

# Licensing Panel (Licensing Act 2003 Functions)

Date: **25 April 2022**

Time: **10.00am**

Venue **Virtual**

Members: **Councillors:** Deane, Knight 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.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

**NOTE:** Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

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

## 3 MONTEFIORE WINE LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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Contact Officer: Emma Grant  
Ward Affected: Goldsmid

Date of Publication - Wednesday, 13 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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- Do not re-enter the building until told that it is safe to do so.





# 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>Montefiore Wine 7 Montefiore Road Hove BN3 1RD</b>		
<b>Applicant:</b>	<b>Mr Azizur Rahman</b>		
<b>Date of Meeting:</b>	<b>25 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>Goldsmid</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 Montefiore Wine.

## **2. RECOMMENDATIONS:**

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

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

- 3.1 The application is for a New Premises Licence under the Licensing Act 2003. The application proposes an off licence.
- 3.2 Part M 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 – Saturday 09:00 – 23:00  Sunday 10:00 – 23:00  Off premises
<b>Hours premises are open to public</b>	Monday – Saturday 09:00 – 23:00  Sunday 10:00 – 23:00

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

**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** 13 representations were received. They were received from local residents, a local business and local Councillors. The applicant has provided supporting evidence.

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

**3.8** Full details of the representations are attached at Appendix C. The supporting evidence from the applicant can be found at Appendix E. 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**

### **3.3 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).

## **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.

5.1.3 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.

## **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).

6.1.6 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.

### **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: 06/04/22*

### 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: 08/04/22*

**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 – Part M of the Application
2. Appendix B – Plan of Premises
3. Appendix C – Representations
4. Appendix D – Map of area
5. Appendix E – Email from applicant

**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

### **M**

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

SUMMARY -

CCTV, CHALLENGE 25, REGULAR TRAINING, INCIDENT LOG

(The applicant intends to run the business as an off licence and welcomes discussion around proportionate additional conditions with responsible authorities during the consultation period)

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

All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of staff training in the Licensing Act 2003 shall be retained and made available to police and authorised officers of the Licensing Authority on request. Staff shall receive refresher training in the Licensing Act 2003 at intervals of no more than 6 months. Signed and dated records shall be kept of all staff training and such records kept available for inspection at the premises for a period of at least one calendar year from the last date of entry

There shall be CCTV in operation at the premises and;

- a) a member of staff who has been nominated in writing and who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public.
- b) if the premises are not open, and subject to the tests set out by virtue of the Data Protection Act, within 24 hours of a request for access to the CCTV system from either the police or licensing authority, this staff member must be able to show a Police, HMRC or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- c) CCTV shall record continuously and be retained for not less than 31 days.

**c) Public safety**

A daily incident log shall be kept at the premises for a period of at least 12 months from the date of last entry, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) any faults in the CCTV repaired within 24hrs
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service.
- (h) any lost property found or handed to staff at the premises.
- (i) any other relevant incidents to be recorded.

**d) The prevention of public nuisance**

No music or amplified sound shall be generated within the Premises so as to give rise to nuisance within neighbouring dwellings; no music or amplified sound shall be played externally.

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

A "Challenge 25" age verification policy shall be operated at the Premises during the permitted hours for the sale of alcohol and staff shall be trained in respect of the policy. Staff shall ask for proof of age from anyone they suspect of being less than 25 years of age. The only acceptable forms of identification shall be a photo style driving licence, a passport, a photo identification card bearing the PASS logo in a hologram format, military ID or recognised national photographic identity cards from member countries of the European Union.

Posters shall be displayed in prominent positions around the premises advising customers of the Challenge 25 policy in force at the premises.

