





**Brighton & Hove  
City Council**

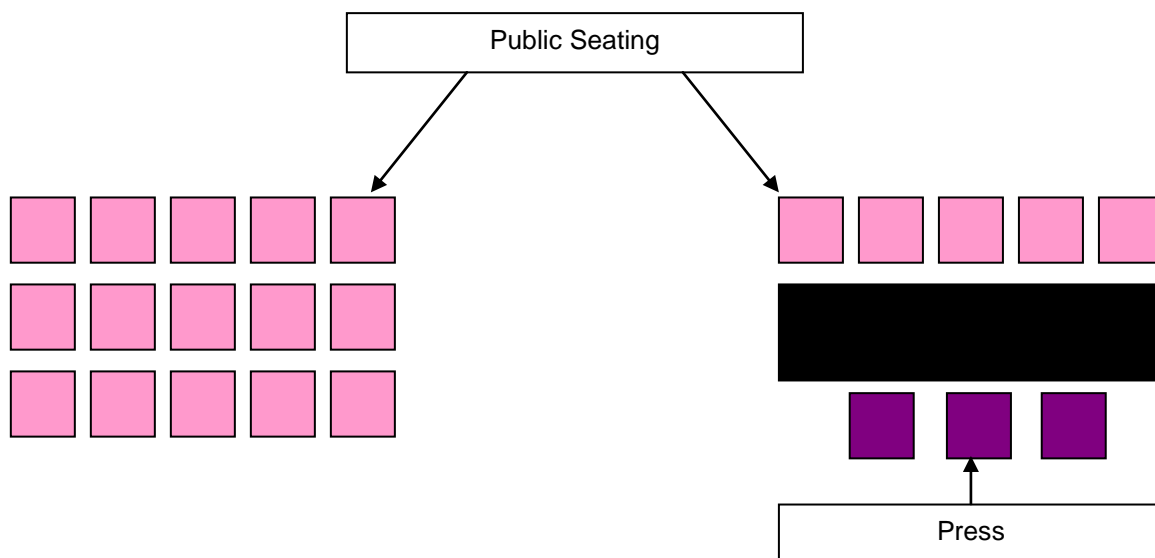
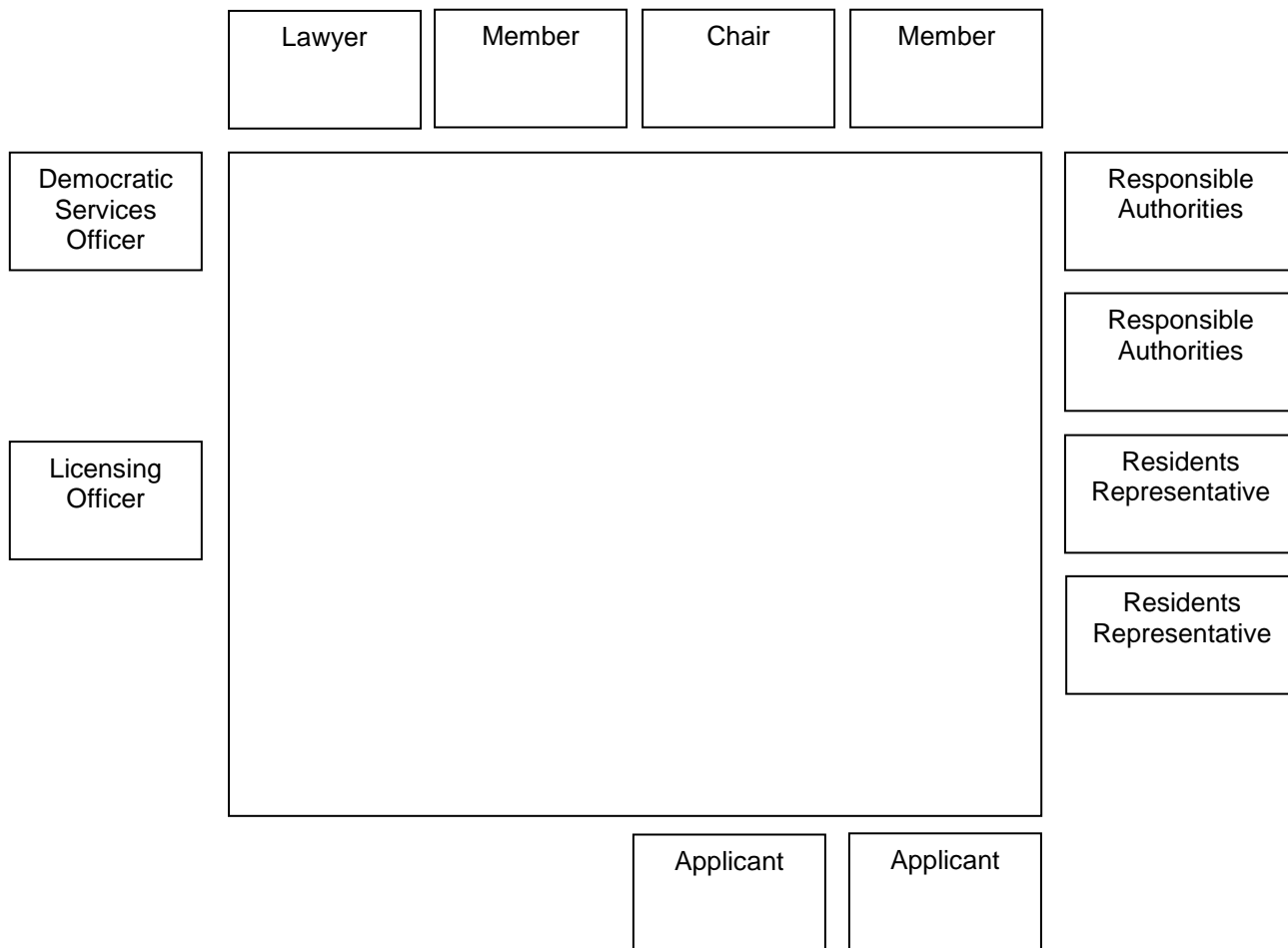
# Licensing Panel

