

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