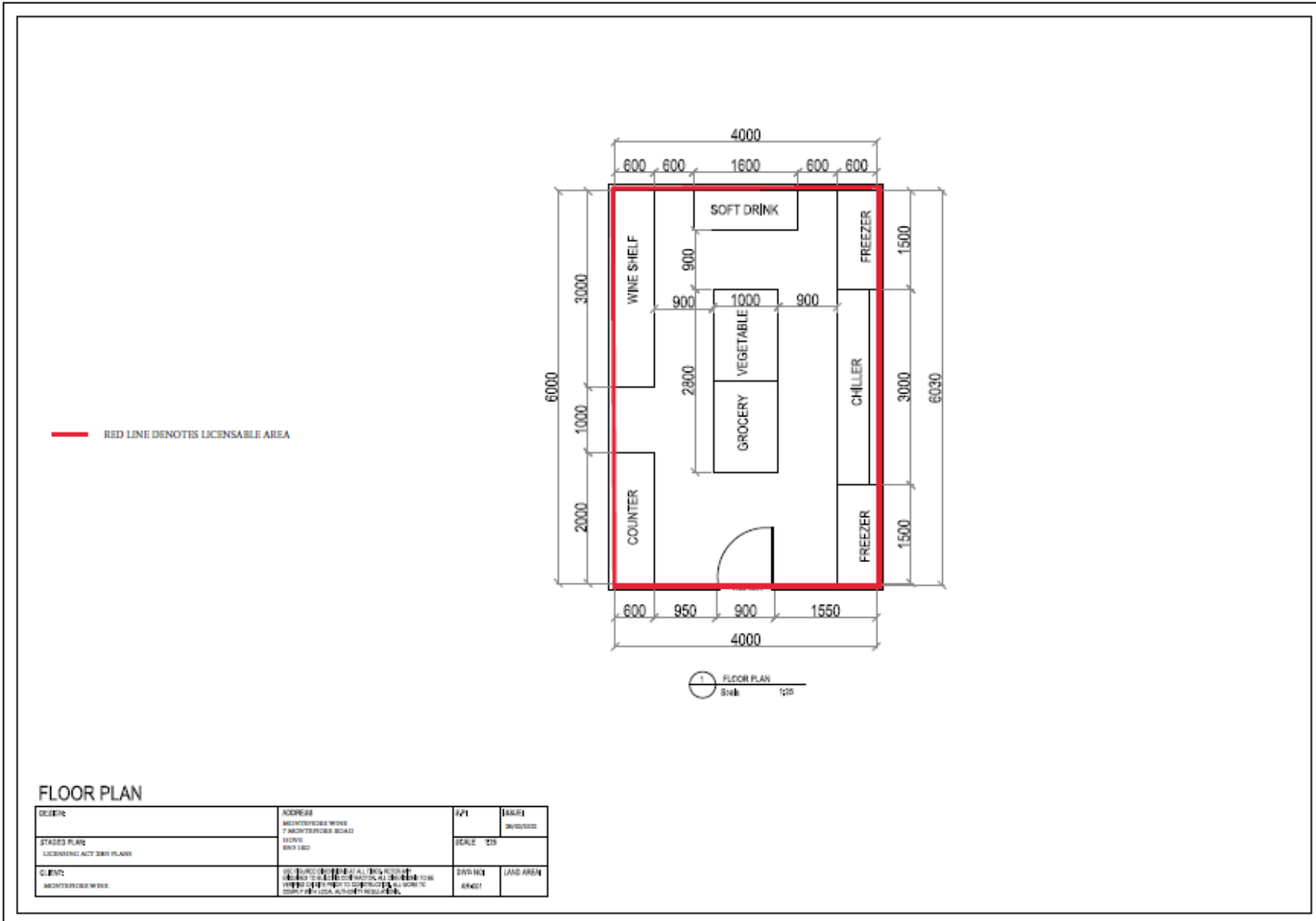
A record shall be maintained recording every occasion when the sale of alcohol has been refused. The record shall;

- a) give the date and time of the occasion; a brief description of the customer and the name of the member of staff who refused to sell the alcohol.
- b) be kept at the Premises and available for inspection by authorised officers of the Licensing Authority and the Police at all times the Premises are open.

**Checklist:**



## Appendix B





## Appendix C

**From:** REDACTED TEXT

**Sent:** 15 March 2022 19:40

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

**Subject:** About a Additional Off Licence applying for licence at 7 Montefiore Rd

**EG CON ENDS 30.03.22 VALID PCD, PPN, PCH & PS (A)**

To Whom it may concern,

We have noticed this recent application and object to it in the strongest possible way. The Montefiore residence told me about this.

There are already two Off-Licences in Montefiore Road a short distance and either side of the proposed premises, so this would be gross over provision and would go against all of the council's policies of prevention of crime and disorder, public safety, prevention of public nuisance, protection of children from harm.

There is already occasional crime in the street, including theft and attempted armed robbery, so it would be a great shame to increase the level.

