




Brighton & Hove
City Council

Licensing Panel

(Licensing Act 2003 Functions)

Title:	Licensing Panel (Licensing Act 2003 Functions)
Date:	10 December 2018
Time:	10.00am
Venue	Committee Room G70, Hove Town Hall
Members:	Councillors: Hyde, Knight and Marsh
Contact:	Kat Hoare Democratic Services Officer 01273 291064 kat.hoare@brighton-hove.gov.uk

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AGENDA

WELCOME & INTRODUCTIONS

63 TO APPOINT A CHAIR FOR THE MEETING

64 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.

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Contact Officer: Sarah Cornell
Ward Affected: Preston Park

Tel: 01273 295801

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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 Kat Hoare, (tel: 01273 291064, email kat.hoare@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Friday, 30 November 2018

**LICENSING PANEL
(LICENSING ACT 2003
FUNCTIONS)**

Agenda Item 65

Brighton & Hove City Council

Subject:	Application for a Variation of a Premises Licence under the Licensing Act 2003		
Premises:	Pizza Plus 80 Beaconsfield Road Brighton BN1 6DD		
Applicant:	Husen Haitov		
Date of Meeting:	10 December 2018		
Report of:	Executive Director of Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	Sarah Cornell	Tel: (01273) 295801
	Email:	sarah.cornell@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	Preston Park		

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 Pizza Plus.

2. RECOMMENDATIONS:

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

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 the sale an alcohol through online not from the counter. I would like to keep the alcohol in basement storage in a fridge where nobody can see it. To sell it online through the website such as: Deliveroo and just-eat. I am not going to sell the alcohol directly from the shop to the consumer, only when they place an order online it will be delivered and by checking the ID then it will be given to the buyer.
- 3.2 Section 16 (operating schedule) of the application is detailed at Appendix A

3.3 Summary table of existing and proposed activities

	Existing	Proposed
L) Late Night Refreshment	Monday to Saturday 23:00 – 03:00 Sunday 23:00 – 02:00	No change
M) Supply of Alcohol	None	Monday to Saturday 16:00 – 03:00 Sunday 16:00 – 02:00 (Off the premises)
O) Hours premises are open to public	None	Monday to Saturday 16:00 – 03:00 Sunday 16:00 – 02:00

3.4 Existing licence attached at Appendix B

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 Three representations were received. They were received from Sussex Police, The Licensing Authority and Public Health.

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 C. A map detailing the location of the premises is attached at Appendix D.

4. COMMENTARY ON THE LICENSING POLICY

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

1. Introduction

1.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the

licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

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

1.2 The licensing objectives are: -

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

1.3 Scope

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

3.3 The Matrix Approach

The Licensing Authority will support:

- 3.3.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community

Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore supports: mixed use venues encouraging a wider age balance.

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

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

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

Notes on matrix

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

- 1) Each application will be considered on individual merit
- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).
- 6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, member's clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
- 7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or 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.
- 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, e.g. 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.
- 4.3.6 Enforcement will be achieved by the enforcement policy.

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.

(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).

6.1.5 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

6.1.6 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 6.2 below).

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
- 7.8 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 Michael Bentley

Date: 20/11/18

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: 22/11/18

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 – Section 16 (operating schedule) of the Application
2. Appendix B – Part A of Premises Licence
3. Appendix C – Representations
4. Appendix D – Map of area

Documents in Members' Rooms

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

Section 16 of 18

LICENSING OBJECTIVES

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

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

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

Alcohol will be sale only online through the delivery driver and ID will be checked always
Alcohol will not be sale to underage
Alcohol will be kept in basement storage where no one can see it or do not have access to reach even.
Alcohol will not be advertise on the window of the takeaway shop

b) The prevention of crime and disorder

Nobody will have a access to the alcohol except staff and basement door always locked and the shop front main entry door locked over the night safely. Only sale online

c) Public safety

If consumer over drunk no sale
If consumer do not provide a ID no sale
Always we ask consumer to sign on the receipt after the check ID to make sure we gave to the right person

d) The prevention of public nuisance

There is no will be public noise because alcohol will not be on consumer view or on the counter or behind and it will be kept in the fridge on basement storage.
Basement storage always keeps locked only I have access and staff.
Nobody have access to go to the basement storage accept staff

e) The protection of children from harm

Alcohol will sell only through the ID check an only to customers who placed an order online.
No ID no SALE
We ask consumer to sign on the receipt to make sure ID checked.