(Licensing Act 2003 Functions)

Title:	<b>Licensing Panel (Licensing Act 2003 Functions)</b>
Date:	<b>9 February 2018</b>
Time:	<b>10.00am</b>
Venue	<b>Room G90, Hove Town Hall</b>
Members:	<b>Councillors:</b> O'Quinn, Morris and Hyde
Contact:	<b>Cliona May</b> Democratic Services Officer 01273 29-1354 cliona.may@brighton-hove.gov.uk

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# Democratic Services: Meeting Layout



## AGENDA

**76 TO APPOINT A CHAIR FOR THE MEETING**

**77 WELCOME & INTRODUCTIONS**

**78 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.*

79 NISA LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

1 - 34

Executive Director of Neighbourhoods, Communities & Housing (copy attached)

Contact Officer: Dean Love  
Ward Affected: Central Hove

Tel: 01273 295347

**NOTES:** *Applicants, Agents, Representatives from Statutory Authorities and Other Interested Parties are kindly requested to wait outside before the beginning of the hearing until called in together by the clerk.*

*There may be more than one item on this agenda, and as such the item you are interested in may not be heard until later in the day. However, the Chair reserves the right to alter the running order of the agenda at the start of the meeting without prior notice.*

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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Cliona May, (01273 29-1354, email [cliona.may@brighton-hove.gov.uk](mailto:cliona.may@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Thursday, 1 February 2018

# Licensing Panel

## (Licensing Act 2003 Functions)

# Agenda Item 79

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>Nisa 18 Victoria Terrace Hove BN3 2WB</b>		
<b>Applicant:</b>	<b>Sabahattin Naz</b>		
<b>Date of Meeting:</b>	<b>9 February 2018</b>		
<b>Report of:</b>	<b>Executive Director of Neighbourhoods, Communities &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Sarah Cornell</b>	<b>Tel: (01273) 295801</b>
	<b>Email:</b>	<b>sarah.cornell@brighton-hove.gcsx.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>Central Hove</b>		

### FOR GENERAL RELEASE

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

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

#### 2. RECOMMENDATIONS:

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

#### 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 change of plan, and an extension of alcohol hours.
- 3.2 Part M (Operating Schedule) of the application is detailed at Appendix A and the new plan of the premises is attached at Appendix B

### 3.3 Summary table of existing and proposed activities

	<b>Existing</b>	<b>Proposed</b>
<b>M) Supply of Alcohol</b>	Every Day 08:00 to 23:00 Off the premises	Every Day 07:00 to 00:00 Off the premises
<b>O) Hours premises are open to public</b>	N/A	Every Day 07:00 to 00:00

3.4 Existing licence attached at Appendix C

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

#### **Representations received**

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

3.7 Four representations were received. They were received from Sussex Police, The Licensing Authority, Public Health and a local Church.

