

Appendix C

Sarah Cornell
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN11JP

Date: 22 June 2022
Our Ref: 2022/01370/LICREP/EH
Phone: 01273 292494

e-mail: donna.lynsdale@brighton-hove.gov.uk

Dear Sarah Cornell

Licensing Act 2003

Representation to the application for a Variation of a Premises Licence - 2022/01761/LAPREV

Wine Me Up, 7 Lewes Road, Brighton BN2 3HP

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 to vary a Premises Licence submitted by Wine Me Up.

This representation is made as the Licensing Team have concerns that the application could have a negative impact on the licensing objectives of Prevention of Crime and Disorder and the Prevention of Public Nuisance and that this application falls within our Special Stress Area (SSA) and is contrary to our Statement of Licensing policy (SoLP).

As mentioned above, this premises sits within the Special Stress Area, which, as stated in our SoLP on pages 15-17, is deemed an area of special concern in terms of the levels of crime and disorder and nuisance experienced within it. 3.2.3 of our SoLP states that new and variation applications for premises within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas.

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. The SoLP 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 Matrix approach policy in exceptional circumstances.

The decision-making Matrix on page 18 of the Council's Statement of Licensing Policy suggests that any new premises or premises licence variations asking for these licensable activities and hours are a 'No' in the Special Stress Area.

On looking at the application form, particularly section 16 (licensing objectives), the applicant has not addressed the premise's location within the SSA. They also have not demonstrated exceptional circumstances to depart from our policy or how they will not add to the existing negative cumulative effect in an area already saturated with licensed premises and experiencing high levels of crime and disorder.

The Licensing Authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its SPCI in the light of the individual circumstances of the case.

As well as being located in the Special Stress Area, the premises is situated in the electoral ward of St. Peter's and North Laine Ward. According to our Public Health Framework report for Assessing Alcohol Licensing also includes 'crime and disorder data', within this ward. St. Peter's and North Laine Ward is ranked (out of 21 wards) worst for 'police recorded alcohol related incidents and criminal damage', and second worst for 'all violence against the person' and 'all injury violence'. Which further highlights the impact that licensed premises in the area can have on crime and disorder and public nuisance.

On 20 June 2022 I carried out a full licensing inspection at the premise. Following this inspection, on 22 June 2022, I emailed the premises licence holder advising of the breaches of the current premises licence found at the time of this inspection. A copy of this email is attached as Appendix A.

The Licensing Team make this representation to uphold our Statement of Licensing Policy. Granting a licence with later terminal hours is likely to facilitate post-loading, late night binge drinking and street drinking in Lewes Road and surrounding areas. I do not believe that the applicant has demonstrated that there are exceptional circumstances to justify departing from the Policy. I therefore invite the Licensing Panel to refuse this application.

Yours sincerely

Redacted Text

Donna Lynsdale

Licensing Officer

Licensing Team

SC CON ENDS 22.06.22 VALID PCD, PPN, SSA (A)

Appendix A – Email to PLH and DPS outlining Breaches

From: Donna Lynsdale

Sent: 22 June 2022 08:27

To: Redacted Text

Cc: Brighton.Licensing@sussex.police.uk

Subject: Wine Me Up, 7 Lewes Road, Brighton BN2 3HP - 2022/01558/LICPRM/EH

Importance: High

Dear Redacted Text

Licensing Act 2003 – Breach of Conditions

Wine Me Up, 7 Lewes Road, Brighton BN2 3HP

Premises Licence Number: 1445/3/2022/00372/LAPRET

I am writing to you in your capacity as the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) for the above premises.

On Monday 20 June 2022, I visited your premises and carried out a full licensing inspection. At the time of my visit, I spoke with Redacted Text.

Below are my findings and details of breaches of your premises licence conditions:

Annex 2 – Conditions consistent with the Operating Schedule

The Prevention of Crime and Disorder:

1. Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises externally and internally to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police. CCTV footage 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 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. 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 certain footage onto a disk for the police without difficulty or delay.

At the time of my visit you advised that you did not have a screen to be able to view the CCTV. However, you could access via your phone. CCTV footage was only stored for 17 days and the time was incorrect. This is a breach of the above condition.

Public Safety:

2. The applicant will have two members of staff on the premises from 21:00hrs to 01:00hrs Friday and Saturday whilst alcohol is on sale.

You informed me that currently there was only yourself and Redacted Text working. One does the early shift and the other a late on alternate weeks. However, on Friday and Saturday nights you both work.

The Prevention of Public Nuisance:

3. Suitable signage will be displayed at the exit requesting patrons to respect neighbours and leave quietly.

No signage was displayed.

The Protection of Children from Harm:

7. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations of the premises.

At the time of my inspection you did have signage on display.

8. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive the following training in age-restricted sales:
 - a. Induction training which must be completed, and fully documented, prior to the sale of alcohol by the staff member; and refresher training at intervals of no less than 8 weeks.
 - b. 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 and Brighton & Hove Trading Standards Service upon request.

You were not able to provide any training records. You informed me that both you and Kinan had personal licences and you did not have any other staff at present.

9. The premises shall at all times maintain and operate an age-restricted sales refusals book which shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant. This refusals book shall be available upon request to police staff, Local Authority staff and Brighton & Hove Trading Standards.

Although your Refusal book was being used regularly, this had been reviewed. This is a breach of the above condition. As per the condition above, you must review and sign at intervals of no less than 4 weeks.

