

Licensing Panel (Licensing Act 2003 Functions)

Date: **23 November 2020**

Time: **10.00am**

Venue **Virtual via Microsoft Teams**

Members: **Councillors:**, Deane, Osborne and Simson

Contact: **Penny Jennings**
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AGENDA

1 TO APPOINT A CHAIR FOR THE MEETING

WELCOME & INTRODUCTIONS

2 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the Licensing Committee may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: *Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

3 APPLICATION FOR NEW PREMISES LICENCE, A NIFTY STORE, 17 PRESTON ROAD, BRIGHTON

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Report of the Interim Executive Director of Housing, Neighbourhoods and Communities (copy attached)

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council

Subject: Application for a New Premises Licence under the Licensing Act 2003

Premises: A Nifty Store
17 Preston Road
Brighton
BN1 4QE

Applicant: Kamber Koluman

Date of Meeting: 23 November 2020

Report of: Interim Executive Director of Housing,
Neighbourhoods & Communities

Contact Officer: Name: Becky Pratley **Tel:** (01273) 292143
Email: becky.pratley@brighton-hove.gov.uk

Ward(s) affected: Preston Park

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for A Nifty Store.

2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for A Nifty Store.

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a New Premises Licence under the Licensing Act 2003. The application proposes 'an off-licence & convenience store. Consideration & due attention has been paid to both the "Best Practice" Conditions within Brighton & Hove Council Licensing Policy, and the Special Stress Area outlined within said Policy, within this application including pre-consultation with local authorities and residents'.
- 3.2 Section 18 (operating schedule) of the application is detailed at Appendix A and the plan of the premises is attached at Appendix B
- 3.3 Summary table of proposed activities.

	Proposed
Supply of Alcohol	Every Day 09:00 to 23:00

Hours premises are open to public	Every Day 06:00 to 23:00
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3.4 The premises does not fall in the Cumulative Impact Area or the Special Stress Area.

Representations received

3.5 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

3.6 11 representations were received during the consultation period, 10 against the application and 1 supporting the application. They were received from local residents, local businesses, Sussex Police, Trading Standards and The Licensing Authority.

3.7 Representations received had concerns relating to Prevention of Crime and Disorder, Prevention of Public Nuisance and Protection of Children from Harm.

3.8 Full details of the representations are attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

4. COMMENTARY ON THE LICENSING POLICY

4.1 The following extracts from Brighton & Hove City Council Statement of Licensing Policy are considered relevant to this application and **are numbered as they appear in the policy**:

1. Introduction

1.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those

objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol;
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club;
- The provision of regulated entertainment;
- The provision of late night refreshment.

1.2 The licensing objectives are: -

- (a) Prevention of crime and disorder;
- (b) Public safety;
- (c) Prevention of public nuisance;
- (d) Protection of children from harm.

1.3 Scope

Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations; i.e. the premises and its vicinity. Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the act.

3.3 The Matrix Approach

The Licensing Authority will support:

- 3.3.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore supports: mixed use venues encouraging a wider age balance.

3.3.2 A “matrix” approach to licensing decisions has been adopted and is set out below. It provides a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investor and businesses making applications.

Matrix approach for licensing decisions in a Statement of Licensing Policy (times relates to licensable activities)

	Cumulative Impact Area	Special Stress Area	Marina	Other Areas
Restaurant	Yes (midnight)	Yes (midnight)	Yes	Yes (midnight)
Café	Yes (10pm)	Yes (midnight)	Yes	Yes (midnight)
Late Night Takeaways	No	Yes (midnight)	Yes	Yes (midnight)
Night Club	No	No	Yes	No
Pub	No	Yes (11pm)	Yes	Yes (midnight)
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes	Yes (favourable)
Off-licence	No	No	Yes	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
Members Club (club premises certificate)	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes	Yes

Notes on matrix

Subject to the following notes, the policy, as represented in the matrix, will be strictly adhered to

- 1) Each application will be considered on individual merit

- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to off set impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).
- 6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, member's clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
- 7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or cafés, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing and the Street Community and Drug Activity Profile. These documents are available on the following page of our website www.brighton-hove.gov.uk/licensingact.
- 8) In an area where there are already several existing off-licences and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds.
- 9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.

3.5 Off licences

- 3.5.1 In recent years there has been a noticeable shift towards more people buying alcohol from shops and drinking at home before going out prior to going into premises such as pubs and clubs. The council is concerned that alcohol loading from off-licence sales is a significant problem in the city and adversely affects the licensing objectives as it gives rise to problems of drunkenness, disorderly behaviour and a higher risk of alcohol sales to children. Representations from the police, local residents and the director of public health at licensing panel hearings have testified to these problems and Information published in the Public Health Framework for assessing alcohol licensing presents a ward by ward analysis of crime and disorder and health data which is relevant in this respect.
- 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.