The council's own policy document (Licensing Act 2003, Statement of Licensing Policy, 3 Special Policies and Initiatives), states that too many licensed premises concentrated in one area leads to a negative cumulative impact.

*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 boundaries of the stated area of stress caused by this are rapidly encroaching this area, therefore we recommend the council deny any further off-licences are permitted in this locality.

Yours Sincerely,

**REDACTED TEXT**

**From:** REDACTED TEXT

**Sent:** 16 March 2022 13:05

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

**Cc:** Cllr John Allcock <John.Allcock@brighton-hove.gov.uk>; Cllr Marianna Ebel <Marianna.Ebel@brighton-hove.gov.uk>; Cllr Jacqueline O'Quinn <Jackie.O'Quinn@brighton-hove.gov.uk>

**Subject:** R.E 7 Montefiore Road Off-Licence Application, Licence - 1445/3/2022/00692/LAPREN

**EG CON ENDS 30.03.22 VALID PCD & PPN (B)**

Dear Regulatory Services Manager,

**R.E 7 Montefiore Road Off-Licence Application, Licence-1445/3/2022/00692/LAPREN**

It is with great concern that we object to this licence application.

We are the current **REDACTED TEXT** of the **REDACTED TEXT** and we deal with a just about acceptable amount of crime and nuisance. But we have had a certain level, including attempted armed robbery (**REDACTED TEXT**), theft (e.g Crime Ref **REDACTED TEXT**) and people coming into the shop drunk, who we don't serve.

As per the BHCC Policy document Statement of Licensing Policy 2021, Licensing Act 2003, 3 Special Polices and Initiatives

**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.

There is a direct correlation between Off-Licence density and crime disorder and public nuisance.

Therefore, the addition of a further Off-Licence in Montefiore road may very likely cause and unacceptable level.

We urge you to refuse the application for these reasons.

Best regards,

**REDACTED TEXT**

c.c.

Local Councillors

[john.allcock@brighton-hove.gov.uk](mailto:john.allcock@brighton-hove.gov.uk)

[Marianna.Ebel@brighton-hove.gov.uk](mailto:Marianna.Ebel@brighton-hove.gov.uk)

[Jackie.o'quinn@brighton-hove.gov.uk](mailto:Jackie.o'quinn@brighton-hove.gov.uk)

Brighton Police

**From:** REDACTED TEXT

**Sent:** 17 March 2022 13:56

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

**Subject:** Licence - 1445/3/2022/00692/LAPREN

**EG CON ENDS 30.03.22 VALID PCD, PPN, PCH & PS (C)**

As an owner of a family home in REDACTED TEXT

I, REDACTED TEXT of REDACTED TEXT

Strongly object to the licence application at 7 Montefiore road (listed above)

The application causes an overprovision of off licensing and is inconsistent with the following BHCC licensing objectives:

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

Your own licensing act of 2003 states that too many licensed premises concentrated in one area leads to a negative cumulative impact.

There are already 2 well established off licenses in the area and this application can only be seen as negative to the street and current local community.

Regards

REDACTED TEXT

**From:** REDACTED TEXT  
**Sent:** 17 March 2022 16:20  
**To:** EHL Safety <EHL.Safety@brighton-hove.gov.uk>  
**Subject:** Licence - 1445/3/2022/00692/LAPREN

**EG CON ENDS 30.03.22 VALID PCD, PPN & PS (D)**

I am writing to object to the application for a license to sell alcohol at 7 Montefiore Road.

As a REDACTED TEXT I think that three off licenses in a single row of shops is unnecessary overprovision and as such the cumulative impact will result in an deleterious effect on crime, public nuisance and public safety. I have not seen a planning application to change the use from barbers to off license – is this not also necessary?

Many Thanks

REDACTED TEXT

**From:** REDACTED TEXT  
**Sent:** 17 March 2022 17:56  
**To:** EHL Safety <EHL.Safety@brighton-hove.gov.uk>  
**Subject:** Off Licence

**EG CON ENDS 30.03.22 VALID PCD & PPN (E)**

To Whom it may concern.

R.E Off Licence Application 7 Montefiore Rd, Hove

Please accept this email as an objection to this application.

Montefiore road is already well supplied with two Off licences in its short distance and as the Councils own research has found over density Off Licences creates problems, Montefiore road is a quiet residential road and it would clearly lead to increased crime and disorder and public nuisance if an additional Off Licence were to be added, as is occurring a little further into the city.