Also, at the time of our visit, you had a number of drug paraphernalia items on sale. Please be mindful, that if your premises is every taken to review, we would also raise that these items are being sold. Below is some guidance regarding selling these kind of items:

Supplying Paraphernalia

It is a criminal offence to supply, or offer to supply an object for providing or preparing a controlled drug. The maximum sentence is 6 months imprisonment and/or a fine up to level 5.

The offence will be committed if all of the following things happen:

- An object is supplied or offered to be supplied.
- The object could be used or changed to be used (either by itself or together with another object or objects) to provide a controlled drug.
- The person supplying or offering to supply the object believed that it would be used by any person to give the drug to themselves or another person.
- The provision of the drug would be illegal (certain people such as doctors and dentists are legally allowed to provide drugs).

Objects such as crack pipes, grinders, spoons, bongs and tourniquets could fall within this prohibition.

I remind you that non-compliance with conditions constitutes a breach of the Premises Licence issued under the above legislation. Please ensure that all conditions on the licence are adhered to. 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 –
 - (a) 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
 - (b) 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.

Irrespective of the permission's and restrictions attached to any premises licence, all licensed premises are required to operate with regard to the 4 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

Please be aware that any enforcement action is taken in line with our Licensing Enforcement Policy. You are also reminded that at any stage, following the grant of a premises licence, a responsible authority, such as the Police, Environmental Health, or an interested party such as a resident living in the vicinity of the premises, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

A copy of this email has also been sent to Police Licensing.

Please acknowledge receipt of this email and advise on actions you have taken.

Regards

Donna Lynsdale | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities
Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP
T 01273 292494 | M 07717 303114 | donna.lynsdale@brighton-hove.gov.uk

Police Station

John Street

Brighton

BN2 0LA

Tel: 01273 404535 ext 550809

Email:

brighton.licensing@sussex.police.uk

17th June 2022

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

SC CON ENDS 22.06.22 VALID PCD, SSA (B)

Dear Sarah Cornell,

RE: APPLICATION FOR A VARIATION OF PREMISES LICENCE FOR WINE ME UP, 7 LEWES ROAD, BRIGHTON, EAST SUSSEX, BN2 3HP 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 that it will undermine the Licensing Objectives of the prevention of crime and disorder. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy (revised January 2021) and the Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018).

This is a proposed variation licence application in an area of the City which is subject to a Special Policy adopted by Brighton & Hove City Council. The premises lies in the Special Stress Area (SSA) (as defined in the BHCC Statement of Licensing Policy) and seeks the following hours and licensable activities:

Supply of Alcohol (off sales)

Sunday to Thursday: 07:00 – 02:00

Friday to Saturday: 07:00 – 03:00

Opening hours

Sunday to Thursday: 07:00 – 02:00

Friday to Saturday: 07:00 – 03:00

Paragraph 3.2.2 of the Brighton and Hove City Council 2021 Statement of Licensing Policy states:

“This Special Stress Area (SSA) is of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it.”

Lewes Road is a through road from the city centre to both the universities and out of the city.

It is a busy area which is highly residential but also has a variety of premises including Café/Bars, Off licences, pubs, restaurants and Late Night take-aways.

The licensing decision matrix on page 18 of the Council Statement of Licensing Policy (SoLP) suggests that new premises or premises licence variations asking for these licensable activities and hours are a ‘No’. While Paragraph 3.2.3 states that within the SSA *“applications will not be subject to the presumption of refusal”* it goes on to state that *“operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas”*. The applicant has not referred to the Special Policy or the BHCC Statement of Licensing Policy (SoLP) in their application, despite consulting with Sussex Police and been given advice to read the SoLP. The applicant has not acknowledged any local concerns or offered particular reasoning as to why their application would be an exception to policy or why the SoLP matrix should be departed from considering the hours already granted on this premises licence.

Paragraph 14.40 of the Secretary of State’s Guidance to the Licensing Act 2003 (April 2018) provides:

‘In publishing a CIA a licensing authority is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises

licences or club premises certificates in the area described...Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives.'

Lewes Road and surrounding areas in the last two years have suffered from high levels of crime and disorder. This is evidenced by crime and disorder statistics which show a total of 518 crimes in a quarter mile radius of this premises over the last year (18/06/2021 – 17/06/2022). 214 of the 518 crimes were violence against the person and 72 were theft.

This is supported by the Brighton & Hove Public Health Framework for Assessing Alcohol Licensing (accessed at <https://public.tableau.com/app/profile/brightonhovepublichealthintelligence/viz/PublicHealthFrameworkforAssessingAlcoholLicensing/NavigationPage>) as this premises lies within St. Peter's and North Laine Ward which is ranked number 1 for Police recorded alcohol related incidents and criminal damage. This ward is also ranked number 2 for All violence against the person and All injury violence, demonstrating the higher risk to the Licensing Objective of the Prevention of Crime and Disorder in this area.

The applicant has offered some information under Section 16 of their application with minimal workable conditions and Sussex Police do not believe these go far enough to help mitigate any potential risk in this area of the City. The conditions offered fall far short of the current city wide expected standard and while there is some mention of crime prevention measures such as CCTV and no alcohol located near the entrance, these have not been elaborated on. Sussex Police additionally contend that the carrying on of additional licensable activity and the extended hours applied for at these premises will add to the existing negative cumulative effect in an area already saturated with licensed premises and experiencing high levels of crime and disorder.

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

Yours sincerely,

Redacted Text

Insp Michelle Palmer-Harris

Ops Planning and Events (inc. Licensing) Inspector

Brighton & Hove Division

Sussex Police

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

