

# Licensing Panel (Licensing Act 2003 Functions)

Date:           **28 September 2021**

Time:           **10.00am**

Venue           **Virtual**

Members:   **Councillors: Davis, Deane and Rainey**

Contact:       **Lesley Campbell**  
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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.

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

## 3 O'DONNELL MOONSHINE LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS) 7 - 60

Report of the Executive Director of Housing, Neighbourhoods & Communities  
( Copy attached)

Contact Officer: Corinne Hardcastle  
Ward Affected: Regency

Tel: 0127329

Date of Publication - Monday, 20 September 2021

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For further details and general enquiries about this meeting contact Thomas Bald, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

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# Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council  
**Item 3**

<b>Subject:</b>	<b>Application for a New Premises Licence under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>O'Donnell Moonshine 5 Hanningtons Lane Brighton BN1 1GS</b>		
<b>Applicant:</b>	<b>O'Donnell Moonshine Limited</b>		
<b>Date of Meeting:</b>	<b>28 September 2021</b>		
<b>Report of:</b>	<b>Executive Director of Housing, Neighbourhoods &amp; Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Emma Grant</b>	<b>Tel: (01273) 292381</b>
	<b>Email:</b>	<b>emma.grant@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>Regency</b>		

## 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 O'Donnell Moonshine, 5 Hanningtons Lane, Brighton.

### 2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for O'Donnell Moonshine.

### 3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a New Premises Licence under the Licensing Act 2003.

The application proposes that the premise will be used as a temporary Pop-Up Retail unit to sell our products for off-site consumption only. The entire floor space will be used as a sales area.

The Shop will be occupied for 4 months (15.09.21 -16.01.22) and is open to the general public. A strict Challenge 25 policy will be operated with underaged people not being allowed in the shop unless accompanied by their legal guardian. No alcohol will be sold or offered as a taster to underaged people. The same applies to obviously intoxicated people.

In line with the sampling guideline of the Licencing Act 2003 and Portman Group Guidance small samples (<5ml) can be offered to customers for tasting and quality assessment purposes.

These samples will be given out in line with our duty to fulfil all licensing objectives.

3.2 Part M (operating schedule) of the application is detailed at Appendix A and the plan attached at Appendix B.

3.3 Summary table of proposed activities

	<b>Proposed</b>
<b>Supply of Alcohol</b>	Mondays to Sundays 09:00 to 21:00 Off the Premises
<b>Hours premises are open to public</b>	Mondays to Sundays 09:00 to 21:00

3.4 Cumulative Impact. The premises falls within the Cumulative Impact Area (“The Area”) (see paragraphs 3.1 – 3.1.10).

### **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 Two representations were received. They were received from Sussex Police and the Licensing Authority.

3.7 Representations received had concerns relating to Prevention of Crime and Disorder, Protection of Children from Harm and to uphold the Statement of Licensing Policy.

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. This policy takes effect from the 4th February 2021. 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) the prevention of crime and disorder.
- (b) public safety.
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

## **1.3 Scope**

1.3.1 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 Special Policies and Initiatives**

### **3.1 Cumulative impact**

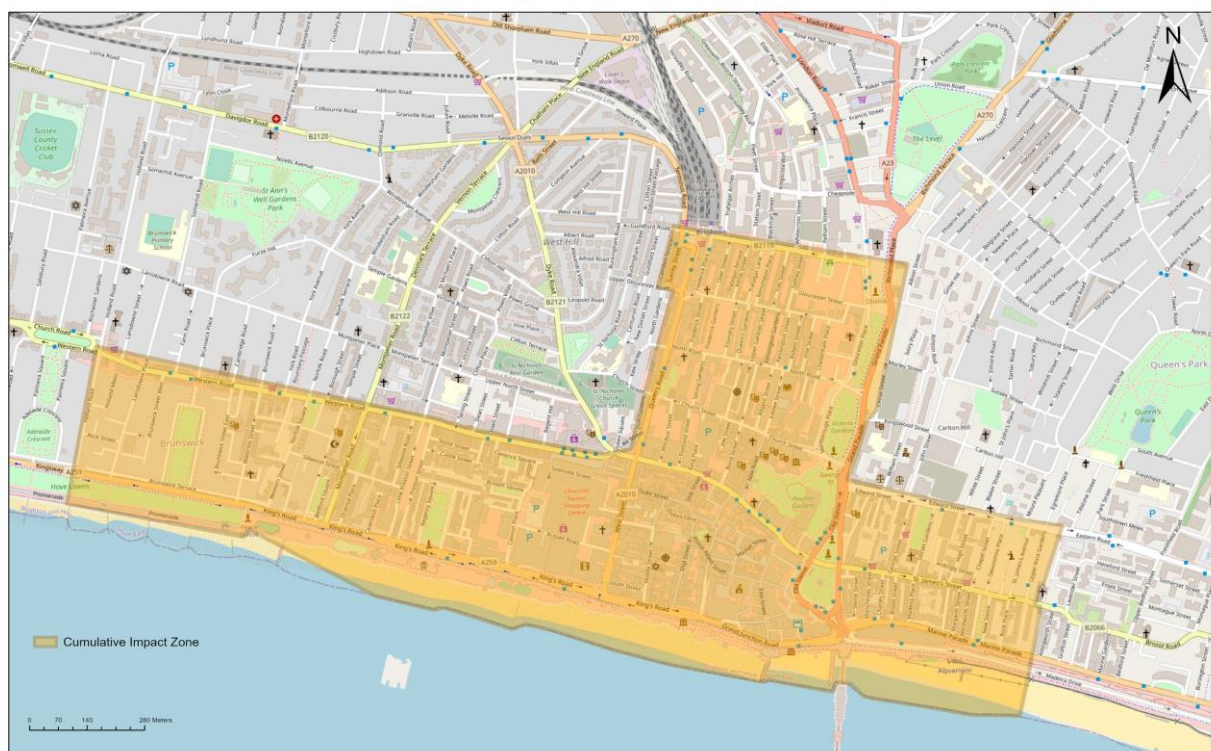
3.1.1 The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore, does not form part of this licensing policy statement.

3.1.2 **Special Policy** - Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

3.1.3 The licensing authority, after careful consideration, has determined that the concentration of licensed premises in an area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to ‘Cumulative Impact’ is necessary as part of its statement of licensing policy. The first Special Policy incorporating a Cumulative Impact Zone (CIZ) and Special Stress Areas (SSA’s) was adopted in March 2008. Since that date, the licensing authority has kept the CIZ and SSA’s under review. On 15 December 2011 Full Council resolved to expand the CIZ and the special stress area, covering 1.5% of the administrative area of Brighton & Hove City Council. On 20th November 2014 Licensing Committee resolved to confirm the current CIZ and SSA as defined in the current Statement of Licensing Policy. On the 29th November 2018 Licensing Committee resolved to expand the SSA into Central Hove. It is now proposed to expand the SSA into Preston Road and Beaconsfield Road. The licensing authority has published a Cumulative Impact Assessment which can be found at Appendix E.

3.1.4 This special policy will refer to a Cumulative Impact Zone (“the CIZ”) in the Brighton city centre, a detailed plan of which is shown below.