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

3.9 Full details of the representations are attached at Appendix D. A map of the location of the premises and showing those representations within the locality is at Appendix E. Please note that Responsible Authorities, Residents Associations and reps further afield are not shown on the map but can be found at Appendix D.

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

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

### **1. Introduction**

1.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant

representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

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

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

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

### **1.3 Scope**

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

## **3 Special Policies and Initiatives**

### **3.3 The Matrix Approach**

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

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

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

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

	<b>Cumulative Impact Area</b>	<b>Special Stress Area</b>	<b>Marina</b>	<b>Other Areas</b>
<b>Restaurant</b>	Yes (midnight)	Yes (midnight)	Yes	Yes (midnight)
<b>Café bar</b>	Yes (11.30)	Yes (midnight)	Yes	Yes (midnight)
<b>Late Night Takeaways</b>	No	Yes (midnight)	Yes	Yes (midnight)
<b>Night Club</b>	No	No	Yes	No
<b>Pub</b>	No	Yes (11pm)	Yes	Yes (midnight)
<b>Non-alcohol lead (e.g. Theatre)</b>	Yes (favourable)	Yes (favourable)	Yes	Yes (favourable)
<b>Off-licence</b>	No	No	Yes	Yes ( Up to 11pm but if in densely residential area may be earlier – see note 7 below)
<b>Members Club (club premises certificate)</b>	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes	Yes

Notes on matrix

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

- 1) Each application will be considered on individual merit
- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.



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

### **3.5 Off licences**

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

Framework for assessing alcohol licensing. The council will want to be assured that the operating schedule of premises, and their overall management, training and levels of staffing, are appropriate to ensure that the licensing objectives are promoted in what may be challenging circumstances. Retail outlets and stores where the provision of fresh produce is the principle product sold maybe considered more favourably.

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

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

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

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

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

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

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

### **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.

## **5 Public Safety**

- 5.1 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.

5.1.3 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**

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

6.1.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke).

6.2.2 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**

7.1 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, e.g. 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).

7.2 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 (e.g. passport, photo driving licence or pass card).

7.3 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 5.3 below.

7.4 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

7.5 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;

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.

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

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

## **8 Integration of Strategies**

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

- 8.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.
- 8.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

*Finance Officer Consulted Monica Brooks*

*Date: 19/01/18*

### 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: 19/01/18*

### 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 (Operating Schedule) of the Application
2. Appendix B – Proposed Plan of Premises
3. Appendix C – Part A of Premises Licence
4. Appendix D – Representations
5. Appendix E – Map of area

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

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2017.

Public Health Framework for assessing Alcohol Licensing. Annual Report – Ward. 3rd edition. Public Health Intelligence. October 2017

### **Background Documents**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.



## APPENDIX A

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

b) The prevention of crime and disorder

Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police. CCTV footage will be stored for a minimum of 28 days and management will be given full and immediate cooperation and technical assistance to the Police. In the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime. The CCTV images will record & display dates and times and these times will be checked regularly to ensure their accuracy and will be changed when British Summer time starts and ends.

c) Public safety

CCTV will be installed, any drunk customers will be refuse.