Thus, we request that you consider the situation carefully and do not increase the problems in the area by refusing a further Off Licence.

Yours Sincerely,

**REDACTED TEXT**

**EG CON ENDS 30.03.22 VALID PCD, PPN & PS (F)**

### **Objection to New Premises License - 1445/3/2022/00692/LAPREN**

I would like to object to license application **1445/3/2022/00692/LAPREN** in 7 Montefiore Rd, BN3 1RD Hove. I have been asked to represent existing residents / shop owners in my capacity as a Ward Councillor, and I would like to highlight the following issues:

#### **Prevention of crime and disorder**

The application is for a premises situated in Montefiore Road, which is a mainly residential area, with a few ground-floor units containing shops, take-aways, and a café.

Residents & shop owners have informed me that there have been problems with crime and disorder in the past in the area. Existing shop owners have had to deal with an attempted robbery and theft, and regularly have to refuse the sale of alcohol to already intoxicated customers. The existing shops carefully manage the issues as is demonstrated e.g. by their refusal to sell alcohol to intoxicated customers. However, granting another off-license in this area will – due to the cumulative impact – further exacerbate the problems in the area. This will increase the risk of becoming the victim of a crime for employees, shop owners and residents living nearby.

#### **Public Safety & Prevention of Public Nuisance**

The off-license shop is applying for a license to offer alcoholic drinks up until 11pm seven days a week. There are already existing licensed premises in the area and offering further opportunity to purchase alcohol late at night will create an increased risk to public safety. It would also increase incidents of public nuisance in this otherwise quiet area, as those who purchase alcohol may decide to consume those drinks in public spaces, such as the nearby St Ann's Well Gardens.

#### **Special Stress Area**

The premises may be located just outside the SSA, but I ask you to take into account that the border of the SSA and the busy Seven Dials area with multiple licensed premises is just a short 5-minute walk away. Granting another license for the sale of alcohol in this area would slowly extend the area where alcohol can be purchased and consumed into residential Goldsmid. Since the area is otherwise quiet and residential, and since the



location is not part of the SSA, there is no increased police patrolling, making it more difficult to monitor any anti-social behaviour or crime.

For the reasons outlined above I ask you to refuse this new premises license.

Kind Regards,

Cllr Marianna Ebel

Brighton & Hove City Council

Email: [Marianna.Ebel@brighton-hove.gov.uk](mailto:Marianna.Ebel@brighton-hove.gov.uk)

**From:** REDACTED TEXT

**Sent:** 23 March 2022 10:34

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

**Subject:** 7 Montefiore Road (Montefiore wine)

**EG CON ENDS 30.03.22 VALID PCD & PPN (G)**

Dear Brighton and Hove council.

I am writing to oppose the alcohol license that is being applied for at number 7 Montefiore road. I am **REDACTED TEXT** and object to the alcohol license being applied for on the grounds of:

- 1) Further noise and late night activity in the evenings
- 2) Drunk people loitering outside and smoking and the smell of smoke entering through windows
- 3) Another shop down the road that already sells alcohol (Happy planet 29 Montefiore Road)
- 4) More traffic and noise from the worshippers from the coptic church buying snacks
- 5) Located directly opposite a hospital

If you have further questions then please let me know but the noise and traffic on Montefiore road is becoming ludicrous and with more of this into the evenings is becoming unbearable.

Kind regards

## REDACTED TEXT

**From:** Redacted <Redacted >  
**Sent:** 29 March 2022 22:02  
**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>  
**Subject:** Montefiore Wines alcohol application

## EG CON ENDS 30.03.22 VALID PPN (H)

Reference: 2022/00692/LAPREN

Hi,

I am writing to you to oppose the possible approval of alcohol license for Montefiore Wines, 7 Montefiore Road, Hove, BN3 1RD.

I live at Redacted, above the premises in question. I strongly believe that yet another shop selling alcohol on our street is completely unnecessary, even damaging to us. There are already two shops selling alcohol within 2 minute walk and a cafe. Yet more alcohol being sold will just cause more people under the influence of alcohol to be around, more litter being left on the ground, such as wrappers from multipack cans, cigarette butts, crisp packets etc and more noise and traffic to name few. I also believe that the approval of the alcohol license would be detrimental to the value of properties in this building. I am sure I'm not the inky one who would appreciate the license NOT being granted.