Cumulative Impact Zone, January 2021



Brighton & Hove Public Health Intelligence, 2021  
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3.1.5 The Cumulative Impact Zone comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Holland Road to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Air Street with the west side of Queens Road and then northward to the north-west corner of Surrey Street junction with Queens Road; thence along the north side of Trafalgar Street eastwards to its junction with York Place and continuing south-east across to Grand Parade, then south to the junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Lower Rock Gardens; southward to the

mean water mark and following the mean water line westward to a point due south of the west boundary of Holland Road; northward to that point and along the west side of Holland Road to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Holland Road.

3.1.6 The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.

3.1.7 This special policy also applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments. Off licences also come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder.

3.1.8 The presumption of refusal does not relieve responsible authorities or other persons of the need to make a relevant representation. If there are no representations, the licensing authority must grant the application in terms consistent with the operating schedule submitted.

3.1.9 Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the cumulative impact of the area, it may be granted. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant, theatre or live music venue (where alcohol is not the primary activity) may be considered exceptional circumstances. The fact that a premises will be/is exceptionally well managed with a well-qualified applicant, or that there are no residential premises nearby, will not be considered exceptional.

3.1.10 If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved.

### **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)

	<b>Cumulative Impact Area</b>	<b>Special Stress Area</b>	<b>Other Areas</b>
<b>Restaurant</b>	Yes (midnight)	Yes (midnight)	Yes (midnight)
<b>Café</b>	Yes (10 pm)	Yes (10 pm)	Yes (10 pm)
<b>Late Night Takeaways</b>	No	Yes (midnight)	Yes (midnight)
<b>Night Club</b>	No	No	No
<b>Pub</b>	No	Yes (11pm)	Yes (midnight)
<b>Non-alcohol lead (e.g. Theatre)</b>	Yes (favourable)	Yes (favourable)	Yes (favourable)
<b>Off-licence</b>	No	No	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
<b>Members Club (club premises certificate)</b>	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	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 offset 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, members 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 cafes, 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 on our website [www.brighton-hove.gov.uk/licensingact](http://www.brighton-hove.gov.uk/licensingact).
- 8) In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence 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 or restrictions placed on the terminal hour to reflect opening hours of other shops.
- 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.
- 10) Non-alcohol led category does not include "alcohol in shared workplaces". It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on "alcohol in shared workplaces" please see paragraph 3.3.4-3.3.6.

### **3.5 Off licences**

In recent years there has been a noticeable shift towards more people buying alcohol from shops and drinking at home 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.

3.5.1 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 principal product sold maybe considered more favourably.

3.5.2 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 3.5.3) for which they receive an accreditation as a responsible retailer.

3.5.3 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

3.5.4 The Licensing Authority and Sussex Police have specific concerns around the delivery of alcohol off the premises due to issues around the end location of delivery, age verification checks (Challenge 25), the increased possibility of the alcohol coming into the CIZ and SSA from other areas, as well as the personal safety of drivers when having to refuse a delivery at the end destination.

3.5.5 Alcohol delivery poses a unique set of challenges as it often transfers the final age verification to a person who has no responsibility in relation to the Premises Licence which authorised the sale of alcohol. A premises licence holder needs to be satisfied that their drivers or the delivery drivers of the third party company they chose to use, have received regular and comprehensive training in age verification and identifying persons who have consumed too much alcohol.

3.5.6 Evidence has shown that customers have previously used landmarks/businesses not related to them as addresses for delivery so that alcohol could be consumed in open spaces/parks. The risk being that this may lead to increased crime and

disorder including anti-social behaviour and criminal damage, as well as the possibility that underage persons can gain access to alcohol. Concerns have also been raised about the delivery of alcohol to known street drinking hotspots. Therefore, a condition requiring all deliveries to be to a verifiable residential or business address and a face to face ID verification is vital in mitigating some of this risk.

3.5.7 While the Licensing Authority and Sussex Police recognise this is a growing area of business, new or variation applications to include the delivery of alcohol off the premises will be subject to increased scrutiny. Suggested conditions for the provision of an alcohol delivery service can be found at Appendix A. These are not exhaustive and each application will be considered on its own merits.

### **3.6 Street drinking**

3.6.1 The Licensing Authority will have regard to areas highlighted by Sussex Police that are at risk from alcohol related anti-social behaviour. The nature of these areas can be fluid/seasonal and so updated maps and data will be produced regularly to ensure the information is current. 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**

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.

- 4.1.1 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.
- 4.1.2 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.
- 4.1.3 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

4.1.4 Measures put in place should support the intentions of Operation Marble (police operational order), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the city centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

## **4.2 Sussex Police**

4.2.1 Sussex Police have a specific Operation relating to the night time economy called Operation Marble (detailed in 3.4.1) and work closely with partners to ensure a safe and vibrant city centre. There continues to be an increasing demand for resources further into the early hours of the morning with the highest concentration of crimes occurring between 21:00 and 06:00 on a Friday into a Saturday and between 20:00 and 06:00 on a Saturday night into a Sunday. The data set used shows that up to 80% of arrests made in the timeframe 20:00 – 06:00 on these days were affected by alcohol. For full details of these statistics see the Cumulative Impact Assessment at Appendix E.

4.2.2 The dealing and use of drugs remains an issue across the city and Sussex Police welcome proactive policies from licensed premises. A drug safe and seizure recording initiative is in place of which further details can be obtained by contacting Brighton & Hove Police Licensing ([brighton.licensing@sussex.pnn.police.uk](mailto:brighton.licensing@sussex.pnn.police.uk)). This initiative encourages licensed premises with Door Supervisors to search and seize drugs from persons attempting to enter their premises and ensures that once drugs are removed from persons, they can be safely collected and destroyed by Sussex Police.

4.2.3 Dispersal from the city centre during the late evening and early morning remains a policing challenge. 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.

4.2.4 Sussex Police have continuing concerns that, despite staff training in age-restricted sales, under age individuals are still being served alcohol both on and off the premises in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted to highlight premises where sales are taking place and ensure appropriate enforcement action is taken to prevent further sales. The introduction of identification scanning machines at premises throughout the city has proved successful in mitigating some risk, but operators must maintain vigilance regarding the fraudulent use of genuine IDs. Sussex Police continue to work alongside the Business Crime Reduction Partnership to tackle the problem of those who use false or another's identification to enter licensed premises and purchase alcohol.



4.2.5 Sussex Police work closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. As well as work to prevent under age sales, vulnerability training is offered to identify persons who may have been made vulnerable through alcohol or drugs. Sussex Police also support initiatives such as (but not limited to) safe spaces, mobile teams of volunteers actively checking people's well-being and the Beach Patrol.

4.2.6 Public Space Protection Orders have proved an effective tool for Sussex Police in targeting enforcement action in problem areas of the city. It 'allows Police Officers and Police Community Support Officers to remove alcohol from any person in a public place if that person is involved in anti-social behaviour (ASB) or the officer believes that by having alcohol in their possession there is an increased risk of ASB. It is an offence to refuse to hand over alcohol when required to do so.' They have been particularly effective in the day time economy where members of the street community are causing ASB issues for members of the public and local businesses, especially during the summer months where there is a large influx of visitors to Brighton & Hove.