d) The prevention of public nuisance

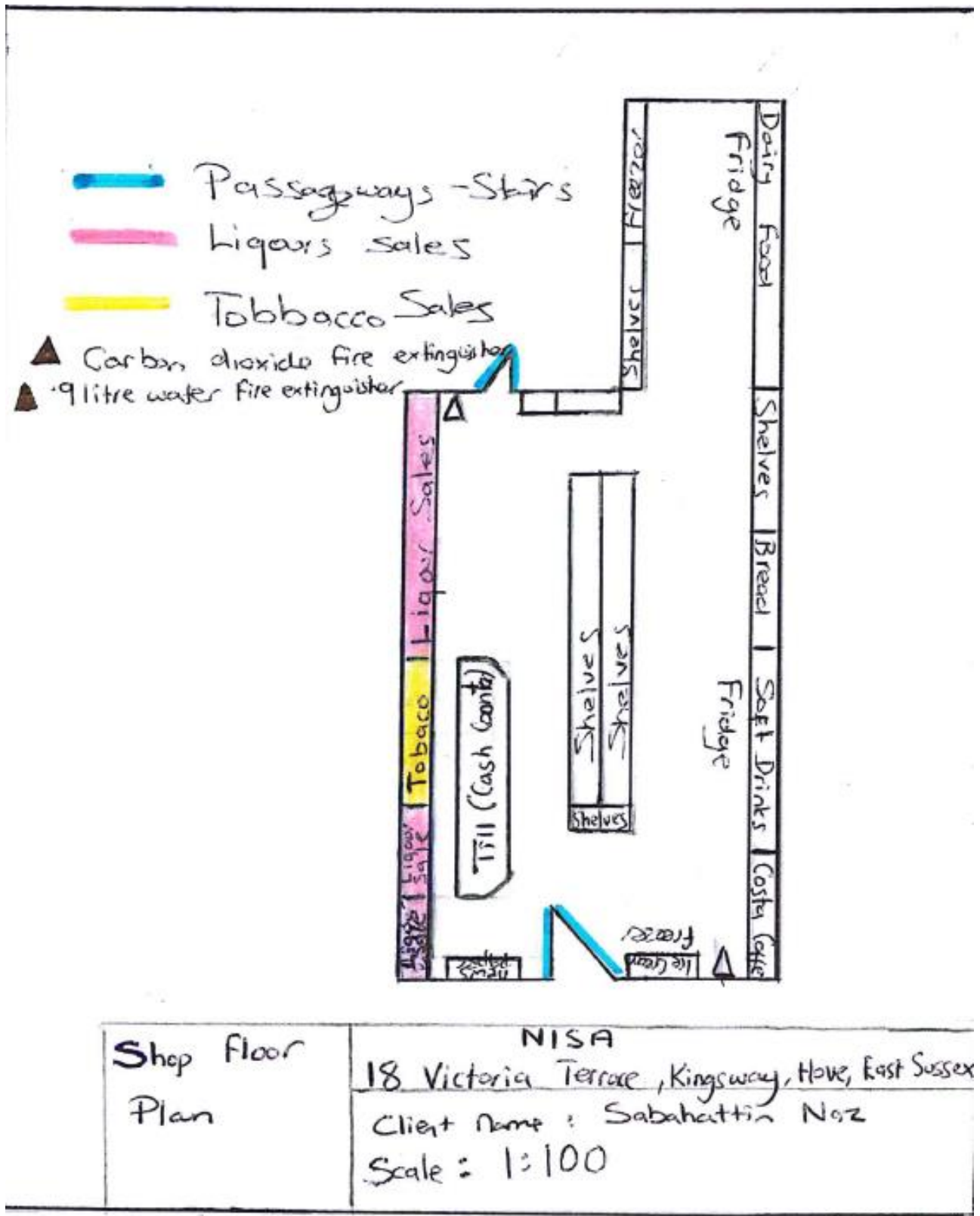
The premises will operate a challenge "25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The only forms of ID that will be accepted are passports, driving licence with a photograph or Partman Grip, Citizen and or validate proof of age cards, bearing the PASS mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the amended or without the need to amend the licence or conditions attaching to it. Suitable and sufficient signage advertising the challenge "25" policy will be displayed in prominent locations in the premises.

e) The protection of children from harm

will operate challenge 21 policy and customers will be asked to provide it if they appear under 21.



**APPENDIX B**





**Premises Licence  
Brighton and Hove City Council**

**Premises Licence Number**

1445/3/2017/03223/LAPRMV

**Part I – Premises Details**

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

Kingsway Store (PKA Londis)  
18 Victoria Terrace  
Hove  
East Sussex  
BN3 2WB

**Telephone number** 01273 771 753

**Licensable activities authorised by the licence**

Sale by Retail of Alcohol

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

**Sale by Retail of Alcohol**

Monday - Saturday	08:00 - 23:00
Sunday	10:00 - 22:30
Christmas Day	12:00 - 15:00
Christmas Day	19:00 - 22:30
Good Friday	08:00 - 22:30

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption off the Premises.