**Premises Licence
Brighton and Hove City Council**

Premises Licence Number

1445/3/ 2018/01629/LAPRET

Part 1 – Premises Details

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

Pizza Plus
80 Beaconsfield Road
Brighton
BN1 6DD

Telephone number 01273 509 177

Where the licence is time limited the dates -

Licensable activities authorised by the licence

Late Night Refreshment

Times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Monday - Friday	23:00 - 03:00
Saturday	23:00 - 03:00
Sunday	23:00 - 02:00

The opening hours of the premises

Monday - Saturday	16:00 - 03:00
Sunday	16:00 - 02:00

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

N/A

Part 2

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

Husen Haitov
80 Beaconsfield Road
Brighton
BN1 6DD

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

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

N/A

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

N/A

Annex 1 - Mandatory conditions: None

Annex 2 - Conditions consistent with the Operating Schedule:

For the Prevention of Crime and Disorder: None

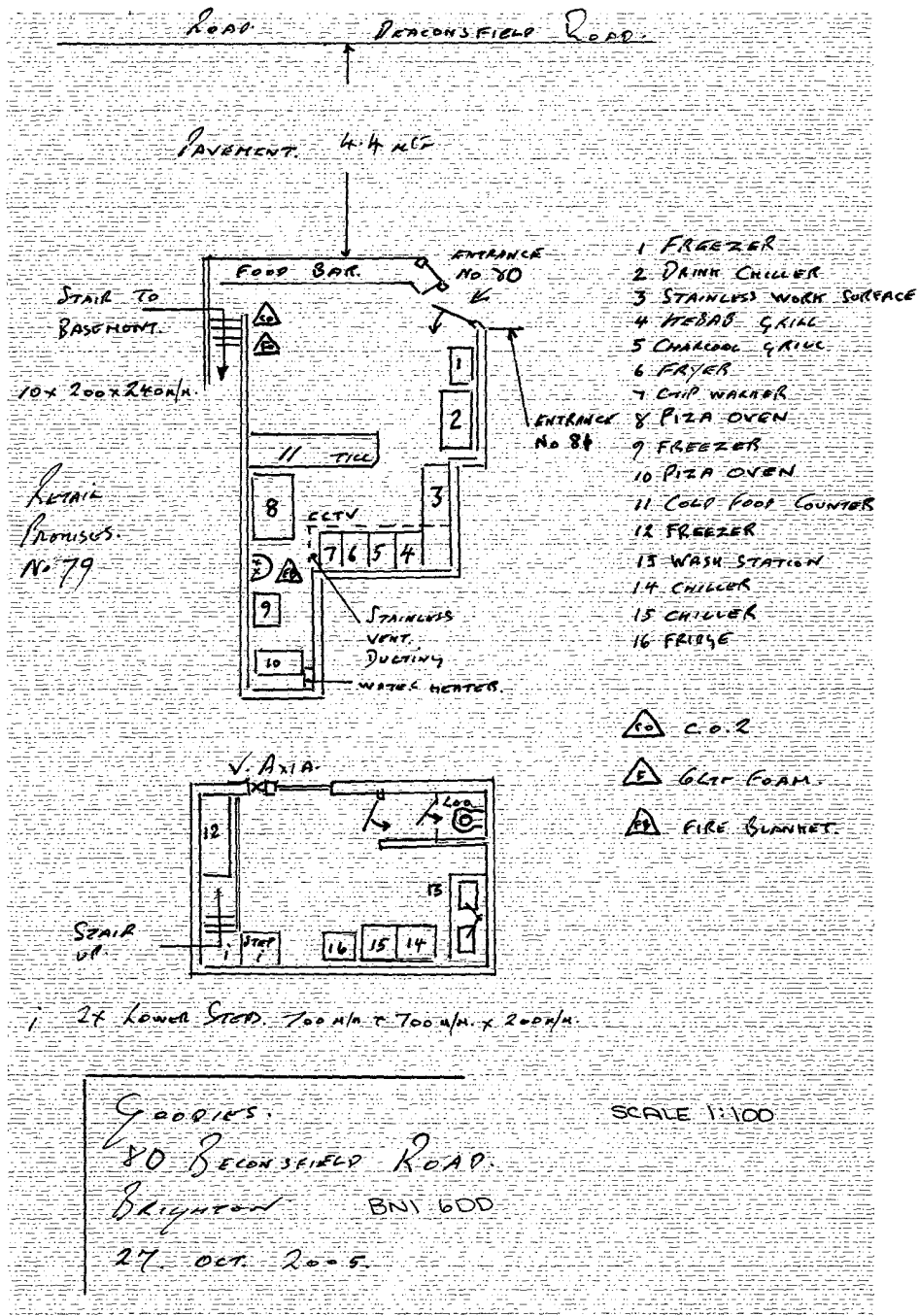
For Public Safety: None

For the prevention of public nuisance: None

For the Protection of Children from Harm: None

Annex 3 - Conditions Attached after a hearing of a Licensing Panel: N/A

Annex 4 – Plans



APPENDIX C

Police Station
John Street
Brighton
BN2 0LA

09th November 2018

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

SC CON ENDS 16.11.18 VALID PCD, PS & PCH (A)

Dear Sarah Cornell,

RE: VARIATION APPLICATION FOR PIZZA PLUS, 80 BEACONSFIELD ROAD, BRIGHTON, BRIGHTON, BN1 6DD UNDER THE LICENSING ACT 2003. 1445/3/2018/06416/LAPREV.

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

This is a proposed variation requesting the supply of alcohol in the form of off sales via delivery. The location of the premises is Beaconsfield Road, Brighton which is a highly populated residential area and a stone's throw from the Special Stress Area as defined within the Brighton & Hove City Council Statement of Licensing Policy (BHCC SoLP).

The application seeks the following licensable activities and timings:

Supply of alcohol (Off Sales)

Monday - Saturday:	16:00 – 03:00
Sunday:	16.00 – 02.00

Within the BHCC SoLP it states:

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.

The above statement focuses on Off Licences of which we feel this application falls under due to the availability of alcohol being purely for consumption off the premises. Additionally the above statement mentions the Special Stress Area (SSA) and though this premises is not located within it, the application is purely for the delivery of alcohol. The applicant has confirmed that the delivery area is generally within 3 miles. When looking at a 3 mile radius from the premises, this encompasses the SSA and the Cumulative Impact areas (CIA) and as such, should be taken in to consideration.

Within the BHCC SoLP matrix section 3.3.2, the provision of off sales is not supported within the CIA or SSA and in other areas, only until 23:00 with consideration to be made to reduce that time in densely populated locations of which we believe this premises is.

Sussex Police have the following concerns:

- This application is for delivery only and though this is a take away food outlet, no conditions have been offered to confirm that the sale of alcohol will be ancillary to a substantial food order.
- No condition has been offered to confirm that deliveries of alcohol will only be to people's private homes. We have concerns over alcohol being delivered to outdoor spaces, especially parks due to the high probability of children being around and possibly being linked to proxy sales and underage drinking.
- The hours of operation extends the availability of alcohol into the early hours and during a time frame when there is a high probability of persons having already consumed alcohol.
- With this being a delivery service, it makes the ability to purchase and consume alcohol easier without the need to leave home.
- Being a lone delivery driver we have concerns over public safety and crime and disorder should the driver need to refuse a sale due to customers' intoxication levels or being underage. Not having the back up of security or colleagues, a refusal could put them at risk of abuse and possible violence.

