




Brighton & Hove  
City Council

# Licensing Panel

(Licensing Act 2003 Functions)

Title:	<b>Licensing Panel (Licensing Act 2003 Functions)</b>
Date:	<b>24 August 2018</b>
Time:	<b>10.00am</b>
Venue	<b>Hove Town Hall, Room G90</b>
Members:	<b>Councillors:</b> Deane, Morris and O'Quinn
Contact:	<b>Caroline De Marco</b> Democratic Services Officer 01273 29-1063 caroline.demarco@brighton-hove.gov.uk

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AGENDA

25 TO APPOINT A CHAIR FOR THE MEETING

26 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.*

27 **ST JAMES'S STREET POST OFFICE, 20 ST JAMES STREET - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003**

5 - 46

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

Contact Officer: Sarah Cornell

Tel: 01273 295801

## LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

Ward Affected: Queen's Park

**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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For further details and general enquiries about this meeting contact Caroline De Marco, (01273 29-1063, email [caroline.demarco@brighton-hove.gov.uk](mailto:caroline.demarco@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Thursday, 16 August 2018



# Licensing Panel (Licensing Act 2003 Functions)

**Agenda Item 25**  
Brighton & Hove City Council

<b>Subject:</b>	<b>Application for a New Premises Licence under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>St James's Street Post Office 20 St James's Street Brighton BN2 1RF</b>		
<b>Applicant:</b>	<b>Markandayar Gowrikanan</b>		
<b>Date of Meeting:</b>	<b>24 August 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>Queen's Park</b>		

## FOR GENERAL RELEASE

### 1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for St James's Street Post Office.

### 2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for St James's Street Post Office.

### 3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a New Premises Licence under the Licensing Act 2003. The application proposes sale by retail alcohol and this will form an additional but not large addition to the operation of the premises.
- 3.2 There is an agreement in place that another off licence premises in James's Street known as St James's Off Licence, 14 St James's Street will surrender its licence if this application is granted. A copy of the letter confirming this is attached at Appendix A and a copy of the existing licence is attached at Appendix B.
- 3.3 Part M (operating schedule) of the application is detailed at Appendix C and the proposed plan is attached at Appendix D.

### 3.4 Summary table of proposed activities

	<b>Proposed</b>
<b>M) Supply of Alcohol</b>	Every Day 07:00 – 23:00 Off the premises
<b>O) Hours premises are open to public</b>	Every Day 06:00 – 23:00

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

#### **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 a Resident Association, Sussex Police, The Licensing Authority & Public Health.

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

3.9 Full details of the representations attached at Appendix E. A map detailing the location of the premises is attached at Appendix F.

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

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

### **1. Introduction**

**1.1** This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if ‘relevant representations’ are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those

objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

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

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

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

### **1.3 Scope**

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

## **3 Special Policies and Initiatives**

### **3.1 Cumulative impact**

3.1.1 The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore does not form part of this licensing policy statement.

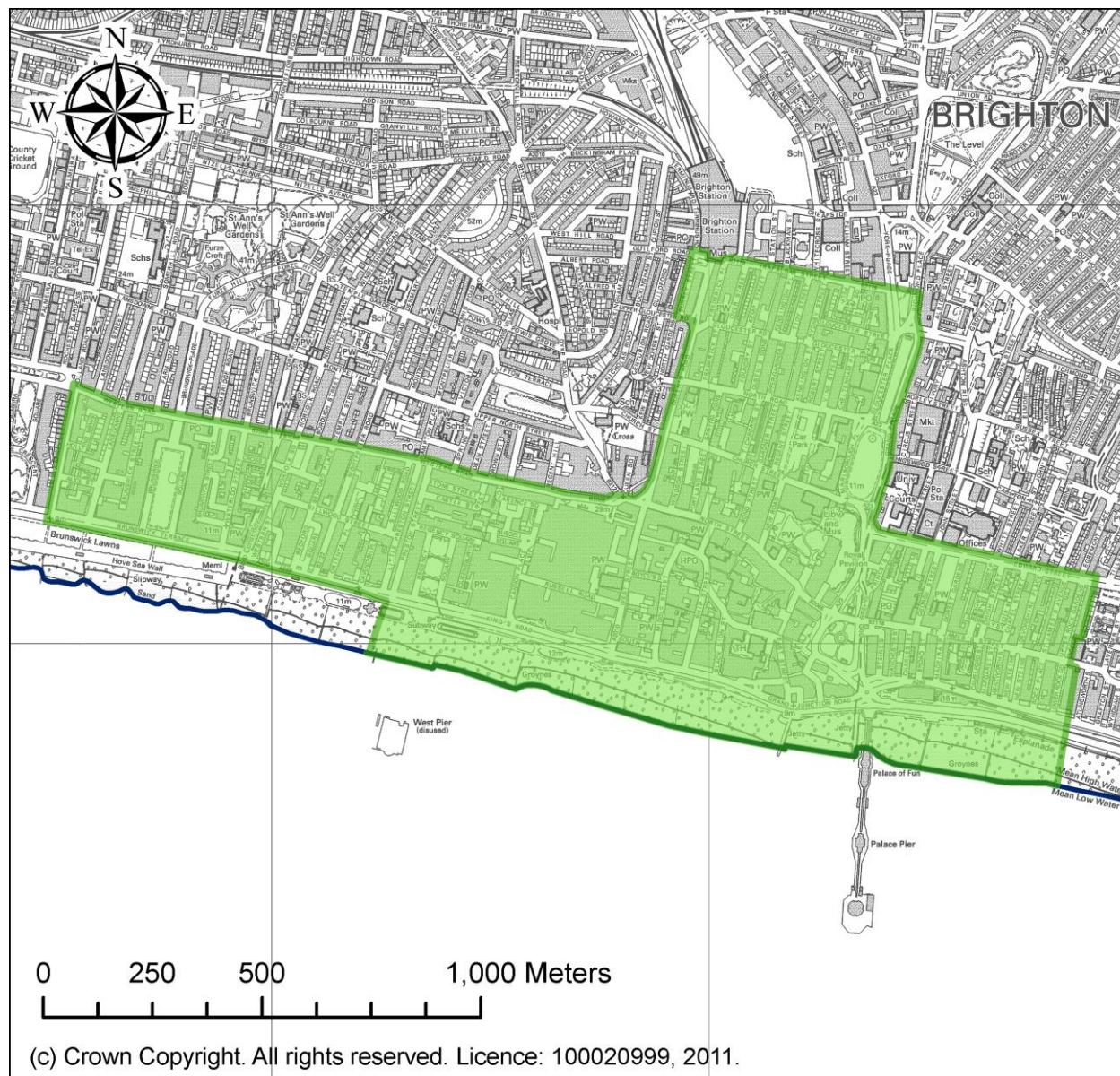
3.1.2 **Special Policy** - Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

The licensing authority, after careful consideration, has determined that the concentration of licensed premises in an area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to 'Cumulative Impact' is necessary as part of its statement of licensing policy. The first Special Policy incorporating a Cumulative Impact Zone (CIZ) and Special Stress Areas (SSA's) were adopted in March 2008. Since that date, the licensing authority has kept the CIZ and SSA's under review. On 15 December 2011 Full Council resolved to expand the CIZ and the special stress area, covering 1.5% of the administrative area of Brighton & Hove City Council. On 20th November 2014 Licensing Committee resolved to confirm the current CIZ and SSA as defined in the current Statement of Licensing Policy.

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



## Brighton & Hove City Council - Cumulative Impact Area



The Cumulative Impact Area comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Holland Road to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Ayr Street with the west side of Queens Road and then northward to the north-west corner of Surrey Street junction with Queens Road; thence along the north side of Trafalgar Street eastwards to its junction with York Place and continuing south-east across to Grand Parade, then south to the junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Holland Road; northward to that point and along the west side of Holland Road to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Holland Road.

