

APPENDIX C

REDACTED TEXT

Licensing Officer

Licensing Team

BHCC

Bartholomew House

Bartholomew Square

Brighton

BNI IJP

Date: 12th August 2021

Our Ref: 2021/01330/LICREP/EH

Phone: 01273 **REDACTED TEXT**

Email:

REDACTED TEXT

EG CON ENDS 17.08.21 VALID PCD, PPN & SOLP (A)

Dear **REDACTED TEXT**,

Re: Licensing Act 2003 - Representation regarding the application for a New Application for a Premise Licence For: Brazilian Centre, 158 Church Road, Hove, BN3 2DL. Reference: 2021/02446/LAPREN

I refer to the application made by Brazilian Centre UK Limited, for a new Premises Licence to be issued for the above premises. The Licensing Team, in its role as a Responsible Authority, has concerns about this application and therefore I am submitting this representation on the grounds of the prevention of crime & disorder and public nuisance and to uphold our Statement of Licensing Policy (SoLP).

The applicant has applied for a Premises Licence for alcohol for consumption off the premises Monday – Saturday from 10.00-20.00 hrs and on Sundays from 10.00-17.00 hrs. The opening hours are listed as 09.00-20.00 Monday to Saturday and 09.00-17.00 on Sundays. The premises is described on the application form as a delicatessen and a butcher.

This representation is submitted as there are concerns that the application does not meet the requirements of the Council's SoLP, with regard to applications made within the Special Stress Area of the city. The Special Stress Area is of concern to the Licensing Authority because of the relatively high levels of crime and disorder and nuisance experienced within it and we believe that the granting of this application could lead to increased associated issues with regard to crime & disorder and public nuisance in the nearby surrounding area.

The Council's SoLP includes a Matrix Model approach for licensing decisions, which 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.

The Matrix Model, on page 18 of the Council's SoLP, states that in the Special Stress Area, there should be no new off-licence Premises Licence applications granted. The policy does state that each application is still considered on its individual merit and there is discretion to depart from the policy where justified. However, departure from the Matrix Model is only expected in exceptional circumstances.

The premises is in the Special Stress Area and is located in the electoral ward of Central Hove, which according to our Public Health Framework for Assessing Alcohol Licensing (5th edition- January 2019) is ranked the 4th worst out of 21 wards under Crime and Disorder data for Police Recorded Alcohol related incidents. On the Health data Central Hove ward ranks the 4th worst for Alcohol suspected ambulance call outs and A&E attendances with a record of alcohol.

We maintain that the Matrix Model states that no new off-licence applications should be granted in the Special Stress Area and therefore invite a Sub-Committee Panel to decide the outcome of this application on behalf of the Licensing Authority and whether the applicant has demonstrated whether there are exceptional circumstances to depart from our policy.

Yours sincerely

REDACTED TEXT

REDACTED TEXT

Licensing Officer,

Licensing Team,

Regulatory Services.

Police Station
John Street
Brighton
BN2 0LA

Tel: **REDACTED TEXT**

Email: **REDACTED TEXT**

12th August 2021

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

EG CON ENDS 17.08.21 VALID PCD, PCH & SOLP (B)

Dear **REDACTED TEXT**,

RE: APPLICATION FOR A NEW PREMISES LICENCE FOR BRAZILIAN CENTRE BRIGHTON, 158 CHURCH ROAD, HOVE, BN3 2DL UNDER THE LICENSING ACT 2003.

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 and protection of children from harm. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy.

This is a proposed new licence application in the City's Special Stress Area (SSA) which seeks the following hours and licensable activities:

Supply of alcohol (Off Sales)

Monday to Saturday: 10:00 – 20:00

Sunday: 10:00 – 17:00

Opening hours

Monday to Saturday: 09:00 – 20:00

Sunday: 09:00 – 17:00

The licensing decision matrix on page 16-17 of the Council Statement of Licensing Policy (SoLP) states that new premises applications or premises licence variations asking solely for the 'off' sale of alcohol in the SSA are indicated as a 'No' under the matrix.

While the applicant acknowledges the licensing objectives there is no mention of the special stress area in the application, and the concerns relating to crime and disorder surrounding this area.

Church Road suffers from a degree of crime and disorder. The local area including Hove Lawns has pre-existing issues around high levels of alcohol consumption and anti-social behaviour both of which could potentially be added to with an additional premises with off sales.

There are already a high number of off licenses in the local area as well as a number of restaurants and public houses.

Sussex Police would also be concerned that any alcohol purchased from the premises is very likely to be taken and consumed within the SSA and possibly into the CIZ increasing the risk of anti-social behaviour in the city where many incidents that arise are alcohol fueled. Sussex police feel further incidents may occur as conditions were not offered not to stock over 6% ABV Beers, Ciders and Lagers, or not to sell single cans.