4.2.7 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 and will continue to take enforcement action where appropriate if the actions of a Premises Licence Holder, Designated Premises Supervisor, Door Supervisors or Staff have fallen below the high standard expected across the city. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton & 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 Industry 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. This policy endorses the use of units following such guidance and standards in appropriate circumstances.

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 appended (Appendix B).

## **7 Protection of Children from Harm**

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, eg 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).

7.1.1 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 (eg passport, photo driving licence or pass card).

7.1.2 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 7.1.4 below.

7.1.3 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

7.1.4 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.

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

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

## **8 Integration of Strategies**

8.1.1 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

8.1.2 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.

8.1.3 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.

8.1.4 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.

8.1.5 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.

8.1.6 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.

### **8.3 Enforcement**

8.3.1 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 & 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.

8.3.2 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 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

## **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 'Night Safe' 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

## 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: 14/09/21*

### 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.

*Lawyer Consulted: Rebecca Sidell*

*Date: 17/09/21*

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 – Part M of the Application
2. Appendix B – Plan of Premises
3. Appendix C – Representations and email from applicant (together with appendices with proposed conditions and crime and prevention document) addressing concerns in the representations.
4. Appendix D – Map of area

**Documents in Members' Rooms**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

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. 5<sup>th</sup> edition. Public Health Intelligence. January 2019

**Background Documents**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

## **Appendix B - Licensing Enforcement Policy**

### **1.0 Statement of objectives**

The council as licensing authority and responsible authority is committed to the council's priorities and will inform the enforcement actions taken. Amendments to priorities will be embedded automatically.

#### **1.1**

This service policy promotes efficient and effective approaches to regulatory inspection and enforcement that improve regulatory outcomes without imposing unnecessary burdens. This is in accordance with the Regulator's Compliance Code.

#### **1.2**

In certain instances the service may conclude that a provision in the code is either not relevant or is outweighed by another provision. It will ensure that any decision to depart from the code will be properly reasoned, based on material evidence and documented.

#### **1.3**

The service pursues a positive and proactive approach towards ensuring compliance by:

- Supporting the better regulation agenda;
- Helping make prosperity and protection a reality for the city's community;
- Helping and encouraging regulated entities to understand and meet regulatory requirements more easily;
- Responding proportionately to regulatory breaches; and
- Protecting and improving public health and the environment.

#### **1.4**



This policy is based on the seven ‘Hampton Principles’ of:

**Economic Progress:** Regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection;

**Risk Assessment:** Regulators, and the regulatory system as a whole, should use comprehensive risk assessment to concentrate resources in the areas that need them most;

**Advice and Guidance:** Regulators should provide authoritative, accessible advice easily and cheaply;

**Inspections and other visits:** No inspection should take place without a reason;

**Information requirements:** Businesses should not have to give unnecessary information or give the same information twice;

**Compliance and enforcement actions:** The few businesses that persistently break regulations should be identified quickly and face proportionate and meaningful sanctions; and

**Accountability:** Regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take.

## 1.6

The rights and freedoms given under the Human Rights Act, particularly Article 6 and 8, will be observed, as will the provisions of the Regulation of Investigatory Powers Act.

## 2.0 Scope of the policy

### 2.1

This policy supports and supplements specific guidance on enforcement action contained in the Statutory Code of Practice for Regulators, Brighton & Hove City Council’s Corporate Enforcement Policy, Statutory Codes of

Practice and relevant guidance documents and guidelines issued by government departments and co-ordinating bodies.

## **2.2**

This policy relates to actions taken to educate and enforce legislation where non-compliances have been identified or have a realistic potential to occur.

## **2.3**

The policy is limited to those enforcement activities lead by the Head of Environmental Health & Licensing.

## **3.0 Training**

### **3.1**

Officers undertaking enforcement duties will be suitably trained and qualified so as to ensure they are fully competent to undertake their enforcement activities.

## **4.0 Management systems**

### **4.1**

The service will maintain management systems to monitor the quality and nature of enforcement activities undertaken, so as to ensure, so far as is reasonably practicable, uniformity and consistency.

## **5.0 Enforcement options**

### **5.1**

The service recognises the importance of achieving and maintaining consistency in its approach to enforcement. Statutory Codes of Practice and guidance issued by government departments, other relevant enforcement agencies or professional bodies will therefore be considered and followed where appropriate.

## 5.2

Sanctions and penalties will be consistent, balanced, fairly implemented and relate to common standards that ensure individual's, public safety or the environment is adequately protected. The aim of sanctions and penalties are to:

- Change the behaviour of the offender;
- Eliminate any financial gain or benefit from non-compliance;
- Be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- Proportionate to the nature of the offence and the harm caused; and
- Aim to deter future non-compliance.

## 5.3

Criteria to be taken into account when considering the most appropriate enforcement option include:

- the potential of the offence to cause harm;
- confidence in the offender;
- consequences of non compliance;
- likely effectiveness of the various enforcement options.

## 5.4

Having considered all the relevant options the choices for action are:

- **Informal Warning:** All advice issued will be given in writing and specify the nature of the breach or offence, and the actions required to remedy the issue. An informal warning may be included with the advice, and may accompany higher-level actions, such as Enforcement Notices or Voluntary Surrender:
- **Licence review:** Licence review power will be used where an application for review relates to one or more of the licensing objectives.

- **Taxi licence:** Taxi licence suspension or revocation will be used to protect public safety. Other sanctions such as DSA testing will be used to protect public safety and in accordance with the taxi licensing policy (Blue book).
- **Simple Caution:** The issue of a Simple Caution by an authorised officer may be undertaken as an alternative to prosecution where it is considered unnecessary to involve the courts, and the offender's response to the problem makes repeat offending unlikely, or the offender's age or health make it appropriate. Cautions may only be issued where the offender makes a clear and reliable admission of guilt and understands the significance of acceptance.
- **Prosecution:** A prosecution is appropriate where there is a breach of a legal requirement, such that public safety, health, economic or physical well-being or the environment or environmental amenity is adversely affected. The Crown Prosecutor's Code of Evidential and Public Interests tests must be met in all cases. However, certain circumstances will normally justify prosecution to prevent the undermining of the service's enforcement responsibilities.
  - Failure to comply with an Enforcement Notice
  - Declining a Simple Caution
  - Continued, reckless, negligent or pre-meditated non-compliance.
  - Failure to pay a fixed penalty.
  - Non-cooperation, acts of obstruction or threats of physical harm or abuse.
- **Injunctions:** Injunctive action as a means of preventing an activity or course of action likely to result in significant risk to public or community safety or economic wellbeing of consumers and businesses.

## 5.5

If the department is considering taking enforcement action which it believes may be inconsistent with that adopted by other authorities, the matter will be referred to the appropriate local co-ordinating body.

## **6.0 Informal warning**

### **6.1**

Informal action may be taken when:

- the act or omission is not serious enough to warrant formal action, or
- from the individual's/enterprise's past history it can be reasonably expected that informal action will achieve compliance, or
- confidence in the individual/enterprise's management or ability to resolve the matter is high, or
- the consequences of non-compliance will not pose a significant risk to public health, public safety, animal welfare or the environment.

