposure too early to strong language and sexual expletives, eg in the context of film exhibitions or where adult entertainment is provided). It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions (unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely).

7.1.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the Licensing Strategy Group (eg passport, photo driving licence or pass card).

7.1.2 It is the licensing authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of emotional or psychological harm to them. Each application will be considered on its own merit but particular areas that will give rise to concern in respect of children are to be found in section 7.1.4 below.

7.1.3 To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures:-

- a) Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street
- b) Police and trading standards should implement test purchasing to reduce sales to under 18s in on and off sales licensed premises

- c) Further take-up of proof of age schemes will be promoted
- d) In-house, mystery shopper type schemes operated by local businesses will be supported
- e) Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to be DBS checked

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

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

Options may include:

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

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

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

## **8 Integration of Strategies**

8.1.1 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

8.1.2 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.

8.1.3 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.

8.1.4 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.

8.1.5 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.

8.1.6 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.

### **8.3 Enforcement**

8.3.1 The Enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at Appendix D (Lead Agency Status) of the Statement of Licensing Policy. In addition, the Licensing Authority will have regard to its published Licensing Enforcement Policy in making enforcement decisions in accordance with Brighton & Hove City Council's Statement of Licensing Policy (Appendix B). In order to better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar

arrangements.

8.3.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the protocol. A number of other council and government policies, strategies and guidance documents must be taken into account to complement the policy, including:

- Community Safety & Crime Reduction Strategy
- Drugs and alcohol strategies – local alcohol harm reduction strategy
- Objectives of the Security Industry Authority
- The Anti-Social Behaviour Act 2003/ASBPC Act 2014
- The Health Act 2006
- The Violent Crime Reduction Act 2006
- Policing and Crime Act 2009

## **APPENDIX A – Licensing Best Practice Measures**

Best Practice Measures to be included for consideration, in particular in SSA:  
Matters that would normally be expected in operating schedules:

- the adoption of a policy (e.g. Challenge 25) with acceptable proof of ID as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital CCTV system by liaison with, and to a standard approved by, Sussex Police
- policies for dispersal of customers which may include signage regarding taxi services' telephone numbers and advice to respect neighbours and minimize noise

Items to which positive consideration would be given:

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

Recommend best practice for both on and off premises

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences
- Signage on premises should set out legal duties
- Voluntary restriction of high strength alcohol – operating schedules may be used to limit high ABV beers and ciders
- Staff training – in addition to personal licence holders training, staff must be adequately trained for duties
- Challenge 25 would be the norm, particularly in the off licence trade
- Signage – proxy sale – deterrence

## 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: 05/04/22*

### 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: 05/04/22*

### 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 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 2021.

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. 5<sup>th</sup> edition. Public Health Intelligence. January 2019

### **Background Documents**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.



## Appendix A

<b>Section 16 of 18</b>
<b>LICENSING OBJECTIVES</b>
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.  Substantial food shall be available at all times that alcohol is offered for sale on these premises. Alcohol for consumption on the premises, including the outside area included within the license, shall be supplied only to persons seated at a table by waiter or waitress service for consumption by persons seated at tables. There will be no vertical drinking. Staff will conduct regular checks of all outside areas ensuring tables are cleared of glasses. There will be no off sales as part of this application. It should be noted that not many other venues in the immediate area close at 23:00hrs and therefore patrons are less likely to be turning out onto the streets at the same time and causing trouble.
b) The prevention of crime and disorder Digital CCTV and appropriate recording equipment to be installed in accordance with Home
<i>Continued from previous page...</i> Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises license is in operation.  • The CCTV cameras and recording equipment are of sufficient quality to work in all lighting levels inside the premises at all times. • CCTV footage will be stored for a minimum of 31 days • The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime. • The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. • Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police. • Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable. • In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable. 7. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty four (24) months. 8. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.  We have also maintained good communication with with the Police Licensing team and ensured we keep them aware of any changes or problems with the CCTV.  In addition to this we have 1. Signed up with the Business Crime Reduction Partnership (BCRP) and have a radio to communicate with members across the city. 2. Signed up with BN1 security who have licensed mobile support units (MSU) on call and relieve some of the pressure from Brighton Police. 3. We are members of the Brighton Bar Tenders Association (BNBA) who communicate local issues rapidly across social media 4. We will assess and triage problems appropriately to BN1 Security and/or The Police
c) Public safety SIA licensed door supervisors shall be employed on any occasions when a requirement is identified by our written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and

*Continued from previous page...*

other City Centre Events e.g. Pride. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.

In addition to this:

1. The business is designed to be a complimentary part of the evening and night time economy supporting a range of age and social groups. (Putting on events for minority groups and endeavoring to support people with social care needs)
2. We will be actively involved in using BCRP to report crime and risks we see in the local area
3. Staff will endeavor to resolve confrontations and disputes in a calm and professional manner
4. Occupant capacity conditions will be applied where appropriate (Eg. Pride, Christmas Eve, New Years Eve)
5. Zero tolerance for racist or homophobic crime which will be reported to police immediately
6. We have adopted the Ask for Angela and BACK OFF, BACK UP, safety initiatives

d) The prevention of public nuisance

Notices asking customers to leave the premises quietly will be displayed in prominent positions. No glassware will be taken off the premises.