## Part 2

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

Sabahattin Naz  
18 Victoria Terrace  
Hove  
East Sussex  
BN3 2WB

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

Not supplied

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

Sabahattin Naz

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

## Annex I - Mandatory conditions

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

1. No supply of alcohol may be made under the premises licence
  - a) at a time when there is no designated premises supervisor in respect of the premises, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

### 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,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

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

## **Embedded Conditions**

### **1. Permitted Hours**

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c) On Christmas Day, noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d) On Good Friday, 8 a.m. to 10.30 p.m.

### **Restrictions**

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty’s naval, military or air forces;

*Source Section 60,63,86 Licensing Act 1964*

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

*Source Section 164 Licensing Act 1964*

### **3. Recorded Music**

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

*Source Section 182 Licensing Act 1964*



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

### **The Prevention of Crime and Disorder**

1. (a) Digital CCTV and appropriate recording equipment to be installed in accordance With Home Office Guidelines relating to UK Porce Requirements for Digital CCTV System (PSDB Publicon Number 09/05), operated and maintained throughout the premises internally and externally to cover an public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.  
  
(b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels insicte the premises at all times.  
  
(c) CCTV footage will be stored for a minimum of 31 days  
  
(d) 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 auspected or alleged crime. Management will operate the system and supply copies of these images on request to either Police, Council or other authorised Officer within 24 hours of such a request.  
  
(f) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.  
  
(g) 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 for the police without difficulty or delay and without charge to Sussex Police.  
  
(h) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.  
(l) 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.
2. 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.
3. The Designated Premises Supervisor and their staff will be able to communicate with customers, the public, and representatives of statutory agencies and responsible authorities to a level that satisfies Police and Trading Standards that they are able to meet the four licensing objectives.

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

1. 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. Driving Licences with a photograph, Photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence or conditions attaching to it.
2. Suitable and sufficient signage advertising the “Challenge 25” policy will be displayed in prominent locations in the premises-
3. (a) 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
4. (a) 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.

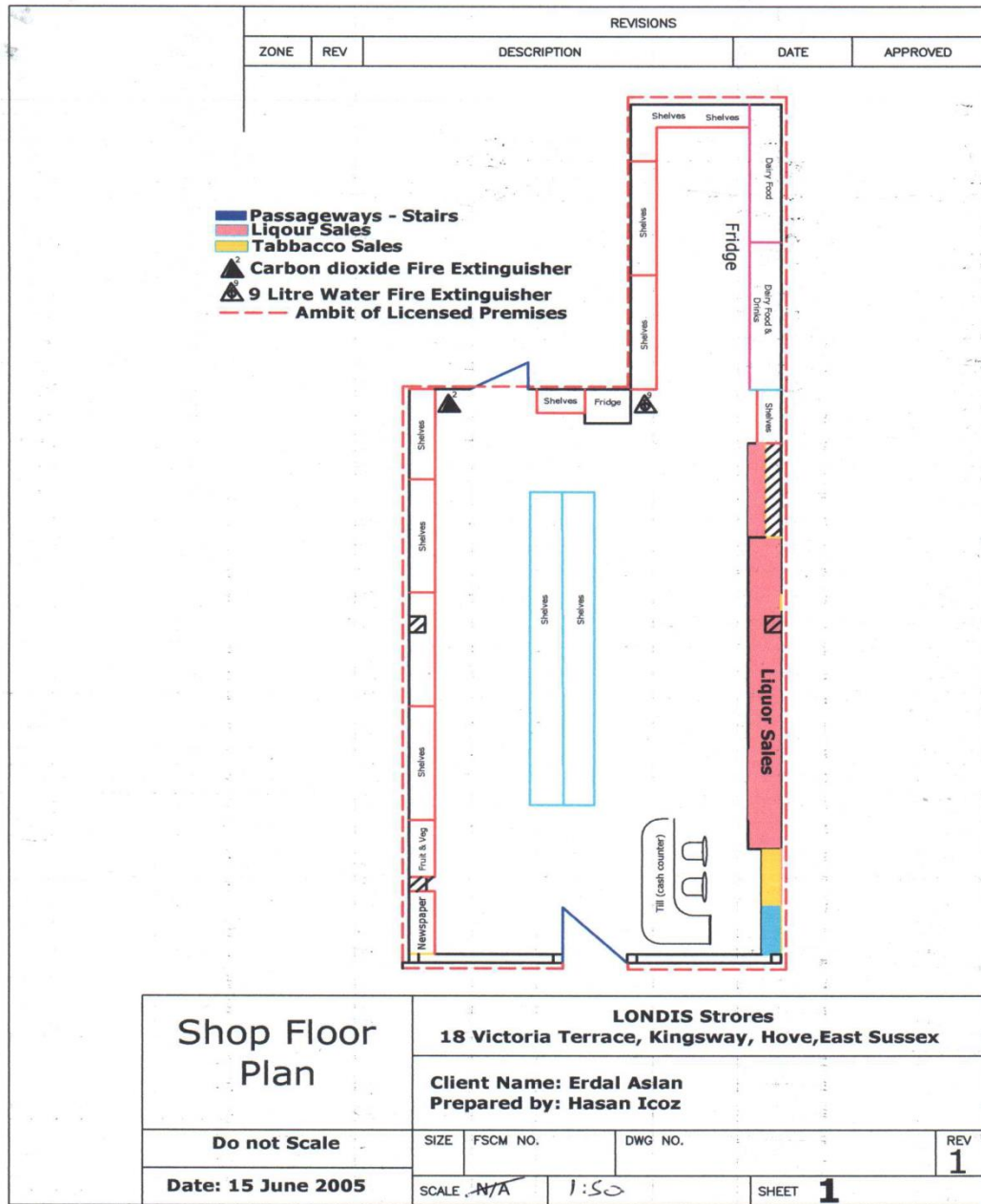
(b) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and Brighton & Hove Weights & Measures Officers or Trading Standards staff upon request.