### **6.2**

When an informal approach is used to secure compliance with regulations, written documentation issued will:

- contain all the information necessary to understand what is required and why;
- indicate the regulations contravened, measures which will enable compliance with legal requirements and that other means of achieving the same effect may be chosen;
- clearly differentiate between legal requirements and recommendations of good practice. Such a differentiation will also be made when verbal advice is given.

## **7.0 Simple cautions**

### **7.1**

A Simple Caution may be issued as an alternative to a prosecution. Cautions may be issued to:

- deal quickly and simply with less serious offences;
- divert less serious offences away from the courts;
- reduce the chances of repeat offences.

## 7.2

The following factors will be considered when deciding whether a caution is appropriate:-

- evidence of the suspect's guilt
- has a clear and reliable admission of the offence been made either verbally or in writing
- is it in the public interest to use a caution as the appropriate means of disposal when taking into account the public interest principles set out in the Code for Crown Prosecutors.
- the suspected offender must understand the significance of a simple caution and give an informed consent to being cautioned.

## 7.3

No pressure will be applied to a person to accept a Simple Caution.

## 7.4

The 'cautioning officer' will be the most appropriate officer from Service Director, Service Assistant Director, Head of Service Environmental Health Manager or Licensing Manager. The Cautioning Officer must not have taken an active part in investigating the case.

## 7.5

Should a person decline the offer of a simple caution a prosecution will be recommended.

## 8.0 Prosecution

### 8.1

The department recognises that the decision to prosecute is significant and could have far reaching consequences on the offender.

### 8.2

The decision to undertake a prosecution will be taken after proper consultation in accordance with the Scheme of Delegation for the council's functions. The decision to proceed with a prosecution will normally be taken following legal advice. The matters to be taken into account when deciding if the issue of proceedings is proportionate include:

- the seriousness and nature of the alleged offence;
- the role of the suspect in the commission of the offence;
- any explanation by the suspect or any agent or third party acting on their behalf;
- was the suspect in a position of trust, responsibility or authority in relation to the commission of the offence;
- is there evidence of premeditation or disregard of a legal requirement for financial reward;
- risk of harm to the public, an individual or the environment;
- relevant previous history of compliance;
- reliability of evidence and witnesses
- any mitigating or aggravating circumstances or the likelihood that the suspect will be able to establish a defence;
- suspect's willingness to prevent a recurrence of the offence;
- the need to influence future behaviour of the suspect;
- the likely penalty to be imposed; and
- a prosecution is in the public interest, there is realistic prospect of conviction and sufficient evidence to support proceedings.

### **8.3**

All relevant evidence and information will be considered before deciding whether to instigate proceedings in order to enable a consistent, fair and objective decision to be made.

### **8.4**

Where an act or omission is capable of constituting both a summary and either way offence, when deciding which offence to charge the following will be considered:

- the gravity of the offence;

- the adequacy or otherwise of the powers of the summary court to punish the offence;
- the record of the suspect;
- the suspect's previous response to advice or other enforcement action;
- the magnitude of the hazard;
- any circumstances causing particularly great public alarm;
- comments from the council's Solicitor's Office.

## 8.5

As a general rule an individual or business will be given a reasonable opportunity to comply with the law although in some circumstances prosecution may be undertaken without giving prior warning, e.g.

- the contravention is a particularly serious one;
- the integrity of the licensing framework is threatened.

## 9.0 Home Office and Government Advice: Problem premises on probation

### 9.1

The licensing authority supports the strategies of interventions and tough conditions to be assembled into packages released in 2008. The current version is appended (appendix A).

## 10.0 Appeals

If any person is unhappy with the action taken, or information or advice given they will be given the opportunity of discussing the matter with the relevant team manager, Head of Service or Assistant Director.

Any such appeal does not preclude any aggrieved person from making a formal complaint about the service or any officers. Any such complaint will be dealt with in accordance with corporate procedures and guidance.

Complaints that are not dealt with by the council's complaints procedure are listed in corporate policy and include:



- Complaints where the complainant or another person has commenced or intends to commence legal proceedings against the council.
- Complaints where the council has commenced or intends to commence legal proceedings against the complainant or another person relating to the matter of complaint

## **11.0 Shared enforcement roles**

Lead agency status between Sussex Police, East Sussex Fire and Rescue Service and the council's trading standards, environmental health and licensing officers are determined between the agencies at county level. The current position is appended (appendix H).



**From:** REDACTED TEXT

**Sent:** 07 September 2021 15:11

**To:** Jo Osborne <[Jo.Osborne@brighton-hove.gov.uk](mailto:Jo.Osborne@brighton-hove.gov.uk)>; [brighton.licensing@sussex.pnn.police.uk](mailto:brighton.licensing@sussex.pnn.police.uk);  
Emma Grant <[Emma.Grant@brighton-hove.gov.uk](mailto:Emma.Grant@brighton-hove.gov.uk)>

**Cc:** REDACTED TEXT

**Subject:** O'Donnell Moonshine - Temporary Premise License Application 5 Hanningtons Lane - Proposed Amendements and points of Exclusivity

Hello Claire/Jo/Emma,

Good to speak you all over the last couple of days regarding our temporary premise license application in 5 Hanningtons lane for an off-site consumption shop for O'Donnell Moonshine. Firstly, I wanted to apologise that I have not been as informed as I should have been about the particulars of the location of the unit. I really want to make this work and the scarce information in the application was by no means a sign of me not taking it seriously but rather a lack of expertise of premise license application completion.

I have now made up for this and read the SoLP for Brighthorn & Hove and suggest the following amendments to our premise application to elevate some of the concerns regarding our application. Further, I have also put together a few points to highlight to you our uniqueness and why it would be great for Brighton to have our brand in for the Christmas period.

Proposed amendments to the temporary premise license application to cater better for the special requirements of the CIZ:

**- Opening Hours:**

In light of most alcohol related crimes taking place after 21h in the timeframe of our Pop-Up Shop according to the SoLP I propose to amend our operating & opening hours to 11:00h - 20:00h Monday - Saturday and 12:00 - 18:00h on Sundays to remove a potential cumulative impact of our shop.

**- CCTV:**

We will install a system of CCTV to be in line with the city wide standards for the prevention of crime & violence.

**- Solely on-site purchases:**

There will be **no alcohol delivery services** operated from this premises and its solely a 'purchase-in-store' concept.

**- Alcohol Staff Training:**

Training regarding alcohol licensing objectives & i.p. proxy sales will be provided in depth before staff start and to be refreshed every 6 weeks for the duration of the shop being open, and records be kept and made available upon request from local authorities.

**- Voluntary restriction of high strength alcohol:**

We limit our product range to **exclude our strongest ABV product** 'High High Proof' which has an ABV of 72%.

**- Signage in store:**

Signage will be installed at a visible place in the store outlining legal duties around alcohol sales and 'proxy sales'.

If you feel there are further conditions necessary I'm more than thankful for any further guidance here. I understand that there a hearing is now scheduled for 28.09.21, however it would be highly appreciated if there was a way to get agreement prior to the hearing it would be highly appreciated as our rental contract and therefore the associated costs starts on 15.09.2021. I fully appreciate this might not be possible but if there was a way it would help a small brand like ours tremendously to limit the financial impact of a trading loss of at least 2 weeks.