In addition to this:

1. We will promote responsible and tolerant attitudes and welcome appropriate behavior.
2. There is a zero tolerance for bad behavior (Physical and verbal). Offenders will be ejected from the premises and not welcome back
3. We will refuse the sale of alcohol to a person who is drunk.
4. There will be no irresponsible drinks promotions designed to encourage individuals to drink excessively or rapidly
5. Music will be played at a reasonable level (un-amplified) and no live music
6. Ash trays will be put outside for smokers
7. All areas inside and outside will be kept clean and tidy and smelling fresh
8. We will implement a smoking management plan for which we already have a template
9. Signage to remind customers not to leave drinks unattended, take drinks onto the highway and to be respectful of neighbors. This will be re-enforced verbally as required.

e) The protection of children from harm

The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licenses with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.

Signage advertising the 'Challenge 25' policy will be displayed in prominent locations in the premises.

The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

- The lawful selling of age restricted products
- Refusing the sale of alcohol to a person who is drunk.

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.

All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

In addition to this:

*Continued from previous page...*

1. We will ensure staff are made aware of safeguarding issues (Training)
2. We will report incidents where we believe a child is in danger from psychological or physical harm
3. We ensure staff are easily identifiable by their uniform
4. We will enforce our current policy of clearing tables swiftly so as not to leave unattended drinks
5. Challenge 25 test purchasing done in-house to ensure staff remain vigilant.

**Section 17 of 18**



# Brighton & Hove City Council

## Appendix B

### Schedule 12 Part A

Regulation 33, 34

## Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2021/04231/LAPRET

### Part 1 – Premises Details

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

2 Church Street  
Brighton  
BN11UJ

**Licensable activities authorised by the licence**

Performance of Recorded Music  
Sale by Retail of Alcohol

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

**Performance of Recorded Music**

Monday	08:00 - 16:00
Tuesday-Saturday	08:00 - 18:00
Sunday	09:00 - 16:00

**Sale by Retail of Alcohol**

Monday - Thursday	08:00 - 21:00
Friday - Saturday	08:00 - 22:00
Sunday	09:00 - 18:00



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### The opening hours of the premises

Monday - Thursday	08:00 - 21:00
Friday - Saturday	08:00 - 22:00
Sunday	09:00 - 18:00

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**  
Alcohol is supplied for consumption on the Premises.

### Part 2

#### Name, address, telephone number and email (where relevant) of holder of premises licence

2 Church Street Ltd  
87 Church Road  
Hove  
BN3 2BB

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

Registered Business Number: 12973007

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

Redacted  
Redacted



# Brighton & Hove City Council

Redacted  
Redacted  
Redacted

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

Party Reference: 2020/01868/LAPER

Licensing Authority: Brighton and Hove City Council



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### Annex 1 – Mandatory conditions

#### **S19**; 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
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of





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24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

(e) dispensing directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
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;



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- (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,
- (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,



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(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.

### **Annex 2 – Conditions consistent with the Operating Schedule**

#### **General**

1. Substantial food shall be available at all times that alcohol is offered for sale on these premises.
2. Alcohol for consumption on the premises, including the outside area included within the licence, shall be supplied only to persons seated at a table by waiter or waitress service.
3. There will be no vertical drinking.



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4. Staff will conduct regular checks of all outside areas ensuring tables are cleared of glasses.
5. There will be no off sales as part of this application.

### **For the Prevention of Crime and Disorder:**

6. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.
  - The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
  - CCTV footage will be stored for a minimum of 31 days
  - The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
  - The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
  - Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.
  - Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
  - In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
7. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made for



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alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty four (24) months.

8. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.

### **For Public Safety:**

9. SIA licensed door supervisors shall be employed on any occasions when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Centre Events e.g. Pride. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.

### **For the Prevention of Public Nuisance:**

10. Notices asking customers to leave the premises quietly will be displayed in prominent positions.
11. No glasses will be taken off the premises.

### **For the Protection of Children from Harm:**

12. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.



