

APPENDIX E

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

Date: 18th 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.

25th 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 13th 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 (4th 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: 27th 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