(c) The premises shall at all times maintain and operate an age-restricted sales refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks. Each DPS review will be noted in writing in the register alongside a note of any corrective action taken and when. Feedback regarding this will be given to staff as relevant. This refusals book shall be available upon request to police staff, Local Authority staff and Trading Standards.

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

N/a

## **Annex 4 – Plans**



## **APPENDIX D**

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

Date: 5 January 2018  
Our Ref: 2017/10945/LICREP/EH  
Phone:  
Email:

### **SC CON ENDS 15.01.18 VALID PCD & PPN (A)**

Dear Ms Cornell

#### **Licensing Act 2003**

**Representation in regard to the application to vary a Premises Licence under the Licensing Act 2003 (Ref: 2017/06014/LAPREV)**

**Re: Nisa (PKA Kingsway Store), 18 Victoria Terrace, Hove BN3 2WB**

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 the existing licence to extend the opening and sale by retail of alcohol hours as follows:

- Alcohol Hours (off consumption) – Monday Sunday – 7am – Midnight

The existing premises licence allows the sale of alcohol for off consumption Monday to Saturday from 8am – 11pm and Sunday 10am -10.30pm.

I make my representation on the ground that the extended licence will undermine the licensing objectives of prevention of crime and disorder and public nuisance. I would like to clarify that the variation is also to amend the plan on the licence and I have no objection to this part of the application.

The Licensing Authority and the Police/Local Authority partnership Alcohol Programme Board are concerned about emerging themes concerning the availability of alcohol, in particular, pre-loading, street drinking and binge drinking.

Brighton & Hove City experiences local problems and local trends such as pre-loading, binge drinking and street drinking created by cheap alcohol and fierce, localised price competition, particularly between off-licence stores and supermarkets.

The Council's Statement of Licensing Policy 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. Each application is still considered on its individual merit and there is discretion to depart from the policy where justified.

Guidance issued under S182 of the Licensing Act 2003 states in paragraph 8.38 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 8.40 that applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a matrix-decision making policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application, any measures they will take to mitigate the impact, and why they consider the application should be an exception to the policy. On looking at the application form, particularly section 16 (licensing objectives), it seems to me that despite the applicant putting in some measures they still have little understanding of these points and has not demonstrated a potential exception to our policy.