3.5.3 The Licensing Authority encourage off licences to join the Council led “Sensible on Strength” scheme to reduce the availability of cheap super strength beers and ciders. Off licences voluntarily sign up not to sell cheap super-strength beers and ciders over 6% ABV and operate good practice measures (see 3.5.4), for which they receive an accreditation as a responsible retailer.

3.5.4 Areas of best practice that may be included in an Operating Schedule include;

- the installation of a digital CCTV system by liaison with, and to a standard approved by Sussex Police
- Challenge 25 policy
- Refusals system
- Documented staff training including underage sales, drunkenness and proxy sales
- Voluntary restriction of high strength alcohol - operating schedules may be used to limit high ABV beers and ciders
- BCRP membership (or other accredited scheme)
- No sale of single cans
- Displays should not be located at the entrance/exit points or near checks out

Appendix A of the Statement of Licensing Policy, ‘Licensing Best Practice Measures’, can be found at the end of this report.

3.6 Street drinking

3.6.1 Licensing authority will have regard to areas highlighted by the Street Community and Drug Activity Profile, produced by the Safe in City Team at Brighton Police Station. This document is available on the following page of our website www.brighton-hove.gov.uk/licensingact. These hot spot areas are considered high risk for street drinkers and the Licensing Authority will have regard to prevention of crime and disorder by virtue of street drinking and anti-social behaviour when considering applications in this area.

4 Prevention of Crime and Disorder

- 4.1.1 The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.
- 4.1.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.
- 4.1.3 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.
- 4.1.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

4.2 Sussex Police

- 4.2.1 The Police have experienced a shift in peak times during the policing of the night time economy with an increasing demand for resources further into the early hours of the morning. This may be indicative of individuals coming out later into the night time economy due to changes in disposable income. This is coupled with the increases in 'pre-loading,' when individuals coming into the night time economy have already consumed alcohol purchased at home. There has also been a noticeable increase in licensing activity mid-week. This has been partly due to the large student population taking advantage of a more affordable week night economy. Likewise, licensed venues have encouraged a wider customer base by hosting regular themed nights and offering discounted alcohol and entry. These trends provide obvious challenges to both the licensed on-trade and the police when assessing and responding to levels of drunkenness.
- 4.2.2 Dispersal from the city centre during the late evening and early morning continues to provide policing challenges. Over recent years, there has been a proliferation of off-licences and late night refreshment venues along the city's arterial routes. This has led to incident 'hot spots' where patrons from the night time economy continue to interact, albeit away from any safety measures afforded by on-licences. As such, Sussex Police support the Council's Special Policy in offering guidance to both applicants and the Licensing Committee in relation to off-licences and late night refreshment licences.
- 4.2.3 Sussex Police have a growing concern that, despite staff training in age-restricted sales, under age individuals are still being served alcohol in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are

conducted. Between December 2013 and July 2014, 21 off-licences and 13 on-licences were tested. 38% of the off-licences failed in contrast with a 85% failure rate with the on-licences; indicating a considerable risk in this area of the trade. It is anticipated that initiatives, including the introduction of identification scanning machines at premises throughout the city, will go some way to mitigate this risk. Sussex Police also continue to work alongside the Business Crime Reduction Partnership to tackle the problem of those who use false identification to enter licensed premises and purchase alcohol.

- 4.2.4 Brighton and Hove Police are working closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. This includes such measures as offering vulnerability training and supporting initiatives such as mobile teams of volunteers actively checking peoples well-being.
- 4.2.5 Policing the night time economy continues to provide a challenge and in the climate of limited resources and newly emerging problems, Sussex Police support maintaining the Council's Special Policy which defines cumulative impact and special stress. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton and Hove a safe and enjoyable city

4.3 Care, control and supervision of premises

- 4.3.1 The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.
- 4.3.2 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, eg type of licence, capacity, operating hours' restrictions.
- 4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause

nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.

- 4.3.4 This policy recognises the use of registered Door Supervisors All Door Supervisors will be licensed by the Security Industries Authority. Mobile security units and similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. The Licensing Strategy Group has sought to define the standards and operating guidance for such mobile units, which will be in need of regular review. This policy endorses the use of units following such guidance and standards in appropriate circumstances. A copy can be found on the licensing pages of the council's website.
- 4.3.5 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.
- 4.3.6 Enforcement will be achieved by the enforcement policy which can be found in Appendix B of the Statement of Licensing policy.

6 Prevention of Public Nuisance

- 6.1 The following details and measures are intended to address the need for the prevention of public nuisance which may be associated with licensed premises and certificated club premises.
 - 6.1.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke).
 - 6.1.5 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.
 - 6.1.6 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 6.2 below).

6.2 Smoking Advice

6.2.1 Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc. have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence you may find it necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks, and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for

rapid police response and alert other venues where customers and staff are endangered.

- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.
- Use CCTV to manage outside areas.

6.2.2 Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

7 Protection of Children from Harm

7.1 The following details and measures are intended to address the need for the protection of children from harm; this includes emotional and physical harm which may be associated with licensed premises and certificated club premises (for example the exposure too early to strong language and sexual expletives, e.g. in the context of film exhibitions or where adult entertainment is provided). It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions (unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely).