Thank you,

Redacted

Redacted

**From:** Redacted <Redacted >  
**Sent:** 29 March 2022 21:08  
**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>  
**Subject:** Montefiore wines - 7 Montefiore Road, BN3 1RD

**EG CON ENDS 30.03.22 VALID PPN (I)**

Hi,

I am a resident and home owner in the building this application relates to and would like to express my disapproval. I believe there is no need for another shop selling alcohol in the same building - there is already Cookes News less than 10 metres away, as well as Happy Planet 100 metres up the road. This shop open late into the evening would result in increased noise and disturbance to neighbours, as well as more refuse on the road as there are no bins nearby.

It will also negatively affect the price of properties and generate more traffic in a road that is already busy and lacking in parking spaces with the Montefiore hospital being across the street.

I would like to note as well that we live on the flats directly above so we pass this premises every day and we had not seen this notice there until this week.

Best regards,

Redacted

Redacted

Redacted

**From:** Redacted <Redacted >  
**Sent:** 29 March 2022 18:39  
**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>  
**Subject:** Object: Off Licence application Montefiore Road

## **EG CON ENDS 30.03.22 VALID PCD & PPN (K)**

Dear Sir/Madam

As a resident and home owner in Montefiore Road, I wish to register my objection to the application for an off licence at no.7 Montefiore Road.

My concerns are multiple:

1. We are a residential road and already have an off licence, there is no need for a further off-licence. A new licence will result in over-provision, and risks a number of negative impacts (indeed the negative impacts of over concentrating licences is recognised in BHCC's policy as stated in Licencing Act 3, Statement of Licencing Policy, 3 Special Policies and Initiatives).
2. Montefiore Road is proximate to BHCC's recognised areas of High Alcohol Stress, and I fear yet another off licence promises to bring the problems we see nearby into our residential street and neighbourhood.
3. We live in a neighbourhood of multiple schools, and a concentration of off-licences thus pose a potential risk to children, contradicting the council's concern to protect children
4. Too many off licences is inconsistent with other areas of BHCC licencing objectives – it will encourage drunkenness, noise, crime and safety – and is thus inconsistent with BHCC policies of public safety, preventing public nuisance, and preventing crime and disorder.

I hope that you will take these concerns seriously when considering the application, and refuse the application for an unnecessary additional off licence.

With many thanks for taking my concerns into consideration

Yours sincerely

Redacted

Redacted

Redacted

From: Redacted <Redacted >  
Sent: 29 March 2022 18:26  
To: EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>  
Subject: Re: Licensing application, 7 Montefiore Rd

**EG CON ENDS 30.03.22 VALID PCD, PCH & PPN (L)**

Sent from my iPhone

On 29 Mar 2022, at 18:21, Redacted <Redacted > wrote:

Re: Licensing application 7 Montefiore Rd, Hove, BN3.

I am writing to object to this application to establish another off-licence in Montefiore Rd. I am a near neighbour (Redacted), and I have concerns about the effects it might have.

Montefiore Road is a small, almost entirely residential street, with a handful of small businesses, a small private hospital at one end and a social care centre at the other. None of these can possibly generate the footfall to support three off-licence type premises.

What does provide this, is the large number of school students who pass down the road every morning and afternoon during term time, heading in particular for BHASVIC 6th form college and the various Cardinal Newman schools. Some of these students are legally entitled to buy alcohol. At least one local off license has signs up limiting the number of school students allowed in the shop at the same time.

In this context, I consider it likely that increasing the availability of alcohol in the street could lead to increased disorder and public nuisance, as well as potential harm to children. We do not need this in our street.

Yours sincerely,  
Redacted  
Redacted  
Redacted  
Redacted

Sent from my iPhone

**From:** Cllr Jacqueline O'Quinn <Jackie.O'Quinn@brighton-hove.gov.uk>  
**Sent:** 30 March 2022 20:47  
**To:** Jim Whitelegg <[Jim.Whitelegg@brighton-hove.gov.uk](mailto:Jim.Whitelegg@brighton-hove.gov.uk)>; EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>  
**Cc:** Cllr John Allcock <[John.Allcock@brighton-hove.gov.uk](mailto:John.Allcock@brighton-hove.gov.uk)>  
**Subject:** Objection to Montefiore Wines licensing application

## **EG CON ENDS 30.03.22 VALID PCD & PPN (M)**

Dear Jim,

Attached is the objection to the licensing application for Montefiore Wines which is from both Cllr Allcock and I.