- 3.1.4 The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.
- 3.1.5 This special policy also applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments. Off licences also come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder.
- 3.1.6 The presumption of refusal does not relieve responsible authorities or other persons of the need to make a relevant representation. If there are no representations, the licensing authority must grant the application in terms consistent with the operating schedule submitted.
- 3.1.7 Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the cumulative impact of the area, it may be granted. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant, theatre or live music venue (where alcohol is not the primary activity) may be considered exceptional circumstances. The fact that a premises will be/is exceptionally well managed with a well-qualified applicant, or that there are no residential premises nearby, will not be considered exceptional.
- 3.1.8 If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved.

### **3.3 The Matrix Approach**

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

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

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

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

	<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 offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).
- 6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, member's clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
- 7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or 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.
- 4.1.5 Measures put in place should support the intentions of Operation Marble (police operational order), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the city centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

### **4.3 Care, control and supervision of premises**

- 4.3.1 The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.
- 4.3.2 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, eg type of licence, capacity, operating hours restrictions.
- 4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.

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

## **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.

## **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;
- 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.

7.8 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.

## **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 'NightSafe' 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 Monica Brooks*

*Date: 13/08/18*

### 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: 08/08/18*

### 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 – Letter
2. Appendix B – Premises Licence
3. Appendix C – Part M of the Application
4. Appendix D – Proposed Plan of Premises
5. Appendix E – Representations
6. Appendix F - 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 2018.

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**

Hasan Karababa  
St. James' Off Licence  
14, St. James' Street  
Brighton BN2 1RE

To Whom it May Concern

June 15, 2018

Sir,

**St. James' Off Licence, (previously known as Wild Fruit Shop)**  
**14, St. James' Street, Brighton, BN2 1RE**

I am the premises licence holder of the above premises, licence number 1445/3/2007/00780/LAPERV. I am in consultation with Mr Markandayar Gowrikaran of 46 Millwell Crescent, Chigwell, IG7 5HY who is in the process of making an application for a new premises licence for Off Sales at 20 St James Street, Brighton.

Should this new licence be granted then I am in a position to confirm that my current premises licence will be surrendered subject to the new premises license only coming into force after you receive from me notification in writing of my decision to surrender my licence.

Yours faithfully

Hasan Karababa

A handwritten signature in black ink, appearing to be 'H. Karababa', with a large flourish and a small number '7' written below it.





Premises Licence  
Brighton and Hove City Council

Premises Licence Number

1445/3/2007/00780/LAPREN

## Part I – Premises Details

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**St. James's Off Licence  
14 St James' Street  
Brighton  
BN2 1RE**Telephone number** 01273 676783**Where the licence is time limited the dates** -**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**

Every Day 07:00 - 00:00

**The opening hours of the premises**

Every Day 07:00 - 00:00

**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**

Karababa Fruit & Vegetables Ltd  
14 St James' Street  
Brighton  
BN2 1RE

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

Registered Business Number      5599438

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

Hasan Fevzi Karababa

**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.

## **S 21; mandatory condition: door supervision**

I. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001: or

- b) Be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
- a) In respect of premises within paragraph 8 (3)(a) of Schedule 2 to the Private Security Industry act 2001 (c12) (premises with premises licences authorising plays or films): or
  - b) In respect of premises in relation to:
    - I. Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence) or
    - II. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section:
- a) “Security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for purposes of that Act, (see Section 3(2) of that Act) and
  - b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## **Annex 2 Conditions consistent with the operating Schedule:**

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

Digital CCTV and appropriate recording equipment to be installed operated and maintained throughout the premises internally and externally to a standard specification following consultation with Sussex Police. CCTV will be stored for a minimum of 28 days, and the management will give 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.