Further, I put together a few more detailed bullet points regarding our brand and why I believe that there will be no negative impact on the the city of Brighton by having us operating in a Pop-Up unit:

- We have **extensive experience with alcohol trade at busy events** (Large Christmas markets such as Manchester, York or Edinburgh and large events such as BBC Good Food shows etc.) with no issues regarding crime or violence at all. Our staff is trained well and we always operate a strict challenge25 policy with no underaged people allowed at the stalls/shop unless accompanied by their legal guardian.
- **The application is temporary** and will not last beyond 16.01.2022 which in our eyes will underline the character of it being a pop-up shop for Christmas shopping rather than to become a potential hotspot for people to seek a an opportunity to get intoxicated within the city centre of Brighton and potentially cause issues to the wider community.
- O'Donnell Moonshine is the **only UK based Moonshine company** providing its customers with a historic & cool drink adapted to the 21st century and therefore adding a complete new facet to the UK drinks market. Brighton has been chosen as the first location for a pop-up shop outside of Manchester due to the vibrant and open minded society with a very cool setting of the Lanes.
- We provide a **unique taste experience** paired with a **unique packaging** which is designed for 'at home consumption' or 'as the perfect Christmas gift' and therefore **adds to the attraction of Brighton City Centre** as shopping location in the lead up to Christmas.
- We have a product range of 8 flavoured Moonshine liqueurs (20-25% ABV) and 1 clear Moonshine (50% ABV) Spirits bottled in traditional 700ml traditional Mason Jars catering for all different tastes. Our products sit in the **premium price segment** starting from £21.90 (for 4x 50ml) and ranging all the way to £119 which makes the drink an enjoyment and a treat.
- The wide opening of our traditional Mason Jars makes an **easy consumption difficult** without our own designed pouring lid. This will also be sold at £2.90 a piece further increasing the price for a normal drinking experience to almost £30 per jar.
- We take a lot of pride in producing a **sustainable product** (as little plastic as possible by using card board boxes and bags, reusable glass jars & recyclable taster shot cups).

Thank you all for taking the time speaking to me and giving me some guidance on how this could be resolved. Please do not hesitate to contact me with your questions or comments. I'm more than happy to chat further should there be aspects not considered from our end. I would appreciate some

feedback on the above (email or phone whatever is easiest). I trust that email format is sufficient if you require me to put this in a different form or format please let me know.

@Claire: as discussed it would be great to get some guidance as to what CCTV system would be considered acceptable for the local police authorities.

Best regards,

**REDACTED TEXT**

Managing Director  
O'Donnell Moonshine Ltd.

**REDACTED TEXT**

Phone: **REDACTED TEXT**

Mobile: **REDACTED TEXT**

Mail: **REDACTED TEXT**

Company No.: **REDACTED TEXT**

AWRS No.: **REDACTED TEXT**

VAT No.: **REDACTED TEXT**



## APPENDIX A

### M

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

- Staff shall be provided with comprehensive training in the Challenge 25 policy; health and safety within the workplace; fire safety; complying with the license conditions; and obligations and offences under the Licensing Act that apply to the sale of alcohol.
- Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training will be given to a new member of staff before they commence paid employment. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Brighton & Hove City Council.
- Guarantee that we sell our alcohol above the permitted price of alcohol
- Clear signage of [drinkaware.co.uk](http://drinkaware.co.uk) & licensing objectives in store

**b) The prevention of crime and disorder**

- No promotional communications may be carried on for the purpose of encouraging the sale or supply of alcohol from the premises, which can reasonably be considered to condone, encourage or glamorize antisocial behaviour or to refer to the effects of drunkenness in any favourable manner.
- Any promotional activity shall comply with the most current Portman Group code of practice on the rules for naming, packaging and promotion of alcoholic drinks.
- No sale/provision of alcohol to intoxicated individuals

**c) Public safety**

- Regular premises safety checks shall be carried out by staff ensuring that emergency exits are clearly visible, unobstructed and well maintained.
- A first aid box will be available at the premises at all times
- The DPS will prepare a risk assessment for the premises which will account for fire safety and will identify potential hazards posed to staff or members of the public, setting out precautions to manage the hazards. Risk assessments will be reviewed every 12 months and a copy of each risk assessment will be kept at the premises and be available for inspection by the licensing authority.

**d) The prevention of public nuisance**

- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
- No bottles, glasses or similar items may be disposed of in outside receptacles between the hours of 2300 and 0700.
- No deliveries must be made to the premises between 2200 and 0700 hours.
- The premises and immediate surrounding area shall always be kept clean and free from litter.
- All sales of alcohol for consumption off the premises shall not be removed from premises unless in sealed containers only.

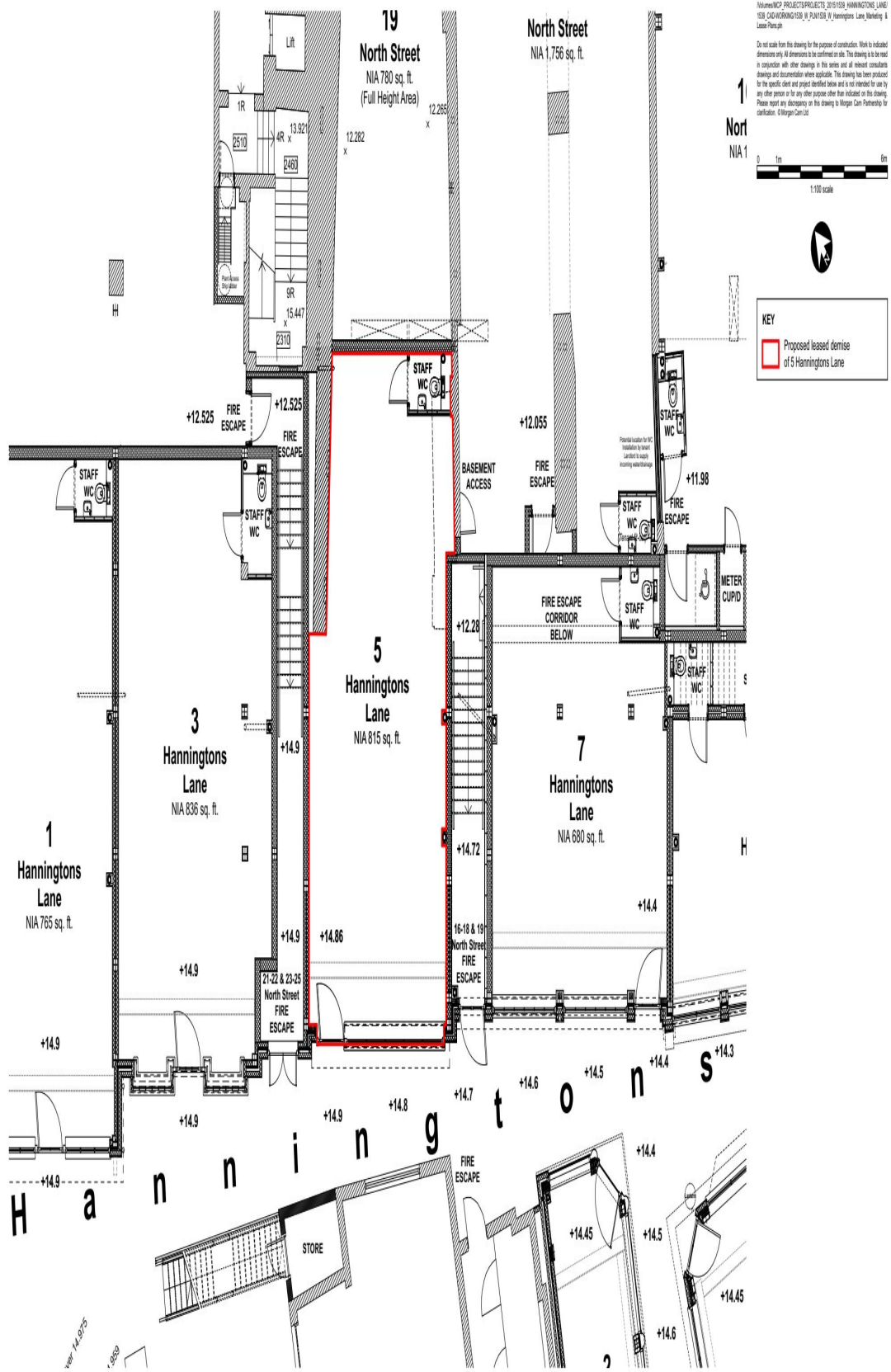
**e) The protection of children from harm**

