

Licensing Panel (Licensing Act 2003 Functions)

Date: **20 October 2021**

Time: **10.00am**

Venue **Virtual via Microsoft Teams**

Members: **Councillors:** Deane, Henry and Simson tbc

Contact: **Penny Jennings**
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AGENDA

1 TO APPOINT A CHAIR FOR THE MEETING

WELCOME & INTRODUCTIONS

2 PROCEDURAL BUSINESS

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

(b) **Declarations of Interest:**

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

In each case, you need to declare

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

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

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

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

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

3 NEW PREMISES LICENCE APPLICATION, ARTISAN DELI MARKET, 13 DUKE STREET, BRIGHTON

7 - 50

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

Contact Officer: Sarah Cornell
Ward Affected: Regency

Tel: 01273 295801

Date of Publication - Tuesday, 12 October 2021

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FURTHER INFORMATION

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

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Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council

Subject:	Application for a New Premises Licence under the Licensing Act 2003		
Premises:	Artisan Deli Market 13 Duke Street Brighton BN1 1AH		
Applicant:	Artisan Deli Market Limited		
Date of Meeting:	20 October 2021		
Report of:	Executive Director of Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Sarah Cornell	Tel: (01273) 295801
	Email:	sarah.cornell@brighton-hove.gov.uk	
Ward(s) affected:	Regency		

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 Artisan Deli Market.

2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for Artisan Deli Market.

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a New Premises Licence under the Licensing Act 2003. The application proposes a new premises application. Our premises comprises of a small basement, ground RETAIL floor, smaller first floor which we have created into a beautiful relaxing cafe lounge, and second floor; used for our website creating and dispatching locally and nationwide luxury Hampers. Prior to my creating and opening our artisan DELI market, the property was sadly vacant since February 2019. Duke Street had become desolate with 33% of the shops closed up. We secured a Premises License with perfectly agreeable conditions one year ago. However, now one year on I would like to expand our remises License conditions; listed at the foot of this piece. The food products and cafe dominate and are very much the primary products sold and generation of sales turnover. The ancillary artisan bottled wine and craft beer take a very small area of retail space and are not and will continue not to be the primary activity of sales. In addition to our existing Premises License and conditions we would like to add the following:

1) To expand by 30cm width the wine and beer current designated retail area for aesthetic purposes

2) In addition to serve alcohol under our existing Premises License at outside tables by waiter service to do the same to our inside tables on our first floor to accompany food; our charcuterie and cheeseboards, gourmet toasties etc.

3) To add for retail a very small selection (approximately 5 or so) craft Gin and Rum, retailed on the high shelving behind our counter, mostly locally produced, for example Brighton Gin, which we get asked for so many times from visitors & locals and no one is selling this amazing Brighton product anywhere near us. We are also rapidly developing our on-line store specializing in beautiful luxury Hampers.

We are extremely proud to be the only high quality specialist Artisan Delicatessen, Cafe and luxury in-store and Online beautifully created Hampers in this prime, central, just starting to bustle once again, retail zone.

3.2 Section 18 (operating schedule) of the application is detailed at Appendix A and the plans are attached at Appendix B.

3.3 Summary table of proposed activities

	Proposed
Live music	
Recorded Music	08:00 to 22:00 Mondays to Thursdays 08:00 to 23:00 Fridays & Saturdays 09:00 to 22:00 Sundays
Supply of Alcohol	08:00 to 22:00 Mondays to Saturdays 09:00 to 21:00 Sundays On & off the premises
Hours premises are open to public	08:00 to 22:00 Mondays to Saturdays 09:00 to 21:00 Sundays

3.4 There is an existing licence at this premises for the same applicants, this is attached at Appendix C for information purposes.

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

Representations received

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

- 3.7 Two representations were received. They were received from Police and the Licensing Authority.
- 3.8 Representations received had concerns relating to Prevention of Crime and Disorder, Cumulative Impact, Prevention of Public Nuisance and Protection of Children from Harm.
- 3.9 Full details of the representations are attached at Appendix D. A map detailing the location of the premises is attached at Appendix E.