7.2 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the Licensing Strategy Group (e.g. passport, photo driving licence or pass card).

7.3 It is the licensing authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of emotional or psychological harm to them. Each application will be considered on its own merit. but particular areas that will give rise to concern in respect of children are to be found in section 7.5 below.

7.4 To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures: -

- a) Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street
- b) Police and trading standards should implement test purchasing to reduce sales to under 18s in on and off sales licensed premises

- c) Further take-up of proof of age schemes will be promoted
- d) In-house, mystery shopper type schemes operated by local businesses will be supported
- e) Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to be DBS checked

7.5 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is commonly provided;
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

Options may include:

- limitations on the hours when children may be present;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18.

7.8 Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing. Sussex Police, BCRP and undertake work concerning proxy purchases and counterfeit ID as part of the partnership support work with Community Safety and Trading Standards.

7.9 Trading standards have a programme of business support including training for local businesses to avoid under-age sales.

8 Integration of Strategies

- 8.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by: -
- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
 - Liaising and consulting with Public and Alcohol Programme Board
 - Liaising and consulting with the East Sussex Fire & Rescue Service
 - Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
 - Liaising and consulting with the Planning authority
 - Liaising and consulting with the Highways authority
 - Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
 - Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice
- 8.2 In line with statutory requirements and the Council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.
- 8.3 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.
- 8.4 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.
- 8.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.
- 8.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

8.8 Enforcement

- 8.8.1 The Enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at Appendix D (Lead Agency Status) of the Statement of Licensing Policy. In addition, the Licensing Authority will have regard to its published Licensing Enforcement Policy in making enforcement decisions in accordance with Brighton and Hove City Council's Statement of Licensing Policy (Appendix B). In order to better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements.
- 8.8.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the protocol. A number of other council and government policies, strategies and guidance documents must be taken into account to complement the policy, including:
- Community Safety & Crime Reduction Strategy
 - Drugs and alcohol strategies – local alcohol harm reduction strategy
 - Objectives of the Private Security Industry Authority
 - The Anti Social Behaviour Act 2003/ASBPC Act 2014
 - The Health Act 2006
 - The Violent Crime Reduction Act 2006
 - Policing and Crime Act 2009

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

Finance Officer Consulted Michael Bentley

Date: 10/11/2020

Legal Implications:

- 5.2 The licensing authority must act to promote the four licensing objectives which are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Equalities Implications:

- 5.3 Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

Sustainability Implications:

- 5.4 Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Section 18 (operating schedule) of the Application
2. Appendix B – Plan of Premises
3. Appendix C – Representations
4. Appendix D – Map of area

Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016, revised January 2019.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018.

Public Health Framework for assessing Alcohol Licensing. Annual Report – Ward. 5th edition. Public Health Intelligence. January 2019

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016, revised January 2019.

APPENDIX A – Licensing Best Practice Measures

Best Practice Measures to be included for consideration, in particular in SSA:

Matters that would normally be expected in operating schedules:

- the adoption of a policy (e.g. Challenge 25) with acceptable proof of id as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital CCTV system by liaison with, and to a standard approved by, Sussex Police
- policies for dispersal of customers which may include signage regarding taxi services' telephone numbers and advice to respect neighbours and minimize noise

Items to which positive consideration would be given:

- membership of Business Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of 'NightSafe' radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators
- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Recommend best practice for both on and off premises

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences
- Signage on premises should set out legal duties
- Voluntary restriction of high strength alcohol – operating schedules may be used to limit high ABV beers and ciders
- Staff training – in addition to personal licence holders training, staff must be adequately trained for duties
- Challenge 25 would be the norm, particularly in the off licence trade
- Signage – proxy sale – deterrence

APPENDIX A

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

Consideration of the Brighton and Hove City Council Licensing policy and pre-consultation with police licensing & local resident's group has been carried out to ensure the promotion of the four licensing objectives
The Premises Licence Holder will become a member of the Business Crime Reduction Partnership scheme
The Premises Licence Holder will join the "Sensible on Strength" scheme
The Premises Licence Holder will join the London Road Area Local Action Team group

b) The prevention of crime and disorder

A camera CCTV system is in place covering all public areas of the premises
The CCTV system shall continuously record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings will be stored for a minimum of 31 days and can be accessed and downloaded immediately when requested by the police or other authorised officer
There will always be at least one person present whilst the premises is open to the public who is able to operate and download images from the CCTV
An incident log shall be kept at the premises, and made available on request to the police or an authorised officer, which will record the following:

- All crimes reported to the venue
- Any complaints received
- Any incidents of disorder
- Any faults in the CCTV system
- Any visit by a relevant authority or emergency service
- All ejections of patrons
- All seizures of drugs or offensive weapons
- Any refusal of the sale of alcohol