**For Public Safety:** None

**For the Prevention of Public Nuisance:** None

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

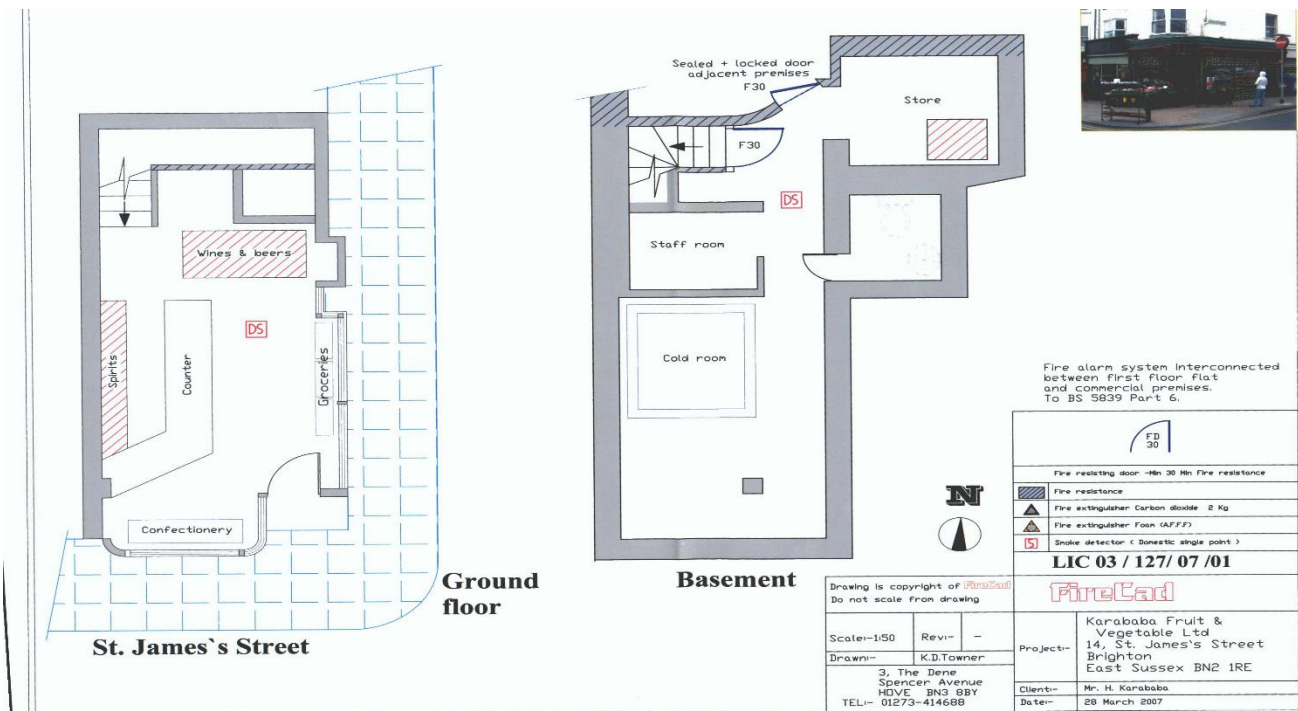
The premises will adopt a policy whereby any person attempting to buy alcohol who appears to be under 21 will be asked for photographic ID to prove their age. The only ID that will be accepted are passports, driving licences with a photograph or Portman Group, Citizen Card or Validate proof of age cards 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 Licensing Authority without the need to amend the actual licence.

The premises will maintain a refusal book to record all incidences of age related products being refused.

All staff will be provided with full training on alcohol and other age restricted Sales before the commence working in the shop and serving the public. They will be provided with a personal training manual, and must sign a document to confirm that they have received the appropriate training.

**Annex 3 Conditions attached after a hearing of a Licensing Panel - N/A**

**Annex 4 Plans**



## **APPENDIX C**

**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)**

This application acknowledges the CIZ in licensing policy with a set of robust conditions but what is exceptional is that the premises licence if granted will not be taken into operation until such time as the premises licence number 1445/3/2007/00780/LAPERV for 14, St. James' Street, Brighton, BN2 1RE has been surrendered. There is a letter included with this application that this will occur. There is also a reduction in hours from this other premises licence so there will be no negative impact.

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

Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.

- The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- CCTV footage will be stored for a minimum of 31 days
- The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
- The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
- Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at intervals not to exceed 4 weeks. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty four (24) months.