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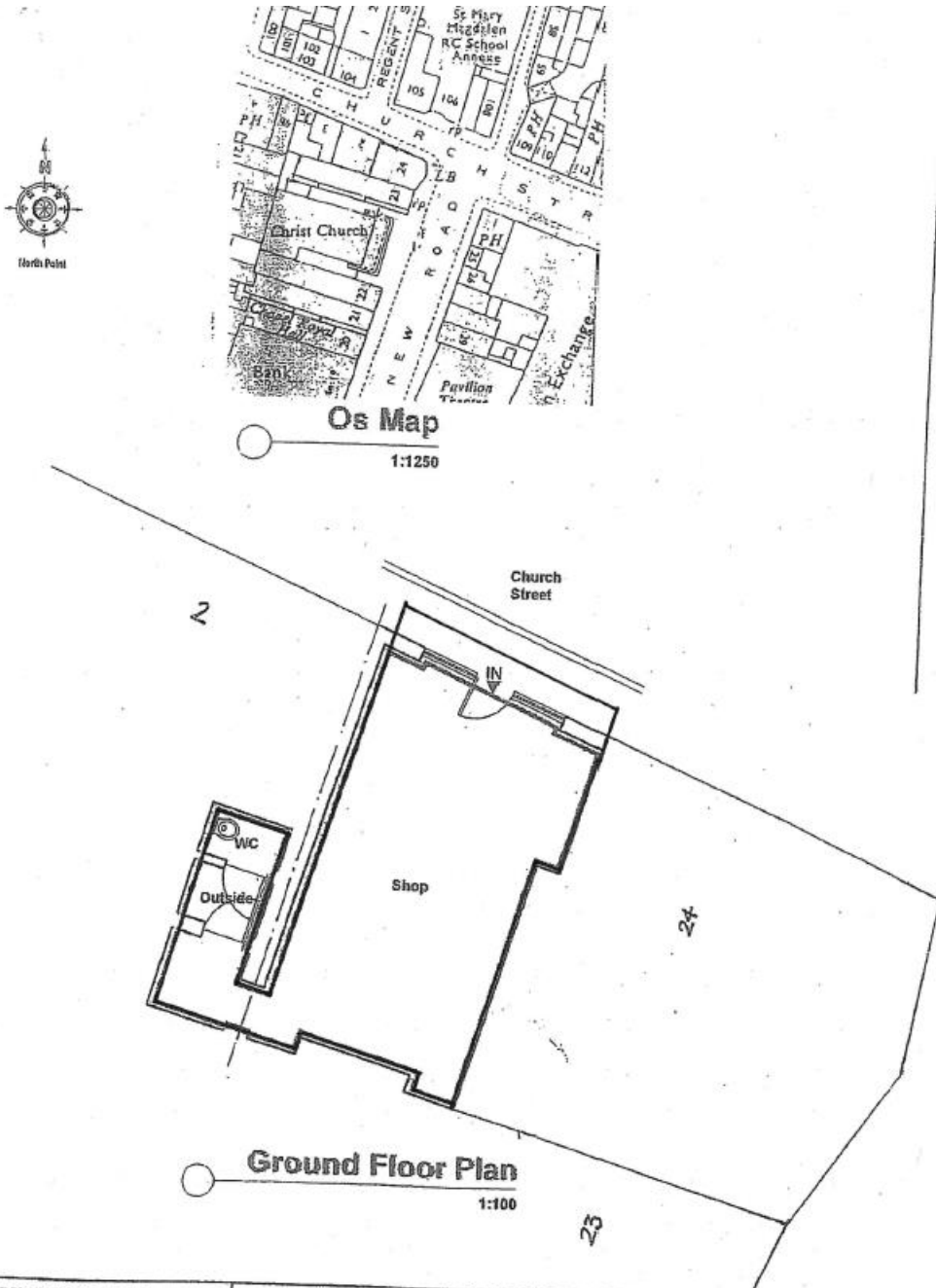
13. Signage advertising the 'Challenge 25' policy will be displayed in prominent locations in the premises.
14. The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:
  - The lawful selling of age restricted products
  - Refusing the sale of alcohol to a person who is drunk.
15. Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.
16. All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

**Annex 3 – Conditions attached after a hearing by the licensing authority – N/A**



# Brighton & Hove City Council

## Annex 4 – Plans



<b>HAWKINSFAGG</b> PARTNERSHIP ARCHITECTS INTERIORS SURVEYING GRAPHICS 3 Freshfield Road Brighton BN2 2YE T : 01273 629688 F : 01273 602206 E : info@hawkinsfagg.co.uk	Project <b>2 Church Street,          Brighton,          East Sussex</b>	Client 			
	Title <b>Large Shop &amp; Office</b>	Scale <b>1:100</b>	Date <b>Jan 07</b>	Drawn <b>in 10</b>	Designer 





## **Appendix C.1**

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

4 March 2022

Dear Sir/Madam

### **EG CON ENDS 11.03.22 VALID PCD, PPN, PS & CIZ (A)**

**1445/3/2022/00511/LAPREV 2 Church Street, Brighton**

#### **Sale of alcohol 8am – 11pm every day**

We write on behalf of the North Laine Community Association in respect of the above application. We object to this application on the grounds of Prevention of Crime and Disorder, Public Safety, and Prevention of Public Nuisance. The North Laine Conservation Area is within the Cumulative Impact Zone.

We believe that this Variation would exacerbate the problems that the North Laine suffers from. Since the introduction of flexible opening hours in 2003 residents have had to put up with increased levels of noise from drinkers during the day and night, leading to increased levels of anti-social behaviour and vandalism. Dispersal to and from licensed premises through North Laine during early evening, late evening, and early morning continues to provide challenges and affects our well-being.

There are 89 licensed premises within a small, tight-knit residential area of c600m x 600m, two of which are 24hrs. Please see attached list. We believe that due to this saturation, the cumulative effect is undermining the licensing objectives.

This small premises started as an Italian deli and café, closing at 6pm. Then it morphed into a wine bar with 'snacks'. Now the applicant describes it as a café with cocktails. According to the matrix, cafes should close by 10pm in the CIZ. Wine bars are not categorised in the matrix.

On 3 December last we were contacted by Josh Theed who told us that he had recently opened at 2 Church Street and had taken over the lease from Giu and Su which he understood had caused some problems with the landlord and local residents. He suggested that we make contact in order to answer any questions that we might have and ease any concerns that he might have inherited from the previous occupiers. We did make contact, but did not receive a reply.

Our main concern is whether this is a pub by stealth as has already happened in another premises in North Laine.

There are no exceptional circumstances to justify departing from the special policy, nor is there any specific information that would mitigate negative impact.