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

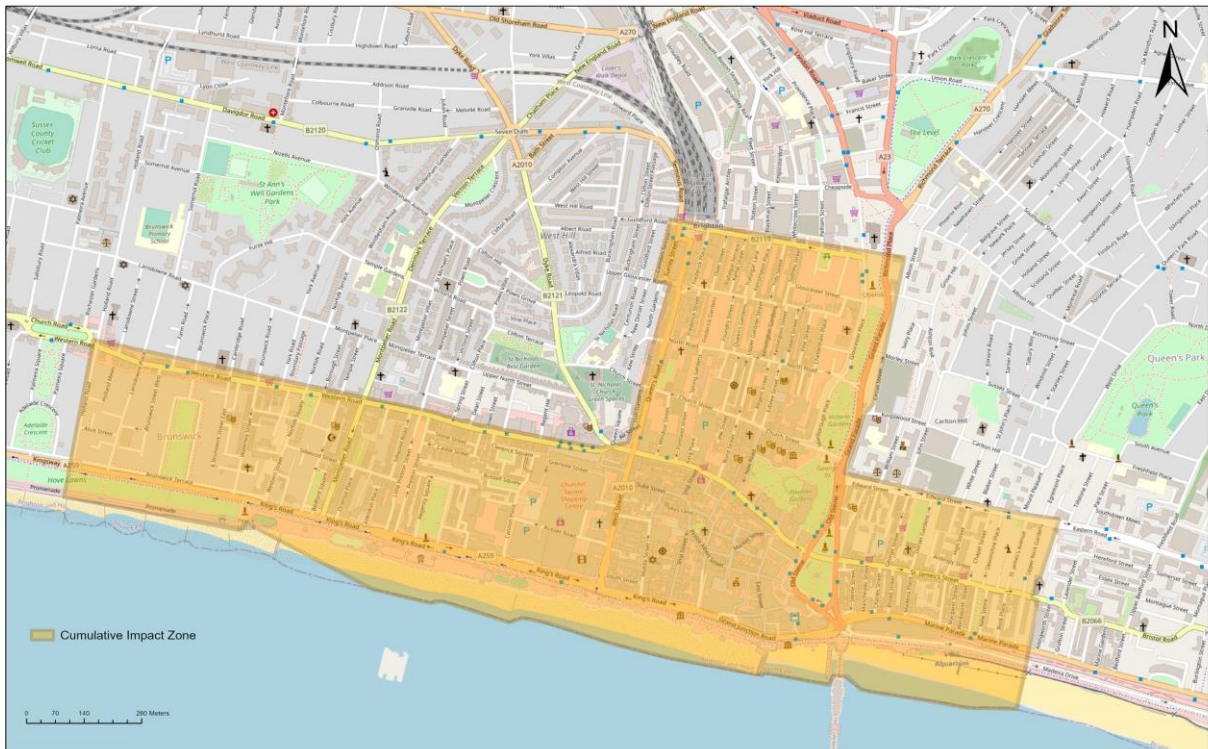
3.1.1 The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with 'need' which relates more to the commercial 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)

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

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.

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.

3.3.3 Cafes - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following conditions that will prevent the premises becoming a public house.

- The sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables.
- Substantial food shall be available at all times. The licensing authority shall judge each case on its own merits but as a general rule, a bowl of crisps, nuts, or olives does not constitute substantial food.

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). 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).

6 Prevention of Public Nuisance

The following details and measures are intended to address the need for the prevention of public nuisance which may be associated with licensed premises and certificated club premises:

6.1.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (eg in order to smoke).

6.1.5 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

6.1.6 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 6.2 below).

6.2 Smoking Advice

6.2.1 Premises licence holders will be expected to:

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

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

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

7 Protection of Children from Harm

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: 05/10/21

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: 12/10/21

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 – Section 18 (operating schedule) Part of the Application
2. Appendix B – Plans of Premises
3. Appendix C – Part A of Existing Premises Licence
4. Appendix D – Representations
5. Appendix E – 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. 5th edition. Public Health Intelligence. January 2019

Background Documents

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

APPENDIX A

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

Our artisan food retail store, cafe, and on-line store will comply with, maintain, respect and adhere to strict internal operating standards to promote the four licensing objectives. In general the steps taken will be the adoption of Challenge 25 and regular training and refresher training following the training manual issued by Brighton and Hove Council for the Restricted Sales Training. Regular 8 week refresher internal Best Practice Manual to include an operating schedule to provide an acute awareness in order to promote the four licensing objectives, will be used. Training for all full-time and part-time staff will be integral and documented, with regular follow up licensing legislation training and reminder sessions and discussions to ensure the knowledge of all staff is up to date. Prominent Signage, setting out legal duties will be on the premises. The store will operate good practice measures to ensure receipt of the accreditation as a 'Responsible Retailer'. Our deli new store will be part of the Voluntary Sign Up and since opening just over one year ago we only offer a small range of some 6 small batch mostly locally produced craft beer and a couple of ciders and we do not and will not ever to sell cheap nasty alcohol and notwithstanding this type of alcohol would not be a part of the artisan deli fine foods concept. In fact quite the opposite; our Artisan Deli Market attracts a diverse range of customers whom very much seek out small producer fine food products, who have a sophisticated attitude to alcohol consumption. Our desirable fine-foodie concept I like to believe has contributed to improving a safe and pleasant shopping ambience in the street. We have maintained

appropriate staffing levels at all times. When required a limit on the number of persons in the shop at any one time for public safety is implemented; notwithstanding the implementation of the Covid 19 Safe Guidelines. The DPS spends a significant amount of time at the shop, and the second in charge will now look to gain a Gov.uk accredited Personal License qualification. Liaisons have already been requested and or have been made with the regulatory authorities for licensing. Already welcome guidance is being followed by the Environmental Health & Licensing authority. Communication with the Police Licensing Unit is underway to ensure guidance, engagement and support is achieved. Our deli has the installation of a sophisticated new at the time of opening a year ago a digital CCTV system approved by Sussex Police. Welcome email communication is underway with the Police Licensing Unit on measures required to ensure the premises will have no negative cumulative impact and the opportunity for the artisan deli to convey commitment to the measures and objectives. A fundamental objective of our artisan food shop, cafe and on-line store is to contribute and maintain an improvement to Duke Street. I believe our new store has added a positive cumulative impact to Duke Street being a luxury food and cafe and has helped to bring back what was once a happy, safe and in times past, an extremely pleasant tree-lined pedestrianized shopping street in a prime and vital link thoroughfare.