The decision-making Matrix on page 17 of the Council's Statement of Licensing Policy states that outside of the CIZ, SSA & Marina Off licences may be granted up until 11pm (or earlier if a densely residential area). The aim is to reduce availability of alcohol to address late-night street drinking, binge drinking and post-loading. There is an obvious disconnect in where alcohol is sold for off consumption and any subsequent nuisance or crime and disorder. Causality of alcohol sale, consumption, nuisance and impact is difficult to link back to the place where alcohol is purchased and consumed.

The Licensing Authority together with Trading Standards and the Police have been operating an off-licence accreditation scheme since 2014 known as 'Sensible on Strength'(SOS). The purpose of the campaign is to find ways of limiting the availability of super-strength drinks in the Brighton & Hove City area and to encourage retailers who sell alcohol 'off the premises' to operate good practice measures that will promote the four licensing objectives. We have encouraged a large number of licensed businesses to voluntarily stop selling super-strength beer, lager and cider above 6% and implement other good practice measures including a refusals system, CCTV, documented training etc, this has proved a huge success across the city and has had far reaching benefits for many.

I can confirm that this particular premises has previously decided not to join the scheme, it is a voluntary scheme so we cannot force premises to join. This is of particular concern as I have recently investigated complaints regarding the premises serving alcohol to intoxicated street drinkers but despite this the premises has not offered up in their operating schedule to stop selling beers, lagers & ciders over 6% ABV.

Granting a licence with later terminal hours is likely to facilitate post-loading, late night binge drinking and street drinking in Victoria Terrace and surrounding areas. I do not believe that the applicant has demonstrated that there are exceptional circumstances to justify departing from the Policy. I therefore request the extended hours part of this application is refused.

Yours sincerely

**Donna Lynsdale**  
**Licensing Officer**  
Licensing Team  
Regulatory Services

Sarah Cornell  
Senior Licensing Officer  
2nd Floor, Bartholomew House,  
Bartholomew Square,  
Brighton BN1 1JP

Date: 5<sup>th</sup> January 2018

Phone:

E-mail:

**SC CON ENDS 15.01.18  
VALID PCD, PNN & PS (B)**

Dear Ms Cornell

**Licensing Act 2003 - Representation regarding the application for a variation to the licence for Nisa, 18 Victoria Terrace, Hove, BN3 2WB (1445/3/2016/04935/LAPRET).**

I am writing regarding the above application for a variation to an off sales licence from Nisa, 18 Victoria Terrace, Hove BN3 2WB, which is in Central Hove ward. The application is for a variation to the time for the off sales of alcoholic beverages to be available from 7am to midnight every day of the year including Christmas day, New Year's day and all bank holidays. Currently the licence is for sales at the following times; Monday - Saturday 08:00 - 23:00, Sunday 10:00 - 22:30, Christmas day 12:00 - 15:00 & 1900 - 22.30 and Good Friday 08:00 - 22:30.

The premises lie outside both the cumulative impact zone (CIZ) and the special stress area (SSA). The current statement of licensing policy matrix approach for licensing decisions states that off licences outside the SSA and CIZ will be considered for a licence up to 11pm (but possibly earlier in a dense residential area or if there are other relevant local issues).

The applicant has offered a number of conditions to try and ensure that the operation of these premises will not undermine any of the licensing objectives. These include CCTV and Challenge 25. But does not include signing up voluntarily to the "Sensible on Strength" scheme which aims to reduce the availability of cheap super-strength beers and ciders.

For the alcohol associated crime and disorder indices we monitor Central Hove ward is ranked fifth worst, of the city's 21 wards, for "Police recorded alcohol related incidents" and is ranked eighth both for "All violence against the person" and for "Sexual offences". In addition, for the health data public health monitor, Central Hove ward is ranked the third worst for "Alcohol specific admissions (2016-17)", the fourth worst both for "A&E attendances with a record of alcohol" and for "Alcohol related mortality (2013-15)" as well as being the fifth worst for "Alcohol suspected ambulance call outs".