SIA licensed door supervisors shall be employed on any occasions when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will take into account information or guidance offered by the police and busy periods,

such as Bank Holidays and Seasonal Variations and other City Centre Events e.g. Pride. Any such assessment will be available on the premises for inspection by authorised officers and staff of the Licensing Authority or the police.

**c) Public safety**

The current Fire Risk Assessment will be revised and upgraded.

**d) The prevention of public nuisance**

The premises will adopt Licensing Authority Policy and not offer for sale any high alcohol beers or ciders over 6%abv.

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

The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving 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, the Licensing Authority and Trading Standards 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.

All staff members engaged, or to be engaged, in selling or delivery of alcohol on or from the premises shall receive the following training in age-restricted sales:

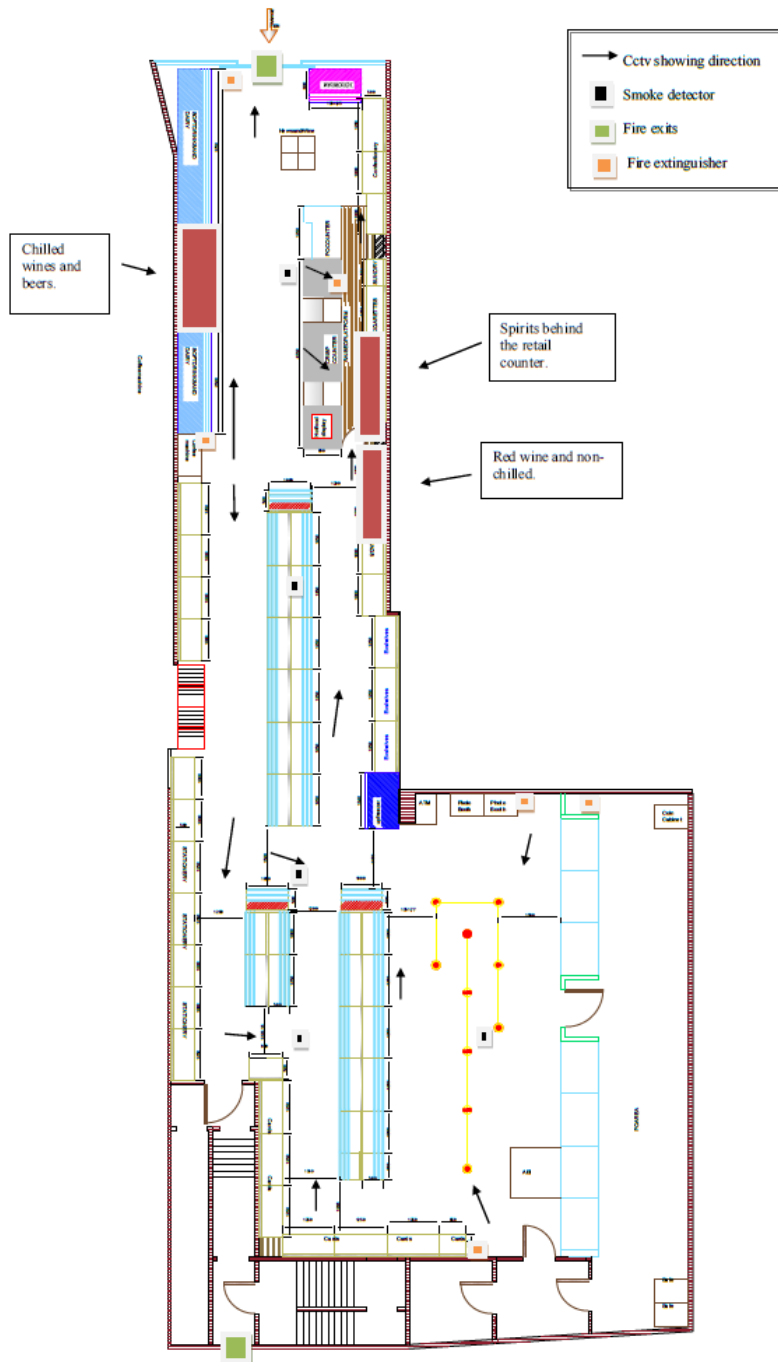
Induction training which must be completed, and fully documented, prior to the sale of alcohol by the staff member; and refresher training thereafter at intervals of no more than 12 weeks.