SIA door staff will be employed at the premises where identified as necessary by risk assessment
When employed, a register of those door staff employed shall be maintained at the premises and shall include:

- i. the number of door staff on duty;
- ii. the identity of each member of door staff;
- iii. the times the door staff are on duty

c) Public safety

The premises will be maintained in a safe manner at all times
All exits will be kept unobstructed, easy to open and clearly signed

d) The prevention of public nuisance

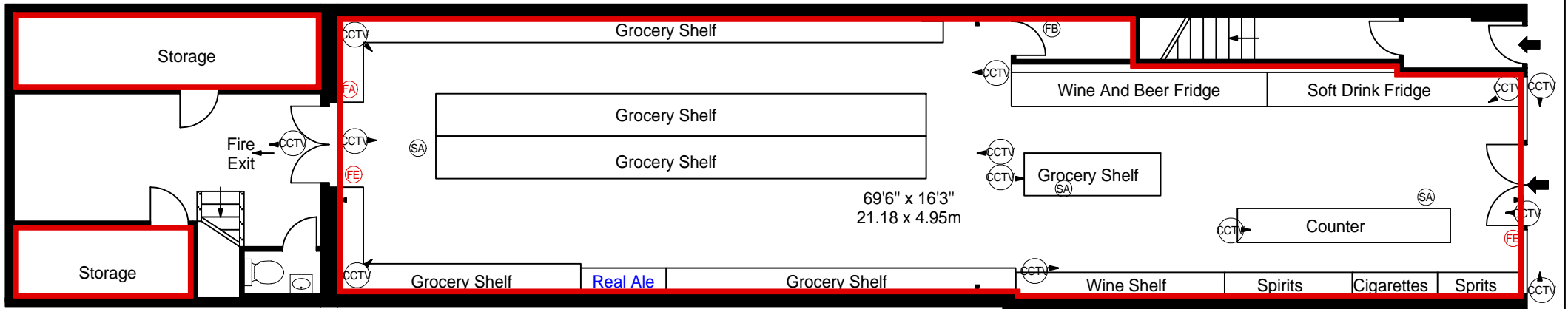
The Premises Licence Holder shall ensure that staff at the Premises are trained commensurate with their employment every 12 months. This will include training staff to be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences
All new staff to be trained within two weeks of commencing employment, with particular regard to the Challenge 25 Policy and responsible alcohol retailing. Evidence of training to be retained in writing and to be available for inspection by any authorised person and training standards officers
All refuse will be disposed of in an appropriate manner. Staff will be instructed to maintain all external areas in a clean and presentable manner at all times
Notices will be displayed asking patrons to leave the premises quietly and to have respect for local residents
No super strength lagers, ciders or beers over 6% will be stocked or sold from the premises.
Designated single items of beer, alcopops or cider sales shall not be permitted from the premises
No deliveries to the premises shall take place between 23:00 and 06:00 on the following day
No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 06:00 hours on the following day
All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises

Continued from previous page..

Alcohol products will be labelled (a label stuck to the bottle or can) to show the details of the shop from which it was bought

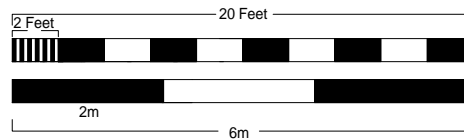
e) The protection of children from harm

A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of ID are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram
The premises will operate a "No ID, No Sale" policy at all times for persons who look under 25
Staff will be trained in the understanding of this policy and training records maintained for inspection if requested by the police or any other responsible authority
A record shall be kept detailing all refused sale of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open



GROUND FLOOR

- HEAT ALARM HA
- SMOKE ALARM SA
- FIRE EXTINGUISHER FE
- FIRE ALARM BELL FB
- FIRE ALARM FA
- CCTV CCTV



Key: ■ = Licensable Area

Property Details:

**17 PRESTON ROAD
BRIGHTON
BN1 4QE**

**SCALE
1:100 @ A4**

Plans Drawn: 17.07.2020



**KNIGHT
TRAINING**

APPENDIX C

From: REDACTED TEXT

Sent: 19 October 2020 19:34

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

Subject: Objection to licence

BP CON ENDS 27.10.20 VALID PPN & PCH (A)

REDACTED TEXT

19 October 2020

With ref. To : Licence -
1445/3/2020/03091/LAPREN
17 Preston Road
Brighton
BN1 4QE