Yours faithfully

Redacted

(Redacted)

#### Licensed Premises in the North Laine - March 2022

1. Moccata House, Trafalgar Place, Trafalgar St
2. The Albert, 48 Trafalgar St
3. St Noha News, 41 Trafalgar St (**24 hrs**)
4. Easy News, 30 Trafalgar St (**24 hrs**)
5. Oliver's 45 Trafalgar Street
6. The Laine Deli, 31 Trafalgar Street/Corner of Kensington Place
7. Lord Nelson Inn, 34 – 36 Trafalgar St
8. Cut Your Wolf Loose, 23 Trafalgar Street (**Pub by stealth. No substantial food. Variation for On Sales granted May 2020. A bar, when no bars or pubs allowed under SoLP Matrix.**)
9. O'Shio restaurant, 87 Trafalgar St/corner of Whitecross St
10. Mange Tout, 81 Trafalgar St
11. Piccolo (previously Breeze, followed by Ciao Bella), Trafalgar St (Closed end '19)
12. Le Baobob Cuisine, Trafalgar St
13. Prince George, 5 Trafalgar St
14. Great Eastern, 103 Trafalgar St
15. Blueberry's, 1 Trafalgar St

16. Lucky Star Chinese Restaurant, 101 Trafalgar St
17. Trafalgar News, 95 Trafalgar St (Off Sales to 11pm)
18. The Green Dragon (was The Office), Sydney St
19. Café 16, 16 Sydney Street
20. 22-23 Sydney Street (above Yum-Yums)
21. The Roastery, By Trading Post 13-14 Sydney Street
22. Si Signore, Sydney St
23. 33 Sydney Street
24. Cala Arboras, Sydney St
25. Eagle, Gloucester Rd
26. Basketmakers Arms, Gloucester Rd
27. Brighton Tavern, Gloucester Rd
28. Trawlerman (Fish n' Chip shop) 106 Gloucester Rd
29. The Pond, Gloucester Rd
30. 107 Gloucester Rd - Newsagents
31. La Choza, Gloucester Rd/corner of Queens Gardens
32. Neighbourhood, Gloucester Road/corner of Kensington Place
33. Fatto a Mano, 25 Gloucester Rd/corner of Kensington Gardens
34. Isaac At, 2 Gloucester Rd
35. Foundry/Pedestrian Arms, Foundry St
36. Three Jolly Butchers, North Rd
37. Oseta Cafe, North Rd
38. Barbers (was Spirit Hunter), 32 North Rd
39. MADE, North Road/corner of Foundry St (closed Feb '18 – licence expires Dec '18, owned by Guitar, Amp and Keyboard, North Road)
40. Heart and Hand, North Rd
41. Dorset Arms, North Rd
42. Infinity Foods, North Rd
43. Wagamamas, North Rd
44. Gail's Bakery, North Road (was Go Local – building still has alcohol licence)
45. Burgers and Cocktails (Giraffe), North Rd (currently closed)
46. Bills, North Rd
47. Bus Stop, North Rd (Closed end of 2019, now to let)
48. Fountain Head, North Rd
49. Bison Beer, North Rd
50. Chalingos's (now Bert's Homestore) Kensington Gdns (Licence expired?)
51. Wai kika moakau, Kensington Gdns
52. White Rabbit, Kensington Gdns
53. Trading Post Coffee Roasters (was Grow 40) Kensington Gdns/North Rd  
(Licence for On and Off sales)
54. Barneys Delicatessen, 39 Kensington Gdns (Off Sales granted 20 Oct 2020)
55. Basement, Kensington St
56. Lighthouse, Kensington St
57. Dead Wax Social (was Riki Tiki), Gardner St. (Causing late night asb)
58. Komedia, Gardner St
59. Lavash (The Manor), Gardner St
60. Café Laziz, Gardner St
61. Gourmet Burger Kitchen, Gardner St

62. North Laine Newsagent, Gardner St
63. Poutine City (ex Hell's Kitchen), 4 Gardner Street (On and Off Sales)
64. Wolfox Health Café, 47 Gardner Street
65. 640 East (was Silo), 39 Upper Gardner St
66. Ten Green Bottles, Jubilee Street
67. Iguanas, Jubilee St
68. More than Sushi, Jubilee St
69. Two Hungry Puppies (was Pizza Express), Jubilee Sq
70. Chilli Pickle, Jubilee Sq
71. My Hotel, Jubilee St
72. Tesco, Jubilee St
73. The Captain Pig, 10 Church St (Off Licence granted 22 Aug '19)  
contravening CIZ, SoLP and ignoring EHL's objection
74. Five Guys Ltd (was Carluccio's), Jubilee St/Church St
75. William IV, Church St/Bond St
76. Wagon and Horses, Church St/New Rd
77. Brunswick Fine Wines and Spirits, 15 New Road (On and Off Sales)
78. Bodega & Tapa, New Rd
79. Polpo (The Courtyard), 20 New Road
80. Black Horse Inn, 112 Church St
81. 2 Church Street, café/wine bar
82. Earth and Stars, 46 Windsor St/corner of Church St
83. 104-106 Queens Road/rear of Frederick St (Tesco's)
84. The Green Door Store, Undercroft Brighton Station, top of Trafalgar St (**24 hrs**)
85. Cotes, The Old Music Library, Church St
86. Wetherspoons, corner Bond St/North Rd
87. CIN CIN, 15 Vine Street
88. Vine Street Tap, 15-16 Vine Street Tap, Unit 3
89. The Wine Cellar, 17 Marlborough Place