On reviewing the applicant's website on 22nd October 2018, their current advertised operating hours extend well past their current Late Night Refreshment Licence which constitutes a breach. Due to this we are concerned how the premises is currently being run and the management's ability to operate with such a licence responsibly and have the ability, and wish, to effectively promote the licensing objectives.

The current premises licence permits Late Night Refreshments between 23:00-03:00 Monday – Saturday and 23:00-02:00 Sunday. On the premises website it advertises being open until 04:00 Sunday – Thursday and 05:00 Friday and Saturday.

The premises is located within Preston Park ward and though under the Public Health Framework, this area does not cause rise to concerns, the close proximity to areas such as The Level, Lewes Road, London Road and the general City Center does. All of these areas could be delivered to and have issues which relate to crime and disorder and public safety which are generally linked to alcohol.

Sussex Police are unable to support this application and so are submitting this representation against as we believe it should be brought before a Council Licensing Committee to be heard.

Yours sincerely,

Inspector Di Lewis
Licensing and Response Inspector
Local Policing Support team

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

Date: 9 November 2018
Our Ref: 2018/08095/LICREP/EH
Phone:
Email:

SC CON ENDS 16.11.18 VALID PCD, PPN & PCH (B)

Dear Ms Cornell

Licensing Act 2003

**Representation concerning the application to vary a Premises Licence under the Licensing Act 2003 (Ref: 2018/06416/LAPREV)
Pizza Plus, 80 Beaconsfield Road, Brighton BN1 1DD**

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 add the sale of alcohol as off sales:

- Alcohol Hours (off consumption) – Monday-Saturday – 4pm–3am and Sunday – 4pm–2am.

The premises has a licence for Late Night Refreshment only Monday-Saturday 11pm–3am and Sunday 11pm-2am.

I make my representation on the ground that the extended licence will undermine the licensing objectives of prevention of crime and disorder, public nuisance and protection of children from harm. It is also contrary to the Statement of Licensing Policy.

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 8.41 that in completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. The guidance goes on to say in paragraph 8.43 that applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a 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 not demonstrated a potential exception to our policy and has not addressed the extra hours being applied for.

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.

In addition, this premise falls within the electoral area of Preston Park. The premises is also on the border of the St Peters and North Laines electoral ward. According to our Public Health Framework for Assessing Alcohol Licensing, St Peters and North Laines is ranked 1st for 'Police recorded alcohol related incidents' and 2nd for 'All violence against the person', 'All injury violence', 'Non-injury assault' and 'Alcohol suspected ambulance call outs'.

The applicant has mentioned in their application that alcohol would be for deliveries and they will check ID to ensure the customer is over 18 years. As the applicant will not carry out the deliveries themselves, I cannot see how they can ensure this will be carried out. Also, deliveries may be to premises within the CIZ and SSA areas, which already have problems with crime and disorder and public nuisance.

On 6 November 2018, I sent the premises a warning letter for alleged unauthorised licensable activities, as they are advertising on their website Sunday-Thursday until 4am and Friday-Saturday until 5am. (Copy attached).

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 light of the individual circumstances of the case. I do not believe that the applicant has demonstrated that there are exceptional circumstances to justify departing from the Policy.