With reference to an application made by Mr Kamber Koluman, on the 30th September 2020 for the grant of a premises licence or club premises certificate to use or permit the use of premises known as A Nifty Store, 17 Preston Road, BRIGHTON, BN1 4QE for licensable activities on or from the premises. The application requests the sale of alcohol by retail therefore, operated as an off-licence throughout the whole week from Monday to Sunday with extensive hours from 9 a.m. until 11 p.m. In addition, the application requests that seasonal variations are permitted for even longer hours from 9am until 1am the following morning. This would include, Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Boxing Day AND Brighton Gay Pride. However, I strongly object to the application as the premises has had many previous complaints from local residents and an older application has been refused. There has been dreadful disturbances late at night and in the early hours of the morning which have derived from the premises in question. Particularly in these trying days of covid-19 congregations of young people, students and suchlike will again be encouraged to cause a nuisance which as a local resident in the very immediate vicinity is not fair to be subjected to such a disturbance. This has happened in the past and I can see no reason why it would be any different and in actual fact the fact with the hardship caused with the presence of covid-19, there appears to be a tendency for people to be more angry and vexed. For Brighton and Hove Council to encourage even more licensed premises is irresponsible as looking at the figures that Brighton and Hove are very high in the ever-evolving list of death related statistics. This figure exceeds twice the national average. To encourage drinking and thus going onto drunken behaviour is not a sight that I want to see as a local resident nor do I want to hear the rowdiness either. Apparently, it has been rumoured that drug dealing was a regular occurrence and quite known. Of course, I have not been there in the early hours but I am appalled to hear of such goings on even if it is hearsay. This is more distressing if the underage are influenced and underage drinking was rife previously. The name of the applicant appears to change each time but it seems that they are all related or otherwise which **REDACTED TEXT** and I see the same people operating the premises. In this respect it is not an honest application, I think personally. I vermanly object to any licence being granted to this application.

REDACTED TEXT

From: **REDACTED TEXT**
Sent: 21 October 2020 16:26
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Premises licence

BP CON ENDS 27.10.20 VALID PPN (B)

Dear Sir/Madam,

I **REDACTED TEXT** resident of **REDACTED TEXT** since **REDACTED TEXT** . I
object to the application made by Mr Kamber Koluman on 30th September 2020 for the grand of a
premises licence or club premises certificate to use or permit the use of premises known as A NIFTY
STORE , 17 Preston Road, Brighton BN1 4QE for licensable activities on or from the premises.
Nowadays we have COVID-19 situation, if the premises has been grant it , it will encourage people
going out or stay out till later night. It doesn't help to stop spread coronavirus at all. More
people stay till late because of the alcohol more noisy cause on the street! Previously so many
complaining for 17 Preston Road, Brighton from local residents. Shop operator (Mr
Kamber Koluman) must take full responsibility for any activity dealing with alcohol, but I didn't seen
that with previously case! I strongly object to any
licence being granted to this application. **REDACTED TEXT**

REDACTED TEXT



Licencing Team
Brighton & Hove City Council
2nd Floor
Bartholomew House
Brighton, BN1 1JP

9th October 2020

Dear Sirs,

BP CON ENDS 27.10.20 VALID PPN & PCD (C)

REF: 1445/3/2020/03091/LAPREN

The Nifty Store 17 Preston Road, Brighton

I write to object to the application for an alcohol licence on the above premises.

This store is currently a hardware store also selling cigarettes and soft drinks, it was previously a convenience store which lost its licence.

My objection to a licence, is that this is also a residential area and the selling of alcohol will lead to additional noise and unreasonable behavior and so effect our quality of life, this at a time when we are more and more confined to our homes. This statement is made based on past experience of this store having an alcohol licence. Due to the fact there is a bus shelter with seating, right outside, people who buy alcohol from the store do not leave the area, instead they stay and party in the bus shelter causing noise, littering and REDACTED TEXT as a public convenience. No

one should have to walk through human excrement of a morning when exiting their own home.

On the short stretch of road between Preston Circus and Preston Park there are:

4 Licenced Convenience stores selling alcohol until the early hours.

4 Licenced restaurant's

3 Takeaway food outlets + the 4 restaurants providing takeaway deliveries until the early hours

2 Public Houses selling alcohol.

I fail to see the need for yet another premise selling alcohol which will only attract more people, some already the worse for drink, leading to public nuisance and criminal behavior.

I also feel it is important to support the local established businesses who are currently struggling during these abnormal times due to Covid 19. Granting yet another alcohol licence in the area will have a detrimental effect on these businesses.

REDACTED TEXT

Mrs Pratley
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BNI IJP

Date: 22 October 2020
Our Ref: 2020/34012/LICREP/EH
Phone: **Redacted Text**
Email: **Redacted Text**

BP CON ENDS 27.10.20 VALID PPN, PCD & PCH (D)

Dear Mrs Pratley

Licensing Act 2003

Representation concerning the application for a new Premises Licence under the Licensing Act 2003 (Ref: 2020/03091/LAPREN)

A Nifty Store, 17 Preston Road, Brighton BN1 4QE

I write to make a representation on behalf of the Council's Licensing and Trading Standards Team, in their capacity as a responsible authority, in relation to the above application for a new Premises Licence for 17 Preston Road, Brighton BN1 4QE.

I make my representation on the ground that granting this licence will undermine the licensing objectives of Prevention of Crime and Disorder, Public Nuisance and Protection of Children from Harm.