You will be aware that there is already considerable nuisance, crime and disorder from alcohol consumption in the city. This application for the variation to the off sales licence, if accepted would very likely add to this burden from alcohol. On the basis that the application is in contradiction with the licensing matrix set out in our policy, and that the premises sits in an electoral ward where the impact of alcohol on public safety and crime and disorder is already at a high level, I wish to register my objection to this licence application.



Yours sincerely,  
Dr Peter Wilkinson,  
Consultant in Public Health, Health and Adult Social Care Directorate,  
Brighton & Hove City Council

**From:** Jon Stanley  
**Sent:** 07 January 2018 21:43  
**To:** EHL Safety  
**Subject:** Application for extended hours - Nisa Shop off licence - 18 Victoria Terrace,  
Hove BN3 2WB

**SC CON ENDS 15.01.18 VALID PCD (C)**

Dear Sirs,

It has come to my attention that there has been an application for extended hours from the Nisa shop / off licence on the Kingsway Hove (18 Victoria Terrace, BN3 2WB) under the Licensing Act 2003.

For some years I have been active in the area assisting Tesco, the traders of George St, St Andrews Church, St Andrews School, local Councilors and the seafront team with issues of anti social behaviour, especially by street drinkers. Particular issues in the area include rough sleepers in the grounds of the King Alfred, street drinking in the shelter in front of the King Alfred car park (including the bench being set fire too), street drinking and rough sleeping in the shelter next to the main groyne on the sea front and street drinking in the pods in front of the King Alfred swimming pool.

Due to the continuing problems with anti-social behaviour from street drinkers in the area, I would like the following condition to be considered, before any extended hours are considered at these premises:

No beers, lagers or cider with an ABV content exceeding 6% will be sold other than premium speciality bottled beer, lager or cider.

Yours faithfully,

Jon Stanley  
St Andrews  
Church Road  
Hove  
BN3 2AD

Police Station  
John Street  
Brighton  
BN2 0LA

10<sup>th</sup> January 2018

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

**SC CON ENDS 15/01/18 VALID PCD, PNN & PCH (D)**

Dear Sarah Cornell,

**RE: APPLICATION TO VARY PREMISES LICENCE FOR NISA, 18 VICTORIA TERRACE, HOVE, EAST SUSSEX, BN3 2WB UNDER THE LICENSING ACT 2003. 2017/06014/LAPREV.**

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 that it will undermine the Licensing Objectives of the prevention of crime and disorder, public nuisance and public safety. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy.

This is a proposed licence variation application in an area of the City which is subject to a Special Policy adopted by Brighton & Hove City Council. The premises lies in the "Other Area" (as defined in the BHCC Statement of Licensing Policy) and seeks the following hours and licensable activities:

Supply of alcohol – Off Sales

**Monday – Sunday:** 07:00 – 24:00 Including UK Bank Holidays

Currently the location has a licence allowing the sale of alcohol (off the premises) as follows:

<b>Monday – Saturday:</b>	08:00 – 23:00
<b>Sunday:</b>	10:00 – 22:30
<b>Christmas Day:</b>	12:00 – 15:00 and 19:00 – 22:30
<b>Good Friday:</b>	08:00 – 22:30

On considering the application alongside the licensing decision matrix on page 16 of the Council Statement of Licensing Policy (SoLP), this application falls outside the timings for licensable activity normally accepted in 'Other Areas'. We would especially point to the "Off Licence" section which recommends 23:00hrs as a terminal hour, although within a densely residential area, may be earlier. The premises already has licensed hours until 23:00hrs.

Note 7 of Paragraph 3.3.2 of the Brighton and Hove City Council 2016 Statement of Licensing Policy states:

*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 café bars, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing and the Street Community and Drug Activity Profile. These documents are available on the following page of our website [www.brighton-hove.gov.uk/licensingact](http://www.brighton-hove.gov.uk/licensingact).*

Sussex Police note that Victoria Terrace, while being largely a parade of shops, is densely residentially populated with flats above the parade and the premises in question being opposite to flats and other residential properties. The area suffers from a certain amount of Anti-Social Behaviour and has a number of other restaurants, pubs and off licences close by all impacting on the area.

Although the premises licence conditions were updated as part of a minor variation in July 2017, 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 offered.

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

Yours sincerely,

Lisa Bell  
Chief Superintendent  
Divisional Commander  
Brighton & Hove Division



**APPENDIX E**