**There were 20 licensed premises in 2005 (mostly pubs).**

Police Station

John Street

Brighton

BN2 0LA

Tel: 01273 404535 – ext. 550829

06<sup>th</sup> Email:  
brighton.licensing@sussex.pnn.police.  
uk

08<sup>th</sup> March 2022

**EG CON ENDS 11.03.22 VALID PCD, CIZ (B)**

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

Dear Emma Grant,

**RE: PREMISES LICENCE VARIATION APPLICATION FOR 2 CHURCH STREET, BRIGHTON, EAST SUSSEX, BN1 1UJ – 1445/3/2022/00511/LAPREV UNDER THE LICENSING ACT 2003.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the above licence variation application on the grounds of the prevention of crime and disorder and public nuisance. We also refer to the 2021 Brighton & Hove City Council (BHCC) Statement of Licensing Policy and the 2019 Brighton & Hove Public Health Framework for Assessing Alcohol Licensing 5<sup>th</sup> edition report.

This is an application to extend the hours of licensable activities at 2 Church Street, Brighton as follows:

Supply of alcohol on sales: **Monday – Sunday: 08:00 – 23:00**

Recorded music: **Monday – Sunday: 08:00 – 23:00**

Hours premises are open to the public: **Monday – Sunday: 08:00 – 23:00**

Request also for extension to permitted hours on Christmas Eve and New Year’s Eve until 01:00 with supply of alcohol on sales, recorded music, and late-night refreshments.

The licence currently in use at the premises permits the following licensable activities:

Supply of alcohol on sales: **Monday – Thursday: 08:00 – 21:00 / Friday – Saturday: 08:00 – 22:00 / Sunday 09:00 – 18:00**

Recorded music: **Monday: 08:00 – 16:00 / Tuesday – Saturday 08:00 – 18:00 / Sunday 09:00 – 16:00**

Hours premises are open to the public: **Monday – Thursday: 08:00 – 21:00 / Friday – Saturday: 08:00 – 22:00 / Sunday 09:00 – 18:00**

Currently no seasonal adjustments.

Within the 2021 Brighton & Hove City Council (BHCC) Statement of Licensing Policy, this premises are within the Cumulative Impact Area. This recognises that the location has a significant number of licensed premises concentrated in one area and the potential impact this has upon the licensing objectives. Applications for new or varied premises licenses within this area which are likely to add to existing cumulative impact will be refused following relevant representations. This can be rebutted by the applicant if they can show that their application will have no negative cumulative impact. On reading the application we do not feel exceptional circumstances have been put forward and with the additional hours and style of operation do not believe there is evidence to depart from the policy.

When considering the application, we refer to the matrix within the Statement of Licensing Policy which sets out the expectations for new and varied applications for the City.

### **Cumulative Impact Area**

**Restaurant** Yes (midnight) / **Cafe** Yes (10.00pm) / **Pub** No / **Off-licence** No

Reviewing the Public Health Framework report for assessing alcohol licensing 2019 edition, St Peters & North Laine ward, of which this location is within, is ranked highest out of 21 wards for police

recorded alcohol related incidents. The area is also ranked highest for alcohol suspected ambulance call outs.

The City has several initiatives that support Police and other emergency services in safeguarding the public. These include Beach Patrol, Safe Space, Good Night Owls and Street Pastors. Most of these organisations and persons involved with them are volunteers and operate in their spare time. The fact these services exist goes some way to prove the negative impact alcohol has.

Focusing directly on this application, the premises is located on the eastern end of Church Street just round the corner from New Road in the busy North Laines area. The location has a significantly high number of licensed premises, in the region of 80 including restaurants, cafes, pubs and off licences. The area also has a large residential population as well as general retail and office space.

The licence was originally granted towards the end of 2017. The licensable trading hours were 08:00-18:00 Tuesday through to Saturday and until 16:00 on a Monday and Sunday. This was for a small Italian deli and café which with the operating hours sat well within the café style conditions.

Approximately a year later a new operator took over the licence and then in early 2019 they submitted a variation to extend the licensable hours to 21:00 Monday to Thursday, 23:00 on Friday and Saturday and 18:00 on a Sunday. During consultation it was agreed to pull the weekend hours in to policy, 22:00. Late 2019 police licensing received intel that the premises had a refit and was now operating as a bar rather than a café. They were still offering food but with incredibly limited offerings and so really pushing the limits of "Substantial". They had also installed a bar.

In November 2021 whilst licensing was out conducting enquires, officers walked past 2 Church Street and noticed it was being refitted and was concerned to see the branding was very much as a bar and not a café. The new owner was present, and a conversation was had along with follow up emails. This confirmed that they have no kitchen and out of a 7-page menu over 5 pages was dedicated to alcoholic drinks and in regards to food, just 7 items with 2 of these being nuts and olives. Soft drinks were being offered but no hot drinks such as tea and coffee. Social media branded the venue as a Wine & Cocktail Bar. We have had many interactions since with the new owners and they have increased their food offering however due to having no kitchen, although it does meet the substantial food requirement, it is very close to the wire. We believe they do now offer hot drinks. The style of the premises though including the branding and offerings does still give off the impression of being a bar rather than a café. The request for these later hours we feel goes further to evidence this.

On 14<sup>th</sup> January 2022 an email was sent by the applicant asking if we would consider the following:

- Extending the current licence to 22:00 7 days a week.
- Extending the current licence to 02:00 on New Year's Eve.
- Permit off sales for Brighton & Hove Pride.