The premises has a long history in breaching licence conditions, poor management, failed underage test purchases, non-duty paid (smuggled) alcohol and food safety issues. Resulting in the premises licence being revoked. Following the revocation of the licence, a further two new applications for a premises licence has been refused.

The Applicant has owned the premises for a number of years, and has been either directly or indirectly involved with previous issues at the premises.

On 13 August 2020, a visit was carried out to the premises jointly with Sussex Police. The purpose of this visit was part of a joint operation 'Op Safety', between Trading Standards and Sussex Police to talk to premises regarding the sale knives. This operation is being carried out across the City. The purpose of these visits are to check what systems premises currently have in place regarding preventing the sale of knives to underage, thefts etc.

At the time of this visit we spoke with Kamber Koluman. It was noted that the premises had knives on a shelf out of view of counter and was not covered by CCTV. We asked if they could be moved to behind counter. We also noticed that the premises had a large display behind the counter of 'drug paraphernalia' for sale. We asked Mr Koluman whether he knew what the items were used for and why was he selling them. He confirmed he knew what they were and that customers had asked for them. I informed him that I did not feel selling these items demonstrated that he was being a responsible person.

I also note that within the application it states 'this application including pre-consultation with local authorities and residents'. I can confirm on behalf of the Licensing Authority no pre-consultation has been sought prior to the application being submitted.

In addition, this premises 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 2019 is ranked (out of 21 wards) the worst for 'Increasing risk or higher risk drinking', worst for 'alcohol suspected ambulance call outs, and worst for 'Police recorded alcohol related incidents'. There is an obvious disconnect in where alcohol is sold for off consumption and any subsequent nuisance or crime and disorder.

It is my opinion, granting this application is likely to have a detrimental effect on the licensing objections of the Prevention of Crime and Disorder, Public Nuisance and Protection of Children from Harm.

I therefore invite the panel to refuse this application.

Yours sincerely

Redacted Text

Redacted Text

Licensing Officer and Fair Trading Officer

Licensing Team and Trading Standards

REP D - ADDENDUM

Mrs Pratley
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BNI IJP

Date: 12 November 2020
Our Ref: 2020/34012/LICREP/EH
Phone: **Redacted Text**
Email: **Redacted Text**

Dear Mrs Pratley

**Licensing Act 2003
Representation concerning the application for a new Premises Licence under the
Licensing Act 2003 (Ref: 2020/03091/LAPREN)
A Nifty Store, 17 Preston Road, Brighton BNI 4QE**

Further to my previous representation on behalf of the Council's Licensing and Trading Standards Team, in their capacity as a responsible authority, in relation to the above application for a new Premises Licence for 17 Preston Road, Brighton BNI 4QE.

I made my representation on the ground that granting this licence will undermine the licensing objectives of Prevention of Crime and Disorder and Protection of Children from Harm.

I would like to include additional supplementary information as an addendum to my current Representation following information that has been supplied regarding the premises being involved in the sale of illicit tobacco products. (Please see attached Addendum as Appendix A witness statement from **REDACTED TEXT**).

It is my opinion, granting this application is likely to have a detrimental effect on the licensing objections of the Prevention of Crime and Disorder and Protection of Children from Harm.

I therefore invite the panel to refuse this application.

Yours sincerely

REDACTED TEXT

REDACTED TEXT
Licensing Officer and Fair Trading Officer
Licensing Team and Trading Standards

Name of Witness **REDACTED TEXT**

Age **Over 21**

Occupation **Crime consultant**

Address _____

I HEREBY DECLARE that this statement consisting of 2 pages each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at the trial of any person, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

3rd November 2020

(Signature of Witness)

My name is REDACTED TEXT and since 2009 I have been the Managing Director of REDACTED TEXT. Since 2011 I have been employed on a contract basis as a consultant for REDACTED TEXT. My role is to conduct extensive research into the illicit trade in tobacco products and to act as a spokesperson on the subject. I have studied the illicit trade across the UK and Ireland.

REDACTED TEXT

Part of my work for REDACTED TEXT is to organise test purchase operations. In October of 2020 we had cause to visit the Brighton and Eastbourne areas of East Sussex over a period of two days to conduct research and test purchases to ascertain the availability of illicit tobacco products in the area.

Working predominately with intelligence acquired by speaking to people on the street there were twenty (20) separate purchases of illicit tobacco products.

The following although not all witnessed by me is a summary of a test purchase conducted in Brighton.

On the 21st October 2020 a test purchaser working for me entered the retail premises of 'A Nifty Store' 17 Preston Road, Brighton BN1 4QE.

I was later informed that a REDACTED TEXT described as of REDACTED TEXT and REDACTED TEXT sold a test purchaser one pack of 'Marlboro Gold' cigarettes for £7.00 from under the counter. These were fully branded with Polish health warnings and tax stamps and not in the required UK standardised packaging.