All age-restricted sales training undertaken by staff members shall be fully documented and recorded.

All training records shall be made available to Sussex Police, officers of the licensing authority and Weights and Measures upon request.



# APPENDIX D



UNIT 63 BARKING INDUSTRIAL  
 PARK, ALFRED SWAY, BARKING,  
 ESSEX IG11 0TJ  
 TEL: 0208591 2110  
 FAX: 02085940737 MOBILE:  
 078 18231355

**CLIENT** Mr. Mark Haran

**PROJECT:**  
 Post Office  
 20 St. James Street  
 Brighton  
 East Sussex  
 BN21RF  
 haran101@hotmail.com

**Date:** 12/11/13

**Drawing Reference:** 7Nov13

**SCALE:** 1:100 @ A3

**Revision:** 01

### LEGENDS

	SOFT DRINKS AND DAIRY FRIDGE
	FREEZER
	ALCOHOL
	EXISTING
	GROCERIES SHELF
	CORNER BOXING
	FRUITS AND VEG.
	PROMOTION SHELF
	REMOVED SECTIONS
	CLOSED SECTIONS
	ICE CREAM

ALL DIMENSIONS MUST BE VERIFIED  
 ON SITE PRIOR TO ANY WORKS  
 TAKING PLACE. THIS DRAWING  
 REMAINS THE  
 PROPERTY OF LINK SHOPFITTING  
 AND MAY NOT BE REPRODUCED IN  
 ANY WAY WITHOUT PRIOR CONSENT

**DRAWING BY:**  
 SAJMIRZEQAJ



## **APPENDIX E**

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

Date: 18<sup>th</sup> July 2018  
Our Ref: 2018/05163/LICREP/EH  
Phone:  
e-mail:

### **SC CON ENDS 01.08.18 VALID PCD, PNN & CIZ (A)**

Dear Ms Cornell,

**Licensing Act 2003 – Licensing Authority representation against the application for a new Premises Licence (ref: 2018/04101/LAPREN)  
Re: St James's Street Post Office, 20 St James's Street, Brighton, BN2 1RF**

I refer to the application made by Markandayar Gowrikan for a Premises Licence for St James's Street Post Office, 20 St James's Street. The application asks for the licensable activity of Sale by Retail of Alcohol, off the premises 07.00 -23.00 hours with opening hours of 06.00-23.00 hours daily.

I have concerns about this application and make a representation on the grounds of the Prevention of Crime and Disorder and Prevention of Public Nuisance and that this application is contrary to our Statement of Licensing Policy (SoLP) decision making matrix.

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

This premises is a new off licence in the Cumulative Impact Area. The Matrix indicates no to any new 'Off-licence' in the 'Cumulative Impact Area'. Each application is still considered on its individual merit and there is discretion to depart from the Matrix approach policy in exceptional circumstances.

Guidance issued under S182 of the Licensing Act 2003 advises, where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application, any measures they will take to mitigate the impact, and why they consider the application should be an exception to the policy.

The application offers conditions to promote the licensing objectives including the provision of digital CCTV, incident and refusal log, Security Industry Authority licensed door supervisors on a risk assessed basis, not beers or cider with an ABV over 6% to be sold, challenge 25 policy, training and refresher training. The application also offers to surrender a premises licence with off sales of alcohol at a smaller venue, (14 St James's Street- Licence reference 1445/3/2007/00780/LAPREN) if this licence is granted.