The response from ourselves was that we would only consider the request to extend to 22:00 7 days a week but anything over and above that we could not support. Within their email they confirmed their wish would be to have a fully licensed bar but acknowledged this would not be supported.

The application has come in requesting 23:00 hours 7 days a week with seasonal extensions. Due to these later times and the seasonal extensions, Sussex Police are submitting our representation against this to mitigate against risk of crime & disorder, help to protect local residences from public nuisance and to support the Brighton & Hove Statement of Licensing Policy.

It is our strong belief that this premises are stretching the conditions on their licence and the spirit of the café conditions to be able to operate as a bar and so not be food led. By increasing the permitted hours to 23:00hrs, this is increasing the amount of time alcohol can be consumed without the requirement to consume food and so increase intoxication levels which in turn could have a negative impact within the surrounding area as evidenced within the Public Health Framework.

In regards to some history around Café licenses. Pre 2018 a café licence was called a Café/Bar within the Statement of Licensing Policy with a terminal hour of 23:30 in the CIZ. As part of a review of the policy the following was consulted on:

***Café Bars*** - the licensing authority may be prepared to look favorably upon an application for the grant of a licence, subject to the following conditions that will prevent the premises becoming a public house.

- *The sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables.*
- *Substantial food shall be available at all times.*

*It is suggested that the term "café bars" to define this category of premises is misleading. Officers suggest the term "café" is more appropriate as essentially, we are not talking about bars, but small food led cafes or delis where alcohol is not the primary activity and the venues do not open late. It is also suggested adding notes to the matrix that this category is defined as "small food led establishments".*

*The Annual report shows an increase in café bars granted 2017/18 but a big decrease in pubs/clubs. There are considerably more pubs and restaurants in the City compared to café bars. As of March 2018 there were 323 Pubs, bars & nightclubs, 297 Restaurants and 89 café bars.*

*Concern has been raised about the increase in café bars granted in the CIZ. Resident's representations to licensing panels have highlighted issues of saturation of licensing premises in the*



*CIZ, particularly the North Laine area, leading to an increase in public nuisance and Members have raised their concerns.*

*Therefore, it has been agreed to consult on whether to reduce the hours of café bars in the CIZ from the current 11.30pm to earlier in the evening.*

The above was agreed following the public consultation and the word “Bar” was removed and termination hour reduced to 22:00hrs within the CIZ.

Sussex Police believe by allowing this variation to be granted, persons will be consuming alcohol for longer hours than currently permitted without the need to purchase substantial food which will lead to higher levels of intoxication and become a further pull on ours and other resources. This concern is heightened when the venue is operating more as a bar rather than a genuine café. As our original offer of 22:00hrs has been turned down by the applicant, we would like this application heard before a licensing panel and do not feel it would be

appropriate to canvas alternative times at the hearing so request it is considered as applied for.

Taking in to account our comments, the Statement of Licensing policy, Public Health framework report and the location, Sussex Police would ask for the application to be refused. We do appreciate that the panel may decide to grant the application as is or with a reduced operating schedule. Should this be the case we would like to propose the additional conditions for the panel to consider adopting on to the licence which we believe supports the promotion of the “café” style operation that this licence was originally granted under.

- Alcohol is ancillary to other hot and cold non-alcoholic beverages available on the premises.
- Food menus must be clearly displayed within the venue.

Yours sincerely,

Inspector Michelle Palmer-Harris

Licensing – Brighton & Hove Division

Sussex Police.

Redacted

Redacted

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

Date: 9 March 2022  
Our Ref: 2022/00554/LICREP/EH  
Phone: 01273 292494 / 07717 303114  
e-mail: [donna.lynsdale@brighton-hove.gov.uk](mailto:donna.lynsdale@brighton-hove.gov.uk)

Dear Mrs Grant

**EG CON ENDS 11.03.22 VALID PCD, PPN, CIZ (C)**

### **Licensing Act 2003**

**Representation in regard to the application to vary a Premises Licence under the Licensing Act 2003 (Ref: 2022/00511/LAPREV)**

**2 Church Street Wine and Cocktail Bar, Brighton BN1 1UJ**

I write to make a representation on behalf of the Council's Licensing Team, in their capacity as a responsible authority, in relation to the above application for a variation to extend the hours of licensable activity.

This representation is made as the Licensing Team have concerns that the application could have a negative impact on the licensing objectives of prevention of crime and disorder and public nuisance. I also refer to the Special Policy on Cumulative Impact (SPCI) contained within the Council's Statement of Licensing Policy (SoLP).

In November 2021 a visit was made to the premises. At the time of the visit, it was noted that the venue had undergone a refurb and installed a bar area. A discussion was had with the new owner. I was shown a 7-page menu which was predominantly advertising alcohol beverages. The owner confirmed there was no longer a kitchen. And due to limited space, there was also no offerings of hot drinks. The branding of the venue was clearing marketing as a Wine and Cocktail Bar. Following this visit further discussions and emails were exchanged with the premises.

In January 2022 an email was received from the applicant asking whether consideration would be made for the premises to extend the current licence to 22:00 hours, seven days a week. They did enquire whether consideration would be given to

later hours. They were informed that this would be against the SoLP and would not be supported.

However, when the application was submitted, the applicant has applied for licensable activities until 23:00.