The cigarettes purchased were sealed in an evidence bag No M2100932 and have been retained. I produce this pack as REDACTED TEXT

First Floor
Police Station
John Street
Brighton
BN2 0LA

Tel: 101 ext 550829

Email: **Redacted Text**

21st October 2020

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

BP CON ENDS 27.10.20 VALID PPN, PCD & PCH (E)

Dear Becky Pratley,

**RE: APPLICATION FOR A NEW PREMISES LICENCE FOR 17 PRESTON ROAD, BRIGHTON, BN1 4QE
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, public nuisance and the protection of children from 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 Preston Road in an area defined as 'Other Areas' 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 - 09:00 – 23:00

Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Boxing Day and Brighton Pride 09.00 – 01.00

Opening hours

Every Day - 06:00 – 23:00

Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Boxing Day and Brighton Pride 09.00 – 01.00

On considering the application alongside the licensing decision matrix on page 16 of the Council Statement of Licensing Policy (SoLP). We would like to point to the "Off Licence" section which recommends 23:00hrs as a terminal hour for off licence in 'other areas', although within a densely residential area, may be earlier

Note 7 of Paragraph 3.3.2 of the Brighton and Hove City Council 2016 Statement of Licensing Policy states:

Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or café bars, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing and the Street Community and Drug Activity Profile. These documents are available on the following page of our website www.brighton-hove.gov.uk/licensingact.

Sussex Police note that Preston Road, while being largely a parade of shops, is also densely residentially populated with flats and other dwellings therefore a terminal hour of 23:00 may not be suitable due to potential nuisance this could cause to residents.

The extended terminal area for the seasonal dates and Brighton Pride is a concern as this would likely cause an increase to the negative impact in the local area.

Sussex Police also has serious concerns over the crime and disorder in this area. Sussex Police are aware that the area suffers largely from Theft, violent crime public space and crime public order. These types of crimes form the majority of the crimes committed in 2019 and 2020 in the local area surrounding Preston Road.

We are also aware that alcohol and drugs are believed to be a contributing factor to a percentage of these crimes. In 2020, there has been a large number of reported incidents, of which the majority were reported as ASB nuisance.

Sussex Police have further concerns as in 2017 this premises had its premises licence revoked following a review launched by Sussex Police. This was following a failed test purchase, no confidence in the management or landlord having tried to follow the stepped approach, and a number of crimes and breaches.

We note the applicant of this new premises application is the landlord of the premises in 2017.

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.

Yours sincerely,

Redacted Text

Redacted Text

Licensing & Response Inspector

Local Policing Support Team

Sussex Police

From: REDACTED TEXT

Sent: 23 October 2020 08:26

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

Subject: Alcohol Licence application objection

BP CON ENDS 27.10.20 VALID PPN, PCD & PCH (F)

Hello,

I am emailing regarding the licence application 1445/3/2020/03091/LAPREN

I would like to object to the application as this store has previously been the subject of interest regarding the sale of alcohol to underage persons. The late opening hours of this shop has always attracted antisocial behaviour, street drinking in the early hours and unfortunately drugs seem to go along with these customers. Since the Nifty store, or Moonlight as it was previously, has been closed, there is noticeably less vomit to clean up in the morning, urine in mine and my neighbour's porch which is down to me and my staff to wash away.

My **REDACTED TEXT** has been broken into on 3 occasions, one so violent, the 100+ year old door was severed. My upstairs (disabled) neighbour was disturbed by the horrendous noise. This has increased my insurance costs by 50% and at great expense have had to have shutters fitted to my frontage, as has many others in the road now. We feel that a later alcohol licence than already exists at several places in the road would be excessive.

We already have several shops where you can purchase alcohol in the area, one opposite, one about 10 doors down towards Preston Park, then another past the viaduct, not to mention all the places up London Road and round the corner at Clyde News.

Many thanks,

REDACTED TEXT

From: REDACTED TEXT

Sent: 23 October 2020 14:17

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

Subject: Licensing Objection

Please find attached the licensing objection letter for 17 Preston Road

Kind Regards

BP CON ENDS 27.10.20 VALID PPN, PCD & PCH (G)

I am writing to object the licensing application made by 17 Preston Road.

Currently there are four off license shops directly opposite 17 Preston Road one of which is already open until 3am. In addition, there are a number of restaurants, cafes, bars and pubs in the vicinity where you can drink and purchase alcohol, therefore we certainly do not need another. Having such premises open until such a late hour attracts unwanted characters from outside our residential street allowing for more crime and disorder.

The previous off license which was in the same premises and with the same proposed late opening hours caused a lot of public nuisance and antisocial behaviour. Most late nights and weekends there would be lots of shouting, swearing and fighting with shops being broken into **REDACTED TEXT**. This not only disrupts the residential neighbourhood but also attracts youths and the homeless sitting outside on our doorstep whilst leaving their rubbish and vomit behind.

This premises has a history of selling alcohol to under 18's, selling non-duty paid alcohol and cigarettes, has failed test purchases and breach of conditions which are all due to poor management and poor ownership by Mr. Koluman. We have also seen deliveries received out of trading hours late at night.