Best wishes

**Jackie O'Quinn**

**Opposition Spokesperson for Children and Young People Committee**

**Goldsmid Ward Councillor**

Member of Licensing Committee

Member of Police Panel

Chair of Brighton and Hove Estate Conservation Trust

Member of Culture and Creative Industries Commission

Trustee for Brighton Dome and Festival Trust

E: [jackie.o'quinn@brighton-hove.gov.uk](mailto:jackie.o'quinn@brighton-hove.gov.uk)

M: 07809100469

T: 01273 291823

30<sup>th</sup> March 2022

Dear officer,

Reference : **2022/00692/LAPREN Montefiore Wines**

Both Councillor Allcock and I are objecting to the above application for an off-licence in Montefiore Road. The area is heavily residential area and there is already another off-licence in this parade of shops. Residents have expressed their concerns about noise and anti-social behaviour and under-age drinking, and it is on those grounds that I am objecting.

The proposed premises wishes to operate from 9am to 11pm and this is late in a residential area which is heavily dominated by families with young children. The application does not state if the applicant wishes to provide deliveries of alcohol, but residents would seriously object to that because of the noise of cars or motorbikes involved in such deliveries. The area also has many children passing through due to its proximity to a number of schools, so there would need to be strict conditions regarding not selling alcohol to under-age people.

There have also been some incidents in Montefiore Road in the vicinity of the shops and take-aways and the police have been called out, so the area already has issues and residents do not wish to see those issues increase.

I would wish to attend the panel that deals with this application.

Kind regards

Jackie O'Quinn

Councillor Jackie O'Quinn      Goldsmid Ward

Councillor John Allcock      Goldsmid Ward



**From:** Redacted <Redacted>  
**Sent:** 30 March 2022 19:44  
**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>  
**Subject:** RE: 7 Montefiore Road Licence - 1445/3/2022/00692/LAPREN

## **EG CON ENDS 30.03.22 VALID PCD & PPN (N)**

I'd like to raise my objection to the application for a further licenced premises in Montefiore Road, and on the grounds of the prevention of crime & disorder, public safety and prevention of public nuisance, under Licensing Act 2003.

This is a residential area, and one that already suffers from speeding cars (public safety), in a 20 mph zone, as well as through walking traffic for drug addicts on their way from Dyke Road Park to St. Ann's Well Gardens (prevention of crime & disorder & prevention of public nuisance).

The road already has two convenience stores, one established for many decades, the other more recent; both are popular with local residents, and a further premises will literally be two doors up from Cookes News, and directly opposite a hospital! This will clearly have a detrimental affect on the hospital, existing convenience stores, local employment, and finally, is simply unnecessary in an area well served by café's, restaurants, convenience stores, and local supermarkets e.g. Co-Op.

Redacted

Redacted

Redacted

Redacted

Sent with [ProtonMail](#) secure email.

**From:** Redacted <Redacted >  
**Sent:** 29 March 2022 10:21  
**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>  
**Subject:** New Off-Licence Application Licence Application - 1445/3/2022/00692/LAPREN 7  
Montefiore Road objection

## **EG CON ENDS 30.03.22 VALID PCD (0)**

Re: Licence-1445/3/2022/00692/LAPREN

I would like to object to the above application for a sale by Retail of Alcohol Licence.

We already have an Off-Licence on Montefiore Road, and Redacted also has an Alcohol Licence. In addition, there are other Off-Licences nearby in Seven Dials, along with 2 Co-ops and several Bars/Restaurant's which all sell Alcohol.

The application will cause an overprovision of Off Licences and the application is inconsistent with one or more of the BHCC licensing objectives:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

There has been occasional crime in the street, so it would be a shame if this was to be increased by yet another premises selling Alcohol.