This premises falls within the Licensing Authority's Cumulative Impact Area (CIZ), which was adopted to give greater power to control the number of licensed premises within the city's centre. The SPCI was introduced 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 effect of the SPCI is that applications for variations of premises licences, which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. The applicant can rebut this presumption of refusal if they can show that their variation application will have no negative cumulative impact on licensing objectives, including prevention of crime and disorder and public nuisance.

Guidance issued under S182 of the Licensing Act 2003 (April 2018) 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 those 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, Cumulative Impact Zone (CIZ)), 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.

On looking at the application form, also taking into consideration that the premises has no kitchen area, it is my opinion that they clearly wish to operate as a 'Bar'. They have not demonstrated how the application is an exception to our policy.

The Licensing Authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its SPCI in the light of the individual circumstances of the case.

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

In regard to the Matrix policy, I can again not see any offered exceptional circumstances for departing from the Matrix policy, where it clearly indicates that 'café' in the CIZ should only be considered with a terminal hour of 22:00 within the Cumulative Impact Area. The Licensing Team contend that the Matrix policy relates to both new and variation applications, so this also means that later hours would not be granted to existing 'late night refreshment' licence. Again, the Matrix policy can be departed from where exceptional circumstances are demonstrated, but the applicant has failed to address this.

As well as being located in the CIZ, the premises is situated in the electoral ward of St Peter's and North Laine, 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 Police Recorded Alcohol related incidents and Criminal Damage and second worst for Sexual Offences, Non-injury assault, All injury violence and All violence against the person. On the Health data St Peter's and North Laine ward ranks the worst for Increasing risk or higher risk drinking and Alcohol suspected ambulance call outs. Third worst for A&E attendances with a record of alcohol and Alcohol specific admissions 2017/18. It ranks 4th worst out of 21 wards for Clients in alcohol treatment.

The Licensing Team make this representation to uphold our Statement of Licensing Policy

and I do not believe that the applicant has demonstrated that there are exceptional circumstances to justify departing from the Policy. The applicant informed me that he had been in consultation with the police prior to submitting the application and wanted to gain my views prior to submission. I advised him that under our statement of licensing policy we would object to anything over and above 22:00hrs for a café style licence. Due to what has been applied for I feel this application needs to be fully scrutinised by way of a licensing panel.

Yours faithfully

Donna Lynsdale

Licensing Officer

Licensing Team



## **Appendix C.2**

**From:** Redacted <Redacted>  
**Sent:** 14 March 2022 11:03  
**To:** Emma Grant <[Emma.Grant@brighton-hove.gov.uk](mailto:Emma.Grant@brighton-hove.gov.uk)>  
**Subject:** Re: FW: Ref:1180148 2 church street

**EG CON ENDS 11.03.22 VALID PCD, PPN, PS & PCH (S1)**

Hi Emma,

Thanks for the email I wasn't quite sure what to put in the other message.

I am quite busy today so hope my reply is good enough.

Thanks,

Redacted

Redacted

Redacted

Redacted

Redacted

Re The prevention of crime & disorder

The venue is small and secure with good camera coverage, the staff have fantastic visibility and they are not selling volumes. Most times I've been I've had one or two drinks.

Re The prevention of public nuisanc

The venue seems to be below and next to commercial venues, but I'm not sure. They had two tables out front that could cause noise but since the application seems to be for 10pm and the venue's proximity to the mashton I don't think it would add any extra noise to the area.

Re Public Safety

10pm and the volume of alcohol and the venue's capacity seem to make it a safe location. I don't think extra security would be needed and as long as CCTV is stored correctly.

Re Protection of children from harm

I don't think any problems would come from the addition of a supervised minors clause. I don't imagine any children would ever be in the venue without adults. That combined with the bar's proximity to tables should mean good visibility is available on all tables. Good training, challenge 25 and a supervised minors clause should make this a very safe venue.

Thanks,

Redacted

**From:** Redacted <Redacted>

**Sent:** 10 March 2022 23:41

**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>

**Subject:** Ref:1180148 2 church street

Hello!

Visited 2 church street recently and they mentioned they are looking to extend the licencing times.

I thought I would put in a small email in support of this. Over the last year it's been brilliant to have somewhere so nice in the center of Brighton, the choices made in the renovations have made the venue really something special. It's wonderful to have a venue in the center of town that's so personal and is something the area sorely needed.

With a general focus on large pubs and the new obscure pubs on the seafront it's brilliant to have something to visit before the theater.

I hope the license changes are approved as the extra time would let us have somewhere nice to visit after a show.



Thanks,

Redacted,

Redacted

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**From:** Redacted <Redacted>  
**Sent:** 14 March 2022 23:46  
**To:** Emma Grant <[Emma.Grant@brighton-hove.gov.uk](mailto:Emma.Grant@brighton-hove.gov.uk)>  
**Subject:** Re: FW: Ref 1180148 for 2 Church Street, Brighton, BN1 1UJ

## EG CON ENDS 11.03.22 VALID PPN (S2)

Hi,

I dont really understand what the criteria mean, i was just trying to be helpful. What does my supporting representation mean? It sounds very official, I thought this was just a way for me to say that i like the place and that its been very nice for me to have it there.

How do i have to change what i have said to mean anything about prevention of crime or children from harm? Its just a nice quiet place that is good to go to after work. Im sorry if this sounds like im being difficult, im sure you can understand that im not used to writing endorsements that encompass criteria like you have mentioned.

My name is Redacted, my address is Redacted.

I hope this is enough to get them a tick in the "I like them and want them to open later" box.