I have **REDACTED TEXT** and I believe our community would not gain any positive attributes or behaviours from having another off-license open.

REDACTED TEXT

From: REDACTED TEXT

Sent: 27 October 2020 13:51

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

Cc: REDACTED TEXT

Subject: Opposition of Licensing Application, A Nifty Store, Kamber Koluman, 17 Preston Road, Brighton, BN14QE, Licence- 1445/3/2020/03091/LAP REN

BP CON ENDS 27.10.20 VALID PPN & PCD (H)

Opposition of Licensing Application, A Nifty Store, Kamber Koluman, 17 Preston Road, Brighton, BN14QE, Licence- 1445/3/2020/03091/LAP REN

Dear Head of Regulatory Services & EHL Safety Team,

I would like to raise and commit my concerns and objections to the Licence Application of Mr Kamber Koluman:

**A Nifty Store,
Kamber Koluman,
17 Preston Road,
Brighton,
BN14QE,
Licence- 1445/3/2020/03091/LAP REN**

I have several concerns about this application. Although I occasionally use the store and personally find the staff warm inc. Mr Kember and have had many a friendly conversation over the years, I do have significant concerns about the (re) application for extending the licence and effect it will have on our local community.

Crime and Disorder

Personal experience of under priced tobacco products for sale with no receipt offered and rejected when asked for, recent and historical.

I have heard similar recent stories from local business's and residents on our family street, of of subtle intimidation and not so subtle bullying, although not experienced myself, i have know many of these people for a decade or more and can see and trust the fear and desperation in their long running experiences.

Public Safety, Nuisance,

While this shop was shut, and since it has reopened without the licence requested, our street has become a much nicer environment and safer place to be, less noise and underage drinking. many families and people of all ages live in the street, we need to be able to get sleep and walk in safely to our houses at any hour of the day, Long term business who try to make an honest living, but can't due to the prices that they can't compete with. I do understand that it takes a lot of work, energy, worry and risk to run a business, especially in the current climate. so my opposition brings me no pleasure. I do wish Mr Koluman prosperity but not at the expense of our community.

Kind regards,

REDACTED TEXT

From: **REDACTED TEXT**
Sent: 27 October 2020 15:52
To: ehl.safety@brighton-hov.gov.uk
Subject: Objection to alcohol licence application

BP CON ENDS 27.10.20 VALID PPN (I)

To whom it may concern,

With reference to:
1445/3/2020/03091/LAPEEN17 Preston Road
Brighton
BN1 4QE

Application made by:
Mr Kamber Koluman on 30th September 2020 for an alcohol licence.
A Nifty Store
17 Preston Road
Brighton
BN1 4QE

My address:
REDACTED TEXT

Concern:
Public nuisance: Increased noise levels, more footfall on the pavement and along Preston Road, drink individuals with less social distancing

Protect children from harm: I have a **REDACTED TEXT** and am concerned about previous rumours that there has been the selling of drugs from this premises

REDACTED TEXT

From: **REDACTED TEXT**
Sent: 27 October 2020 17:14

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

Subject: Objection to license application 1445/3/2020/03091/LAPREN

BP CON ENDS 27.10.20 VALID PPN & PCD (J)

Hi,

I'm writing to you today to object to the idea of granting an alcohol sales license to "A Nifty Store" at 17 Preston Road, Brighton, BN1 4QE. I do this as resident of the **REDACTED TEXT** to this shop, at **REDACTED TEXT**

I would like to object on a number of grounds:

- firstly, the area already has a glut of off licenses - walking from **REDACTED TEXT** to Preston Park takes **REDACTED TEXT** past 5 that are already trading, with many others close by on London Road and off Beaconsfield Road
- secondly, I've already witnessed ample issues with drunkenness in the area and another off licence will only add to this problem, especially as this one would be right next to a covered bus stop where I have already witnessed anti-social behaviour caused by excessive drinking and from where drunk people have urinated in to the **REDACTED TEXT**. Having another off licence serving until late right next to sheltered seating will only lead to further anti-social behaviour on Preston Road, right beneath my windows
- finally, I am given to understand that this premise previously held a license but that it was revoked due to the proprietor selling to underage drinkers

It can be noted that these premises have had licenses denied before: <https://present.brighton-hove.gov.uk/mgAi.aspx?ID=64460> and as reported in the Argus the police are against the idea: <https://www.theargus.co.uk/news/17462230.off-licence-served-underage-customers-sold-smuggled-booze/>

I look forward to hearing that this license is not approved.

All the best,

REDACTED TEXT

From: REDACTED TEXT
Sent: 24 October 2020 20:29
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: 17 Preston Road

BP CON ENDS 27.10.20 VALID PPN (S1)

Hello

I would like to give my support to the licence to sell alcohol application made for the Nifty Store, 17 Preston Road. I **REDACTED TEXT** the shop and in no way does it disturb me at all. The shop seems to be well run and I do not feel the granting of the license would cause any additional problems to the area.

REDACTED TEXT

APPENDIX D