- The premises will operate a strict Challenge25 age verification. (signage in place)
- Proof of age shall only comprise a passport, photo card driving license, an EU/EEA national ID card or similar document, an HM Forces warrant card, or a card bearing the PASS hologram.
- Under 18 years old people are not allowed on the premises unless in company of their legal guardian.
- No alcohol sale to or taster will be given to people that cannot prove they are of legal drinking age.



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Do not scale from this drawing for the purposes of construction. Work to indicated dimensions only. All dimensions to be confirmed on site. This drawing is to be read in conjunction with other drawings in this series and all relevant consultants drawings and documentation where applicable. This drawing has been produced for the specific client and project identified below and is not intended for use by any other person or for any other purpose other than indicated on this drawing. Please report any discrepancy on this drawing to Morgan Cam Partnership for clarification. © Morgan Cam Ltd



**KEY**  
 Proposed leased demise of 5 Hanningtons Lane

<p>morgan.cam partnership architects</p> <p>79 Stanford Avenue Brighton BN1 6FA 01273 55 77 77 mcj@morgancam.com www.morgancam.com</p>	<p>Project</p> <p><b>HANNINGTONS LANE</b></p> <p>Drawing Title</p> <p><b>Proposed Lease Plan - 5 Hanningtons Lane</b></p>	<p>Status</p> <p><b>LEASE PLAN</b></p> <p>Date of Issue</p> <p>27/09/2018</p> <p>Scale</p> <p>1:100 @ A3</p>	<p>PROJECT - STAGE - DRAWING - REVISION</p> <p><b>1539-W-075</b></p>



## **APPENDIX C**

Police Station

John Street

Brighton

BN2 0LA

Tel: 01273 404535 ext 550828

Email: [brighton.licensing@sussex.pnn.police.uk](mailto:brighton.licensing@sussex.pnn.police.uk)

18<sup>th</sup> August 2021

The Licensing Technical Support Officers  
Environmental Health, Brighton & Hove City Council  
Bartholomew House, Bartholomew Square  
Brighton, East Sussex  
BNI IJP

Dear Emma Grant,

**RE: APPLICATION FOR A NEW PREMISES LICENCE FOR O'DONNELL  
MOONSHINE LTD, 5 HANNINGTONS LANE, BRIGHTON, EAST SUSSEX,  
BNI IGS UNDER THE LICENSING ACT 2003. 1445/3/2021/02574/LAPREN.**

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 and the protection of children from harm. 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 new 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 Cumulative Impact Zone (CIZ) (as defined in the BHCC Statement of Licensing Policy) and seeks the following hours and licensable activities:

Sale by Retail of Alcohol (**Off** the premises)

**Everyday:** 09:00 – 21:00

Opening hours

**Everyday:** 09:00 – 21:00

Paragraph 3.1.3 of the Brighton and Hove City Council 2021 Statement of Licensing Policy states that:

*‘The licensing authority, after careful consideration, has determined that the concentration of licensed premises in an area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to ‘Cumulative Impact’ is necessary as part of its statement of licensing policy.’*

The licensing decision matrix on page 16 of the Council Statement of Licensing Policy (SoLP) suggests that new premises or premises licence variations asking for the off sale of alcohol are a ‘No’ in this area.

The ‘Cumulative Impact Zone’ is covered by special policy and paragraph 3.1.6 provides that:

*‘The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.’*

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.’*

The applicant did not pre consult with Sussex Police and has not addressed any of the 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. The information under Section M of their application offers 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 there is no mention of any crime prevention measures such as CCTV provision, SIA risk assessment/provision or regular staff training around the sale of alcohol – ‘12 monthly intervals’ would be viewed as too great an interval for a time limited licence lasting for 4 months in total.

Additionally, this premises lies within Regency Ward which, as evidenced by the Brighton & Hove Public Health Framework for Assessing Alcohol Licensing (published January 2019), is ranked number 1 for All violence against the person, All injury violence, Non-injury and Sexual offences. This ward is also ranked number 2 for Police recorded alcohol related incidents and number 3 for Criminal damage, demonstrating the higher risk to the Licensing Objective of the Prevention of Crime and Disorder in this area.

Sussex Police do not believe the application addresses the concerns raised and therefore is at risk of undermining the prevention of crime & disorder and the protection of children from harm Licensing Objectives. Furthermore, Sussex Police contend that the carrying on of additional licensable activity and the hours applied for at these premises will add to the existing negative cumulative effect in an area already saturated with licensed premises.

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

Yours sincerely,

A/Chief Insp Andrew Westwood

Response & Operations

Brighton & Hove Division

Sussex Police

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

**Mrs Emma Grant**  
**Licensing Officer**  
**Licensing Team, BHCC**  
**Bartholomew House**  
**Bartholomew Square**  
**Brighton**  
**BNI IJP**

Date: 31 August 2021  
Our Ref: 2021/02574/LAPREN  
Phone: 01273 292100  
Email: Jo.osborne@brighton-hove.gov.uk

Dear Mrs Grant,

**Licensing Act 2003**

**RE: Representation in regard to the application for a new Time Limited Premises Licence (Ref. 2021/02574/LAPREN)**

**O'Donnell Moonshine, 5 Hanningtons Lane, Brighton BNI IGS**

I write to make a representation on behalf of the Council's Licensing Team, in their capacity as a Responsible Authority, in relation to the above application for a new Time Limited Premises Licence for O'Donnell Moonshine.

The applicant is applying for supply of alcohol off the premises from 0900hrs to 2100hrs every day, with the same opening hours. The premises would be used as a temporary pop up retail unit, occupied for this purpose for four months. O'Donnell Moonshine are handmade spirits originating in Manchester, being sold as different flavoured liqueurs all 20% ABV or higher. The premises is located within the city's Cumulative Impact Zone.