Thanks

Redacted

**From:** Redacted <Redacted >  
**Sent:** 11 March 2022 09:19  
**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>  
**Subject:** Ref 1180148 for 2 Church Street, Brighton, BN1 1UJ

Hi,

I have been going to 2 church street for a few motnhs as an after work spot in town. It is nice, quiet, relaxing cafe. I was told by staff that they are trying to extend the licence to open later, i would love

that. I dont like going to busy pubs and bars, i much prefer a smaller quiet cafe. I used to go to the Marwood pre covid, but now that has gone. This is a much better place for me to spend my social time. I would love it if they were able to open later.

I live at Redacted. im not sure if you need my full address to get an endorsement.

Thanks

Redacted

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From: Redacted <Redacted>  
Sent: 15 March 2022 06:41  
To: Emma Grant <[Emma.Grant@brighton-hove.gov.uk](mailto:Emma.Grant@brighton-hove.gov.uk)>  
Subject: Re: ref 1180148 for 2 Church Street, Brighton, BN1 1UJ

**EG CON ENDS 11.03.22 VALID PCD, PPN (S3)**

Hello Emma,

Sorry I didn't make it clear in my last emails. When I visited, all of the others in the cafe are mature professionals like me, owing to the cafe's relaxed and sophisticated atmosphere. The place is perfect spot to meet friends and colleagues or stay before or after the visit to the theatre. We feel safe and free from disturbance while we were there. Having their opening hour extended will help provide a great place for professionals like me to enjoy time relaxing with my friends. So I would guess it may fall into the category of The prevention of public nuisance and public safety.

Hope this answers your query.

Best wishes,  
Redacted

-----Original Message-----

From: Redacted <Redacted>  
Sent: 14 March 2022 11:55  
To: Emma Grant <[Emma.Grant@brighton-hove.gov.uk](mailto:Emma.Grant@brighton-hove.gov.uk)>  
Subject: Re: ref 1180148 for 2 Church Street, Brighton, BN1 1UJ

Hello Emma,  
Thank you very much for the email. My address is Redacted.  
Please let me know if any additional information required.  
Best wishes,

Redacted

-----Original Message-----

From: Redacted <Redacted>  
Sent: 10 March 2022 23:46  
To: EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>  
Subject: ref 1180148 for 2 Church Street, Brighton, BN1 1UJ

Me and my husband visited 2 Church street and really like the cosy feeling, amazing cocktails and tasty snacks. It is a really nice place to unwind. When the staff knew we work for NHS, they were super nice to us too. Would be lovely if they can open for longer so we get to visit on the days after long shifts.

Redacted

**From:** Redacted <Redacted>  
**Sent:** 10 March 2022 14:06  
**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>  
**Subject:** Ref: 1180148 for 2 Church St Brighton BN1 1UJ

**EG CON ENDS 11.03.22 VALID PCD, PPN, PS (S4)**

Good Afternoon,

I would like to write in support of the application for 2 Church Street to extend its opening hours. I would point out the following:

- The clientele are not students or youngsters, it attracts a mature, more affluent customer such as the post Theatre crowd so i cannot see the opening hours adding to crime or disorder
- I feel the venue adds a gap in the market as it is lovely to have a classy cafe that i can go to in the evening that has food, coffee and events such as cheese tasting etc. I feel this is much different from other "pubs" in the area and is more of a civilised mature venue
- the venue is an inclusive space and welcomes all people, my trans friend particularly said they felt it was inclusive.
- Music is not played loud it is more of an ambience thing so wont be an issue for noise i would imagine

i know that the venue is in one of the cumulative impact zones but i dont think extending the hours would impact on public safety or crime and disorder as it will provide a safe space for those looking for a more upmarket place. Otherwise you are forcing those that want a quiet chilled place into one of the much busier & rowdier pubs.

Kind Regards

Redacted

Redacted

Redacted

**From:** Redacted <Redacted>  
**Sent:** 15 March 2022 18:20  
**To:** Emma Grant <[Emma.Grant@brighton-hove.gov.uk](mailto:Emma.Grant@brighton-hove.gov.uk)>  
**Subject:** Re: FW: Ref.: 1180148 (2 Church Street, Brighton, BN1 1UJ) (Redacted)

**EG CON ENDS 11.03.22 VALID PPN (S5)**

Hi Emma

No problem

Redacted

Redacted

Redacted

Redacted

Redacted

However, I do not understand the second part of your email. I am writing in support of the application. I am not sure how supporting a local cafe's extension to stay open late falls within those categories? Could you please explain?

Many thanks

Redacted

**From:** Redacted <Redacted>  
**Sent:** 10 March 2022 22:36  
**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>  
**Subject:** Ref.: 1180148 ([2 Church Street, Brighton, BN1 1UJ](#))

Dear Sirs

## Licence Variation

I am writing in support of the above Cafe's application to extend its licence to 11pm. This would be of great benefit to the theatre, cinema and restaurants which are in close proximity. This area is lacking a small, quaint place to go, before and after meals and entertainment, with friends to drink.

I used to work at a Solicitor's Office on Jubilee Street and noted the area is lacking independent Cafe's which are open after work.

Pubs such as The Mash Tun are in close proximity with a large capacity and outdoor area. This extension will not increase sound or disruption to nearby residents during this reasonable time.

I very much hope you will grant this application.

Yours faithfully

Redacted

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**Appendix D**