Sussex Police have been working to reduce the anti-social behavior around Hove lawns and part of this is due to youths gathering in the area with alcohol, therefore earlier this year a test purchase operation was conducted within this area of Hove and a significant number of off licenses sold to our under age volunteers highlighting an issue in this area.

The applicant has not referred to the BHCC Statement of Licensing Policy (SoLP) in their application or offered anything that Sussex Police believe constitutes any reasoning why the SoLP should be departed from. Further, the applicant did not seek consultation with Sussex Police prior to submitting their application and so no further mitigation or exceptional circumstances have been discussed or offered.

Therefore, Sussex Police do not believe that the applicant has offered significant reasoning as to why this would be an exception or why the SoLP should be departed from.

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

Yours sincerely,

REDACTED TEXT

Response & Operations

Brighton & Hove Division

Sussex Police

Please address all future correspondence to Brighton & Hove Licensing Unit, Police Station,
John Street, Brighton, BN2 0LA.

APPLICANT'S RESPONSE TO THE REPRESENTATIONS

From: REDACTED TEXT

Sent: 18 August 2021 23:14

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Fw: New Premises License - for Brazilian Centre - Hove - OFF License -,Police Representation

From: REDACTED TEXT

Sent: 18 August 2021 22:13

To: REDACTED TEXT

Subject: New Premises License - for Brazilian Centre - Hove - OFF License -,Police Representation

Dear **REDACTED TEXT**

I read your representation and I understand your concerns.

I'm aware that our business is in a SSA Area. Also, because of this pandemic, during more than a year, all Business ON Licenses can sell alcohol OFF License with no need to apply for a Variation. At least until the end of September 2021. This has some impact on street drinking.

Brazilian Centre is a Butcher and delicatessen specialized in Portuguese and Brazilian Products. This is our first shop in Brighton, and we would like to expand. We apply for what you think are reasonable hours.

We have another 3x shops in London. We are not a typical OFF License Shop and, we are not part of a big chain. Most of our products we would like to sell will be Portuguese Wine /Beers and some spirits. Sale of Alcohol OFF License will be a complement of our activity. The alcohol display in our shelves will not exceed 15% to 20%. The alcohol to be sold is not cheap.

We proposed robust measures to protect the 4 x License Objectives, some of these measures are:

Under 25 Challenge

Refusal/ Incident book

No Proof, No Sale Poster will be displayed at the window and inside the shop

Signage regarding the Under 25 will be displayed

Signage reminding customer that buying alcohol to Under 18 it's an offence will be displayed

Staff Training regarding the Sale of Alcohol to all new staff Members - Details of that Training will be recorded

All staff will have a refresher training every 6 x months (Sale of Alcohol)

CCTV will be installed with a memory data for 31 days. We will always have a staff member that will be familiar with the CCTV operation. Images will have good quality

No Sale of Small bottles of Spirits (Minimum will 700/750ml)

Alcohol will be bought from Approved Suppliers AVRS -

Signage saying Illegal Traders will be reported to the authorities

Deliveries and Rubbish Collection to be done by the recommended times from the Council

-

Signage regarding the Sale Of Alcohol Hours will be displayed on the shop window, and at the Counter, and where the alcohol will be displayed.

The Alcohol will be covered by a curtain during “No Sale of alcohol Hours “
Costumers will not be allowed to take any open bottles or cans outside of our premises
Premises License Holder/DPS will participate in Pub Watch or with other Local Crime
Prevention Associations.
Drunk and Violent Costumers will not be able to purchase any Alcohol Drinks
Cans or Drinks of Beers/Ales/Ciders/ Souts on sale will not Exceed 6% % ABV. And will be
sold in packs of 4/6 x minimum
Alcohol exposed on shelves will not exceed 20%, 80% of the products will be Dry Goods
and other deli products
No Irresponsible Promotions
Beers/Cidges and Ales will not be stored in fridges
We welcome recommendations given by the Local Authorities and the Police

I'm convinced with these measures we will implement we will not increase street drinking.
Our customers will buy meat, groceries and eventually wine or beers and will take to their
homes. Not to drink on the street.

Kind Regards

REDACTED TEXT

From: REDACTED TEXT

Sent: 18 August 2021 23:09

To: REDACTED TEXT EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Premises License Application for Brazilian Centre - OFF License

Dear **REDACTED TEXT**

I read your representation and I understand your concerns.

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than a year, all Business ON Licenses can sell alcohol OFF License with no need to apply for
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