I have concerns about this application and make a representation on the grounds of the Prevention of Crime and Disorder and Protection of Children from Harm and that this application is contrary to our Statement of Licensing Policy (SoLP).

The council introduced a special policy to address cumulative impact on the 13<sup>th</sup> March 2008 and following further consultation the cumulative impact zone was expanded in December 2011. The special policy was set up because the Licensing Authority determined that the concentration of licensed premises and the subsequent numbers of people drawn into the city centre is causing exceptional problems of crime and disorder and public nuisance. The special policy will only be overridden in exceptional circumstances. New applications and variations to existing licences should normally be refused following relevant representations. This presumption of refusal can be rebutted by the applicant if they can show that their application will have no negative cumulative impact on licensing objectives including the prevention of crime and disorder and public nuisance. The Licensing Authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case.

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. It provides a vision of what the Licensing Authority would like to see within its area and gives an indication of likelihood of success or otherwise to investors and local businesses making applications. Each application is still considered on its individual merit and there is discretion to depart from the Matrix approach policy in exceptional circumstances.

When considering whether representations should be submitted, the Licensing Team have regard to the 'Public Health Framework for assessing Alcohol Licensing' – January 2019 document. The premises sits within the electoral Regency Ward, which according to our Public Health Framework for Assessing Alcohol Licensing (5th edition- January 2019) is ranked the worst out of 21 wards under Crime and Disorder data for all violence against the person, all injury violence, non-injury assault and sexual offences. This ward is ranked second worst for police recorded alcohol related incidents. Within the Health data, Regency Ward ranks the second worst for Increasing risk or higher risk drinking and Alcohol suspected ambulance call outs, behind St Peter's and North Laine which is the neighbouring ward. The ward is also second worst for A&E attendances with a record of alcohol.

I make this representation to uphold our Statement of Licensing policy. The Policy's Matrix approach for licensing decisions on page 18 states that no licences for off sales are to be granted within the CIZ and that applications will be refused unless the applicant can demonstrate exceptional circumstances. It is up to the applicant to demonstrate this and satisfy a Licensing Panel that they will not impact negatively on the CIZ, which I do not feel that they have done within their application.

Granting this application is likely to add additional burdens and problems to an already challenging area at a time of year when the city is at its busiest with people socializing for Christmas and New Year. Although the applicant has put a number of provisions in their operating schedule, I am of the opinion that this application should be considered and determined by a Licensing Sub-Committee Panel in line with 3.1.6 of our SoLP.

Yours sincerely,



Jo Osborne  
Licensing Officer

## **APPLICANT'S RESPONSE TO THE REPRESENTATIONS**

**From:** REDACTED TEXT

**Sent:** 07 September 2021 15:11

**To:** Jo Osborne <[Jo.Osborne@brighton-hove.gov.uk](mailto:Jo.Osborne@brighton-hove.gov.uk)>; [brighton.licensing@sussex.pnn.police.uk](mailto:brighton.licensing@sussex.pnn.police.uk); Emma Grant <[Emma.Grant@brighton-hove.gov.uk](mailto:Emma.Grant@brighton-hove.gov.uk)>

**Cc:** REDACTED TEXT

**Subject:** O'Donnell Moonshine - Temporary Premise License Application 5 Hanningtons Lane - Proposed Amendements and points of Exclusivity

Hello Claire/Jo/Emma,

Good to speak you all over the last couple of days regarding our temporary premise license application in 5 Hanningtons lane for an off-site consumption shop for O'Donnell Moonshine. Firstly, I wanted to apologise that I have not been as informed as I should have been about the particulars of the location of the unit. I really want to make this work and the scarce information in the application was by no means a sign of me not taking it seriously but rather a lack of expertise of premise license application completion.

I have now made up for this and read the SoLP for Brighton & Hove and suggest the following amendments to our premise application to elevate some of the concerns regarding our application. Further, I have also put together a few points to highlight to you our uniqueness and why it would be great for Brighton to have our brand in for the Christmas period.

Proposed amendments to the temporary premise license application to cater better for the special requirements of the CIZ:

### **- Opening Hours:**

In light of most alcohol related crimes taking place after 21h in the timeframe of our Pop-Up Shop according to the SoLP I propose to amend our operating & opening hours to 11:00h - 20:00h Monday - Saturday and 12:00 - 18:00h on Sundays to remove a potential cumulative impact of our shop.

### **- CCTV:**

We will install a system of CCTV to be in line with the city wide standards for the prevention of crime & violence.

### **- Solely on-site purchases:**

There will be **no alcohol delivery services** operated from this premises and its solely a 'purchase-in-store' concept.



**- Alcohol Staff Training:**

Training regarding alcohol licensing objectives & i.p. proxy sales will be provided in depth before staff start and to be refreshed every 6 weeks for the duration of the shop being open, and records be kept and made available upon request from local authorities.

**- Voluntary restriction of high strength alcohol:**

We limit our product range to **exclude our strongest ABV product** 'High High Proof' which has an ABV of 72%.

**- Signage in store:**

Signage will be installed at a visible place in the store outlining legal duties around alcohol sales and 'proxy sales'.

If you feel there are further conditions necessary I'm more than thankful for any further guidance here. I understand that there a hearing is now scheduled for 28.09.21, however it would be highly appreciated if there was a way to get agreement prior to the hearing it would be highly appreciated as our rental contract and therefore the associated costs starts on 15.09.2021. I fully appreciate this might not be possible but if there was a way it would help a small brand like ours tremendously to limit the financial impact of a trading loss of at least 2 weeks.

Further, I put together a few more detailed bullet points regarding our brand and why I believe that there will be no negative impact on the the city of Brighton by having us operating in a Pop-Up unit:

- We have **extensive experience with alcohol trade at busy events** (Large Christmas markets such as Manchester, York or Edinburgh and large events such as BBC Good Food shows etc.) with no issues regarding crime or violence at all. Our staff is trained well and we always operate a strict challenge25 policy with no underaged people allowed at the stalls/shop unless accompanied by their legal guardian.
- **The application is temporary** and will not last beyond 16.01.2022 which in our eyes will underline the character of it being a pop-up shop for Christmas shopping rather than to become a potential hotspot for people to seek a an opportunity to get intoxicated within the city centre of Brighton and potentially cause issues to the wider community.
- O'Donnell Moonshine is the **only UK based Moonshine company** providing its customers with a historic & cool drink adapted to the 21st century and therefore adding a complete new facet to the UK drinks market. Brighton has been chosen as the first location for a pop-up shop outside of Manchester due to the vibrant and open minded society with a very cool setting of the Lanes.
- We provide a **unique taste experience** paired with a **unique packaging** which is designed for 'at home consumption' or 'as the perfect Christmas gift' and therefore **adds to the attraction of Brighton City Centre** as shopping location in the lead up to Christmas.