The premises is in the Cumulative Impact Area and is located in the electoral ward of Queens Park, which according to our Public Health Framework for Assessing Alcohol Licensing (4th edition) is ranked the worst out of 21 wards under the Health Data for clients in alcohol treatment, A&E attendances with a record of alcohol and Alcohol related mortality 2013-2015. The ward is ranked the second worst for increasing risk or higher risk drinking and third worst for alcohol suspected ambulance call outs. The Crime and Disorder data ranks this ward the second worst for sexual offences and third worst out of 21 wards for criminal damage, Police recorded alcohol related incidents, all violence against the person: all injury violence and non-injury assault.

I therefore make a representation on the grounds of the Prevention of Crime and Disorder and Prevention of Public Nuisance and to uphold our Statement of Licensing policy so that the panel can determine the application.

Yours sincerely

Becky Pratley

Licensing Officer

Licensing Team, Environmental Health and Licensing

Regulatory Services

Please note my working days are Monday, Tuesday and Wednesday.

25<sup>th</sup> July 2018

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

**SC CON ENDS 01.08.18 VALID PCD, PS, PCH, PNN & CIZ (B)**

Dear Sarah Cornell,

**RE: APPLICATION FOR A NEW PREMISES LICENCE FOR ST. JAMES STREET, BRIGHTON, BN2 1RF UNDER THE LICENSING ACT 2003. 1445/3/2018/04101/LAPREN**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds of the prevention of crime and disorder, public nuisance, public safety and For the protection of children against harm. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy (SoLP).

This is a proposed new licence application for a premises that is located on St. James Street in an area defined as 'Cumulative Impact Area' under the decision making matrix in the SoLP. The application asks for the following licensable activities and timings:

Supply of alcohol (Off Sales)

**Every day:** 07:00 – 23:00

Opening hours

**Every day:** 06:00 – 23:00

On considering the application alongside the licensing decision matrix on page 16 of the Council Statement of Licensing Policy (SoLP), an off licence is not permitted within the cumulative impact area.

The concentration of licensed premises within this area of the city causes problems of anti-social behaviour, crime and disorder and public nuisance. Consequently, after due consultation and consideration on the 13<sup>th</sup> March 2008 the Licensing Authority resolved that it was both appropriate and proportionate to

adopt a special policy in relation to cumulative impact.

Paragraph 3.1.4 of the Council 2016 Statement of Licensing policy states that “the special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licence or club premises certificate within the area, or variations which are likely to add to the existing cumulative impact, will be refused following relevant representation. This presumption can be rebutted by the applicant if they can show that their application will have no negative cumulative impact”.

The applicant has offered that if this licence is granted, 14 St. James Street will surrender their licence before this licence goes live. Sussex Police do not feel this is an exceptional circumstance for the locale considering the high levels of anti-social behaviour and crime and disorder. The applicant also failed to pre consult with Sussex Police. While this is not a requirement under the Licensing Act, the application falls outside the BHCC decision making matrix and the premises is in the Cumulative Impact Area and so suitable advice could have been offered.

St James Street is located in the electoral ward of Queens Park. According to the Public Health Framework for Assessing Alcohol Licensing (4<sup>th</sup> edition) Queens Park is ranked the worst out of 21 wards for clients in alcohol treatment and A&E attendances with a record of alcohol. The ward is ranked the second worst for increasing risk or higher risk drinking and third worst for alcohol suspected ambulance call outs. The Crime and Disorder data ranks this ward the second worst for sexual offences and third worst for criminal damage, Police recorded alcohol related incidents, all violence against the person: all injury violence and non-injury assault.

Paragraph 3.5.2 of the Council 2016 Statement of Licensing Policy states “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 licence, 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”

Sussex Police consider that this is an important application that must be brought before a council licensing committee for full scrutiny and a considered decision. Furthermore, it is the view of Sussex Police that the applicant fails to

demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

Yours sincerely,

Insp Di Lewis

Licensing & Response Inspector

Local Policing Support Team

Sussex Police

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

Date: 27<sup>th</sup> July 2018

Phone:

E-mail:

**SC CON ENDS 01.08.18 VALID PCD,  
PS, PPN, CIZ (C)**

Dear Ms Cornell

**RE: Licensing Act 2003 - Representation regarding the application for a new Premises Licence (ref: 2018/04101/LAPREN), St James's Street Post Office, 20 St James's Street, Brighton, BN2 1RF**

I am writing regarding the above application for an off sales licence for St James's Street Post Office, 20 St James's Street, Brighton, BN2 1RF which is within Queen's Park ward.