Yours faithfully

Redacted

Redacted

Redacted

Redacted

Redacted

Redacted

**Appendix D**





## **Appendix E**

**From:** Azizur Rahman <[azizur8474@gmail.com](mailto:azizur8474@gmail.com)>  
**Sent:** 29 March 2022 21:00  
**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>  
**Cc:** Cllr John Allcock <[John.Allcock@brighton-hove.gov.uk](mailto:John.Allcock@brighton-hove.gov.uk)>; Cllr Marianna Ebel <[Marianna.Ebel@brighton-hove.gov.uk](mailto:Marianna.Ebel@brighton-hove.gov.uk)>; [quinn@brighton-hove.gov.uk](mailto:quinn@brighton-hove.gov.uk)  
**Subject:** Application to New Premises License @ 7 Montefiore Wine

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Team,

RE: New Licence Application @ 7 Montefiore Rd, Ref no. 1445/3/2022/00692/LAPREN

I, Azizur Rahman, am the applicant for the new license. I am very excited to have the opportunity to be a part of the local community.

I am proud to state that we have a management team with combined experience of more than 30+ years running local corner shop. We are very sensitive to local's sentiments as we know majority of our customers will be local residents, and we are obliged with a sense of duty to look after and protect the harmony of the neighbourhood.

We are updated with the new legislations in relation to alcohol license. We are aware of new terms which prohibits of selling 'single can of beer, lager or cider – only multi packs of 4 or more will be available.' Plus 'no beer, lager, cider or Perry with an ABV over 6% or above shall be available at our premises'. For those who are concern should be happy to know, we have already agreed to these conditions as a responsible seller. I am not too sure if the other off license in the road are abiding these rules.

And when in operation, we shall not only create job opportunities for locals, but also try to enhance the outlook of the road to attract and increase customer foot falls to local business.

I was sad to learn the concerns of few residents and formally objecting against my application. It is needless to say the locals have been misguided and ill informed. They have been persuaded by presenting factually incorrect information and creating a climate of fear. This has been by distributing (printed copy can be found on display up on the window in one shop – please see attachment). The distributor/creator falsely acclaimed that "there are 2 Off Licences in Montefiore Road, and an additional one will cause a lot problems..." A quick fact check can tell us that there is only ONE off-license and a lovely newsagent (they do not sell alcohol).

I believe the fear of competition with the opening of a new shop in the neighbourhood has ridiculed them. They are panicking and trying their best in resisting and objecting against my application. Of all the objections I have seen so far, more than half of them have been originated from the same place (the owner & their staff of the existing off-license). They have also successfully managed to manipulate a few of their close friends and lure them to formally object against my application. They have presented our application in an intimidating way to locals and urged everyone to object by personally visiting them, door to door.

I have surveyed the local neighbourhood before submitting my application, and they have welcomed

the idea of a new shop opening. Everybody hates the sight of an empty shop. The locals were delighted with this new and all agreed, Montefiore Wine will enhance the aesthetic beauty of the road /neighbourhood.

The objections started to pop-up after the distribution of misinformation which sway the mood of the locals. They are portraying a picture of our new shop, if opened, all the drunk people in Hove will come to purchase alcohol in Montefiore Wine. If not drunk, customers will buy alcohol from my shop, and right after purchase will consume outside my shop and get drunk immediately and create public nuisance. This is so unfortunate! The whole effort seems to frivolous and vexatious against my application.

One may understand, the fear of competition has led them to act the way they have reacted against my application. Knowingly or recklessly making a false statement in connection with any application, I believe, is a criminal offence. This is what is happening here, creating and spreading false information among the community. I shall leave this to you & team to decide, and if necessary, to take action against the person who did this (you shall not find the name of the author on notice, this speaks volume of the motive).

We are peace loving and law abiding citizens of Brighton & Hove. We know the duties of running a off-license and we perform it very seriously. Our colleagues in the shop will be fully trained with up-to-date knowledge of Food & Safety, plus Age Restricted Sales. We shall set up an updated CCTV system and monitor the sales activity very strictly. Our shop will create job opportunities for locals. We shall sell mostly organic products from ethically sourced companies. We will not stock up cheap booze and put on display (like other shop) on windows to attract cheap customers. We are happy in agreeing to reduce the number of hours of operation in local area if same is applied to all the shops. I have confidence and trust on you and your team that you are competent enough not to be persuaded by the indoctrination and fully understand the motive & rationale behind those superfluous few concerns. All the objections are trivial and hypothetical. I am sure there are 100s of examples you are aware of several shops running successfully in close proximity. So, this will be no different.

I love honest competition and want a level playing field, which I believe can expect from you & BHCC. I can assure you that we are fully equipped with experience & possess knowledge to run an off-license shop inside a local community. Therefore, I hope you would grant and approve my application in my favour.

Feel free to contact for additional info.











Best regards,  
Aziz