- We have a product range of 8 flavoured Moonshine liqueurs (20-25% ABV) and 1 clear Moonshine (50% ABV) Spirits bottled in traditional 700ml traditional Mason Jars catering for all different tastes. Our products sit in the **premium price segment** starting from £21.90 (for 4x 50ml) and ranging all the way to £119 which makes the drink an enjoyment and a treat.
- The wide opening of our traditional Mason Jars makes an **easy consumption difficult** without our own designed pouring lid. This will also be sold at £2.90 a piece further increasing the price for a normal drinking experience to almost £30 per jar.
- We take a lot of pride in producing a **sustainable product** (as little plastic as possible by using card board boxes and bags, reusable glass jars & recyclable taster shot cups).

Thank you all for taking the time speaking to me and giving me some guidance on how this could be resolved. Please do not hesitate to contact me with your questions or comments. I'm more than happy to chat further should there be aspects not considered from our end. I would appreciate some feedback on the above (email or phone whatever is easiest). I trust that email format is sufficient if you require me to put this in a different form or format please let me know.

@Claire: as discussed it would be great to get some guidance as to what CCTV system would be considered acceptable for the local police authorities.

Best regards,

**REDACTED TEXT**

Managing Director  
O'Donnell Moonshine Ltd.

**REDACTED TEXT**

**Potential Conditions for O'Donnell Moonshine, Unit 5, Hanningtons Lane – 14<sup>th</sup>  
September 2021**

**General:**

1. Authorised staff employed by Sussex Police shall have free access to all parts of the licensed premises at all times licensable activity is taking place or when open to members of the public, for the purpose of inspection to ensure compliance with the terms and conditions of the premises licence and to ensure the promotion of the licensing objectives.
2. The only type of alcohol for sale under this time limited premises licence will be the O'Donnell Moonshine branded spirit/liqueur and/or mixed drinks containing this branded spirit.
3. No alcohol with an ABV above 50% will be sold at the premises.
4. All alcohol will be displayed/stored in full sight of the serving counter.
5. Off sales will only be in sealed containers.
6. There will be a written crime prevention document in place and a copy retained at the premises at all times.
7. There will be no deliveries of alcohol under this premises licence.

**For the Prevention of Crime and Disorder:**

8.
  - (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover the entrance to the premises and any areas where alcohol is stored. The system shall be on and recording at all times the premises licence is in operation.
  - (b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
  - (c) CCTV footage will be stored for a minimum of 31 days
  - (d) 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.
  - (e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
  - (f) Subject to GDPR guidance and legislation, 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 selected footage onto a disk (or other electronic portable

device acceptable to Sussex Police e.g. USB) for the police without difficulty or delay and without charge to Sussex Police.

(g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

(h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

Additional conditions as stated in original application or agreed with another Agency

**For Public Safety:**

9.

(a) An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at intervals of no more than four (4) weeks.

(b) The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.

(c) Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.

(d) Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty four (24) months.

Additional conditions as stated in original application or agreed with another Agency

**For the Prevention of Public Nuisance:**

Conditions as stated in original application or agreed with Environmental Protection

**For The Protection of Children from Harm:**

10. No children under 18 will be allowed on the premises unless accompanied by an adult over the age of 18.

11.

(a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

\*The lawful selling of age restricted products

\*Refusing the sale of alcohol to a person who is drunk

\*Refusing the sale of alcohol for consumption off the premises to people who may have alcohol dependency issues

(b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 2 weeks, with the date and time of the verbal reinforcement/refresher training documented.

(c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

12. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.

13. Signage advertising the 'Challenge 25' policy will be displayed in prominent locations in the premises.

14. A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the DPS with the date such authorisation commences.

Additional conditions as stated in original application or agreed with another Agency.



# Crime and Prevention Document

5 Hannington's Lane, Brighton, O'Donnell Moonshine

DPS:	Redacted Text
Contact:	Redacted Text

Risks	Mitigating measures	Record keeping	Responsible person for implementation
<b>Alcohol shoplifting</b>	<ul style="list-style-type: none"> <li>- CCTV covering shop &amp; entrance with staff training how to operate it</li> <li>- No alcohol on display in imminent proximity to exit &amp; till</li> <li>- All alcohol will be in sight line of the counter and always under surveillance of staff &amp; CCTV</li> <li>- Regular Verbal reinforcement towards staff to look out for suspicious shoplifting behaviour</li> </ul>	<ul style="list-style-type: none"> <li>- Min. 31 days storage</li> </ul>	<ul style="list-style-type: none"> <li>- DPS/authorized person</li> <li>- DPS to arrange original set-up/staff on shift</li>   <li>- Provided by DPS/authorized person</li> </ul>
<b>Anti-Social Behaviour (ASB) <u>on</u> premises</b>	<ul style="list-style-type: none"> <li>- CCTV in place to discourage ASB</li> <li>- Displaying a sign setting out 'behaviour rules' on site</li> <li>- Staff will be provided with a 'conflict training' to handle difficult situations on site</li> <li>- No alcohol will be served/sold to any intoxicated person and the appropriate training 'Refusing the sale of alcohol to a person who is drunk' will</li> </ul>	<ul style="list-style-type: none"> <li>- Min. 31 days storage</li>   <li>- Training records kept for inspections</li>   <li>- Training records kept for inspections</li> </ul>	<ul style="list-style-type: none"> <li>- DPS DPS/authorized person</li> <li>- Training provided by DPS/authorized person</li> <li>- Training provided by DPS/authorized person / Staff on shift</li>   <li>- Staff on site</li>   <li>- Staff on site</li> </ul>





<p><b>Underage Sales</b></p>	<ul style="list-style-type: none"> <li>- No under 18's will be allowed on site, unless they are accompanied by an adult over the age of 18.</li> <li>- 'Licensed Premise for over 18's only' signage on door.</li> <li>- Strict 'Challenge25' policy (only accept passport, driving license or EU ID Cards)</li> <li>- Display Challenge 25 sticker in prominent locations</li> <li>- Staff training of Alcohol licensing (refresher every 2 weeks)</li> <li>- List and authorization letters for all people trained to sell alcohol will be kept on site</li> <li>- No deliveries will take place from the premises</li> <li>- Incident logbook will record all attempts of underage sales</li> </ul>	<ul style="list-style-type: none"> <li>- Incidents of attempted underage sales will be recorded in incident log</li> <li>- Training records kept for inspection</li> <li>- List kept on site for inspection</li> <li>- Avail. on site for inspection kept for 24 months</li> </ul>	<ul style="list-style-type: none"> <li>- Staff on site</li> <li>- DPS/authorized person</li> <li>- Staff on site</li> <li>- DPS/authorized person</li> <li>- DPS/authorized person</li> <li>- DPS/authorized person</li> <li>- DPS/authorized person</li> <li>- Staff on site</li> </ul>
<p><b>Proxy Sales</b></p>	<ul style="list-style-type: none"> <li>- Verbal reinforcement to all staff to watch out for suspicious behaviour in front of shop relating to proxy sales (exchange of cash/IDs).</li> <li>- Refuse sale if suspicious of proxy sales.</li> </ul>	<ul style="list-style-type: none"> <li>- Recording in incident logbook if situation occurs</li> </ul>	<ul style="list-style-type: none"> <li>- DPS/authorized person</li> <li>- Staff on site</li> </ul>

Signature:

Print name: Redacted Text

Date: 14/09/2020



## **APPENDIX D**