The application is for a new licence for the off-sales of alcoholic beverages between 7am and 11pm seven days a week. The applicant has recognised that the premises lie within the Cumulative Impact Zone as far as the sale of alcohol is concerned and has linked this application to the surrendering of a licence for premises nearby. The applicant has offered a number of conditions to try and ensure that the operation of these new premises will not undermine any of the licensing objectives. These include CCTV, Challenge 25 and not selling high alcohol beers or ciders over 6% abv. These measures will provide some safeguards for the licensing objectives. However, this off sales licence application does not fit with the approval conditions set out in the licensing matrix in the Statement of Licensing Policy regarding the Cumulative Impact Zone.

As you will be aware in the city there is already considerable nuisance, crime and disorder from alcohol consumption. Queen's Park ward is ranked either the second or third worst in the city for the alcohol associated crime and disorder indices public health monitor: all violence against the person, all injury violence, non-injury assault, sexual offences, criminal damage and police recorded alcohol-related incidents.

In addition to the above, for the health data public health monitor Queen's Park ward is ranked the worst in the city for A&E attendances with a record of alcohol, clients in alcohol treatment and alcohol related mortality (2013-15). The ward is also ranked the second worst for increasing risk or higher risk drinking and the third worst for alcohol suspected ambulance call-outs.

This application if accepted would very likely add to this burden from alcohol, and it cannot be seen as exceptional or as having the effect of reducing the cumulative impact from alcohol. Therefore on the basis that the application is in contradiction with the Licensing Matrix set out in the council's Statement of



Licensing Policy, and that the premises sits in an electoral ward where the impact of alcohol on nuisance, safety, crime and disorder, are all already at a very 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: TREVOR SCOBLE

Sent: 01 August 2018 15:54

To: EHL Safety

Subject: Licence 1445/3/2018/04101

**SC CON ENDS 01.08.18 VALID PS (D)**

Dear Sirs

Re: Licence 1445/3/2018/04101 Post Office 20 St James's Street.

The Kingscliffe Society Object to the above application for the following reasons:

First we understand that this is a new application But we understand that the application may well be for the transfer of the existing licence from the fruit & veg corner shop of St James's Street / George Street if so then our below objections will remain.

There is no shop plan on the web site but we understand that the spirits will be behind the main shop counter with red wine on the adjacent shelving to the west side with all other liquor in chilled units on the east side, we do not know the extent of these shop floor units.

- We object as the above proposed configuration of liquor sale locations will cause confrontation between the shop & post office users, for the following reasons;
- the Post Office counter is at the rear of the shop requiring users to pass through those buying liquor on either side of the shop.
- often the queues for the post office counter are half way down the shop
- these may well be mothers with toddlers and push chairs
- also there are those less able and disabled possibly in wheel chairs
- plus the general public with documentation to deal with
- together with office workers with parcels and sacks of mail to be weighed and stamped
- let alone us golden oldies wanting to draw and send money.
- and those who just want to buy the general goods

All of us would be trying to use the same floor space with those wanting to buy liquor and no doubt some who have consumed liquor.

Post Office users in the main do not want to be confronted by those buying liquor, the two simply do not mix.

- We also object to the opening hours.

- To give post office users some liquor free am time we would like 10.00 hrs to 22.00 hrs Monday to Saturdays and 11.00 hrs to 22.00 hrs Sundays

If the Committee are mind to grant this application then we would ask bear-in-mind all of the above that the liquor is kept in a safety glass area accessible only by staff as in the Co-op in St James's Street.

Also fireworks should no long be sold from these premises.

Yours sincerely

Roger Rolfe & Trevor N Scoble Licensing & Planning Committee Members for  
The Kingscliffe Society



**APPENDIX F**

