

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS) ADDENDUM

10.00AM, THURSDAY, 14 APRIL 2022

VIRTUAL

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ADDENDUM

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Before the

Licensing Sub-committee of Brighton and Hove Council.

Application for premises licence by Rigobel Fokou in relation to R&A Global Store, 17 Preston Road, Brighton, BN1 4QE.

The Application

1. The applicant seeks a premises license for the supply of alcohol from 0900 to 2300 hours, Monday to Sunday and confirms his hours of opening are also 0900 to 2300 hours, Mondays to Sundays.

Statement of Licensing Policy 2021

2. The licensing and sub-committee will have no doubt careful regards to the provisions of its statement of licensing policy 2021. The council has adopted a very detailed and robust policy in relation to licensing in its area. At paragraph 3.3 of the policy (page 18) a matrix is provided listing its location (Cumulative Impact Area, Special Stress Area) and the likely decision that the sub-committee will make. In this regard it may well be that the sub-committee treats the applicant's business as an "off-licence" in which case the matrix indicates that as the premises is located in a Special Stress Area, a refusal is likely. We take issue with this designation. The applicant operates a convenience store which is modelled very much along the lines of "Tesco Express", in which he sells predominantly Afro-Caribbean foods , hair and beauty products to that community. "Alcohol" is very much an ancillary part of the business and is not in anyway a main part of his business. The alcohol is simply being introduced to "add on" to the existing service he is offering. As such we contend there is strong arguments that the applicant's premises is not an "off-licence" at all.
3. Irrespective of whether the premises is to be classed as an "off-license" or not the members will wish to consider exceptional circumstances which they can have regard to in determining the application. In this regard we will contend that there are exceptional circumstances which apply in these situations as follows.
 - a. The applicant is willing to comply with any reasonable conditions which are proposed by the responsible authority.
 - b. As noted at Paragraph 5 on page 19 of the Policy where if the sale of alcohol is "ancillary" to the business, then this counts as an exceptional circumstance. We contend that this applies in this case. We can also confirm that the applicant will be happy to agree to a condition in the license, permitting

authorising officers access to the sales accounts to satisfy themselves at any time that the sale of alcohol remains a minor part of the business.

4. Paragraph 6 at page 19 places value on community focused activities and the inference appears to be that an application from such a business will be viewed in a more favourable light. The applicant sells food, hair and beauty product to the Afro-Caribbean community and is therefore playing a vital role in a community which has a substantial presence in Brighton and Hove. This also promotes diversity in the city as people from this background are encouraged by the presence of a shop as R&A Global store.
5. The Sub Committee will also have regard to the provisions of Paragraph 7 of page 19 which provides that consideration will be given to the area and location related to any application. We are instructed that a store selling alcohol called the Local Legend is located opposite the store and further along the road a supermarket called (it is believed) "Extra Supermarket" also sells alcohol. It is submitted that while the premise is in a Special Stress Area (and adjacent to a Cumulative Impact Zone) the concentration of licensed premises along the stretch of road where the applicant's premise is located is not extensive.
6. We have also had regard to the "licence invest practise measures" appearing at Appendix A of the Statement of Licensing Policy. The applicants operating schedule set out a summary of the proposed condition. Upon further discussion with the applicant, he would wish to offer the following conditions which also takes account of the licensing best practise measures.

Prevention of Crime and Disorder

- (a) *Appropriate digital CCTV equipment and the sufficient number of cameras shall be installed and maintained at the premises to record colour images that are clear enough to allow the Police to use to investigate any crimes that are committed on the premises. The areas covered by the cameras will cover all areas within the premise that are open to the public. This exist already*
- (b) *A camera will be positioned to obtain images of persons entering the building by the main entrance. This exist already*
- (c) *No persons other than the Police, the Licensing Authority, the Premises Holder, the manager or authorised persons shall have access to the CCTV recording equipment or the recordings made from such equipment. The CCTV system will be in operation, and recording whenever the premises are open to the public.*
- (d) *Recordings made on the CCTV system shall be retained for a period of at least 30 days of recording.*

- (e) *A minimum of two notices stating that CCTV is in operation shall be displayed throughout the premises where the public have access. The notices shall be at least A4 size*

Public safety

- (a) *The license holder must ensure that all staff are aware of their social and legal obligations, and their responsibilities regarding the sale of alcohol.*
- (b) *Training shall be given to all staff to ensure compliance with the four licensing objectives. Training records will be kept on the premises, and the training records will show the date of training. The training record is to be signed by the staff member receiving the training and then countersigned by the Designated Premises Supervisor (DPS).*
- (c) *The fire safety measure which the premises are providing must be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the Regulatory Reform (Fire Safety) Order 2005.*
- (d) *An adequate and appropriate supply of first aid equipment and materials must be available on the premises.*

Prevention of public nuisance.

7. The operating schedule proposed already contains a proposed condition that signs will be displayed reminding customers to leave in a quiet and peaceful manner. The applicant will operate a Dispersal Policy to be approved by the council and police to ensure that patrons are dispersed from the vicinity of the premises. The applicant will join a relevant crime prevention partnership operating in the local authority area.

Protecting children from harm. The applicant will operate Challenge 25 in relation to the sale of alcohol.

8. All alcohol sales will be made in a sealed container for consumption away from the premises.
9. The license holder will operate an incident book in which all refusals of alcohol including those of underage persons are recorded.

10. In relation to the objections received it is alleged that if the application were to be granted there would be an increased amount of anti-social behaviour. The persons congregating nearby the premises at the present time cannot of course be the responsibility of the applicants since he does not currently sell alcohol. If anything, the behaviour described is a reflection on REDACTED TEXT who owns REDACTED TEXT. It is believed that the patrons of which complaint is made relate to REDACTED TEXT and the fact that there is REDACTED TEXT. These problems would not arise in relation to the applicant's premises. Alcohol is ancillary to the business as said and there is no reason why patrons would congregate outside a convenience store in the way it is alleged they congregate outside REDACTED TEXT or REDACTED TEXT.

11. The applicant remains open to any further conditions which would promote the licensing objectives.

12. The claimant also wishes to refute a suggestion by the police, that he failed to notify them of his application. We enclose this submission and email dated 17 February 2022 from the applicant to the police, notifying them of his application.

13. We also note that the concerns raised relate to the applicant's predecessor and in our submission it is unfair and disproportionate to hold the applicant responsible for any misdemeanours of his predecessor.

W. Brown

Brown and Co Solicitors

12 April 2022