Yours sincerely

Donna Lynsdale
Licensing Officer
Licensing Team
Regulatory Services

Husen Haitov
Pizza Plus
80 Beaconsfield Road
Brighton
BN1 6DD

Date: 6 November 2018
Our Ref: 2018/08094/LICCON/EH
Phone:
e-mail:

Dear Sirs

Licensing Act 2003- Alleged unauthorised licensable activities
Pizza Plus, 80 Beaconsfield Road, Brighton BN1 6DD

This department has received an allegation of unauthorised licensable activities taking place at the above address. It is alleged that you are carrying on serving and delivering food to customers past your licensing hours. I also see that on 'Just Eat' website you are also advertising later hours than stated on your licence. I have enclosed a copy of your website advert.

It is very important that not only do you and your staff operate in accordance with the conditions on your premises licence, but that you also operate with regard to the four licensing objectives, which are;

- o The Prevention of crime and disorder
- o Public Safety
- o Prevention of public nuisance
- o Protection of children from harm

The premises licence for Pizza Plus, 80 Beaconsfield Road, Brighton premises licence number **I445/3/ 2018/01629/LAPRET** states:

Late Night Refreshment

Monday - Friday	23:00 - 03:00
Saturday	23:00 - 03:00
Sunday	23:00 - 02:00

The opening hours of the premises

Monday – Saturday	16:00 - 03:00
Sunday	16:00 - 02:00

/....2

It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislation states that:-

(1) A Person commits an offence if –

he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or he knowingly allows a licensable activity to be carried on.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Please note this Authority and Sussex Police have officers monitoring the City both day and night.

If you have any questions please do not hesitate to contact me.

Yours faithfully

Donna Lynsdale
Fair Trading Officer/Licensing Officer
Trading Standards/Licensing

Pizza Plus, 80 Beaconsfield Road, Brighton BN1 6DD

FREE 500ML BOTTLE OF JUICE OR A PORTION OF CHIPS WITH EVERY ONLINE ORDER *min spend £10*

We Deliver to **SOUTH BEACH**
Minimum Spend **£40:00** with a **£4:00** Delivery Charge

FEEDBACK

Our Dishes

Reach Us

Opening Hours
Sunday - Thursday : 5:00pm - 4:00am
Friday - Saturday : 05:00 PM - 05:00 AM

Contact Details
Pizza Plus
80 Beaconsfield Road,
Brighton, BN1 6DD

https://pizzaplusbrighton.co.uk/our_menu.php

15:37
22/10/2018

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

Date: 15th November 2018

**SC CON ENDS 16.11.18
VALID PCD & PNN (C)**

Dear Ms Cornell

Licensing Act 2003 - Representation regarding the application for a variation to a premises licence. Variation 2018/06416/LAPREV. Pizza Plus, 80 Beaconsfield Road, Brighton BN1 1DD.

I am writing regarding the above application for a variation to a premises licence for Pizza Plus, 80 Beaconsfield Road, Brighton BN1 1DD, which is in Preston Park ward. The application is for a licence for the off sales of alcoholic beverages between 4pm and 3am Monday to Saturday nights and 4pm until 2am on Sunday nights.

The premises lie outside but close to the border of St. Peter's and North Laine ward which is within the special stress area. St. Peter's and North Laine ward has some of the worst rankings of the city's wards in terms of the alcohol related crime and disorder and health indicators that public health monitor.

The applicant has outlined the steps they are planning to take to promote the licensing objectives. The application states that alcohol will only be available with food being delivered direct to people's homes following an on-line order. The alcohol will be stored in the basement of the premises and will not be visible to customers. The food delivery riders will be trained how to check the ID verifications of the customers receiving the order. It is not clear if this will include the age of the customer.

The council's Statement of Licensing Policy matrix to support licensing decisions permits a licence for off-sales until 11pm in the area where this applicant's premises are located. However, this application for home delivery through on-line orders until 2am or 3am is not in keeping with the Policy's licensing matrix.

You will be aware that there is already considerable nuisance, crime and disorder from alcohol consumption in the city. 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 close to an electoral ward and area of the city, where the impact of alcohol on nuisance, safety, 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

APPENDIX D