b) The prevention of crime and disorder

The steps to be taken to promote the prevention of crime and disorder will be the following:

1. Our artisan food store and cafe has welcomed engagement, guidance and any support offered from the police as the main source of advice on crime and disorder.
2. To assist in the prevention and deterrence of theft, disorder, nuisance, or anti-social behavior the presence of closed-circuit television digital (CCTV) cameras are installed to cover the inside of the premises. The system is fitted to the standard of UK police requirements for digital CCTV systems.
3. The designated premises supervisor will be responsible for the day to day management of the premises by the premises license holder, including the prevention of disorder.
4. Challenge 25 will be adopted. Prominent signage is displayed. Challenge 25 will be full-proof with regular training and requesting the correct forms of ID will be standard.
5. The premises license holder will be the employer; it will be encompassed into the Best Practice Measures and Operating Schedule to ensure that all staff appointed at the premises are competent and appropriately trained, including the prevention of nuisance and disorder.

6. The artisan food store will adopt the Age Restricted Sales Training offered by Brighton & Hove Council training manual.
7. The alcohol sold will be very much an ancillary category of product; taking up no more than approximately 15% of display space. The sale of alcohol will not be a primary activity. The retail of artisan food products will very much dominate sales and display area by approximately 85% of retail sales space.
8. The alcohol display area will be at the rear of the store covered by the CCTV.
9. A senior staff member fully trained and passionate about artisan wine & craft beer will cover the ancillary display of high quality artisan wine & beer products; willing and ready to engage with the customers to share knowledge and able to provide recommendations to the discerning customer.
10. The business will adopt the voluntary sign up not to sell cheap super-strength beers/ciders.
11. The artisan food store is considering the benefits of becoming a member of the Brighton Business Crime Reduction Partnership.
12. The ancillary sales of bottled wine & beer products will be of an exceptional quality and supplied by only artisan wine & beer producers and therefore appeal to customers with a sophisticated attitude to alcohol consumption.
13. Signage - Strong, clear, prominent.
14. Given the steps to be taken will consistently demonstrate a compliant and competent respect to promote the prevention of crime and disorder and therefore it is wholly believed there will be absolutely no negative impact on the surrounding area.

c) Public safety

The steps that will be taken to promote Public Safety are as follows:

1. Fire Safety – ensuring all legal fire & safety requirements are adhered to, keeping fire extinguishers maintained and engaging with the local fire & safety and adopting any extra advice.
2. Full engagement with EHL Health & Safety & Licensing Brighton & Hove City Council (already underway), to ensure all legal obligations and responsibilities are fully complied with.
2. Keeping the frontage of the artisan food store clear and free at all times and ensuring appropriate access for emergency services such as an ambulance.
3. Communication initiatives with the local authorities and signing up for the reporting of local incident alerts.
4. Keeping a first aid kit and basic first aid training included in the Best Practice Measures – training.
5. Accredited training for all staff of Food Safety & Hygiene to include Level 3 for senior staff.
6. Maintaining exemplary health & hygiene standards to secure the award of 5 stars by Food Hygiene Rating Scheme.
7. Ensuring appropriate and frequent waste disposal.
8. Ensuring appropriate limits on the maximum capacity of the premises, and following Covid-19 Safe Guidelines.
9. The use of CCTV in and around the premises, to assist with the promoting the Crime & Disorder objective.
10. No alcohol would be sold to any person who appeared to be drunk.
11. Signage - Strong, clear, prominent.

d) The prevention of public nuisance

As a long-time existing retail business owner in Duke Street the addition of our artisan food store, cafe and on-line store has tried to be an active supporter to promote and pressure Brighton Hove City Council to improve the shopping, entertaining and general appeal of the city and specifically Duke Street, to include keeping the street litter and debris free. Steps taken to promote the objective of public nuisance will be issues that mainly concern noise nuisance, light pollution, noxious smells and litter.

1. Responsibility for commercial removal of waste and not produce litter.
2. The store and cafe is a quiet shopping and relaxing cafe experience and therefore has not posed any noise disturbance; the store will open at 08:00 am weekdays, 8.00 Saturday, 9:00 Sunday and close latest 22:00
3. There will only be internal lighting and therefore not pose any light pollution.
4. No smells have been created by the limited amount of ancillary internal creation of hot sandwiches which are extracted by an internal extractor.

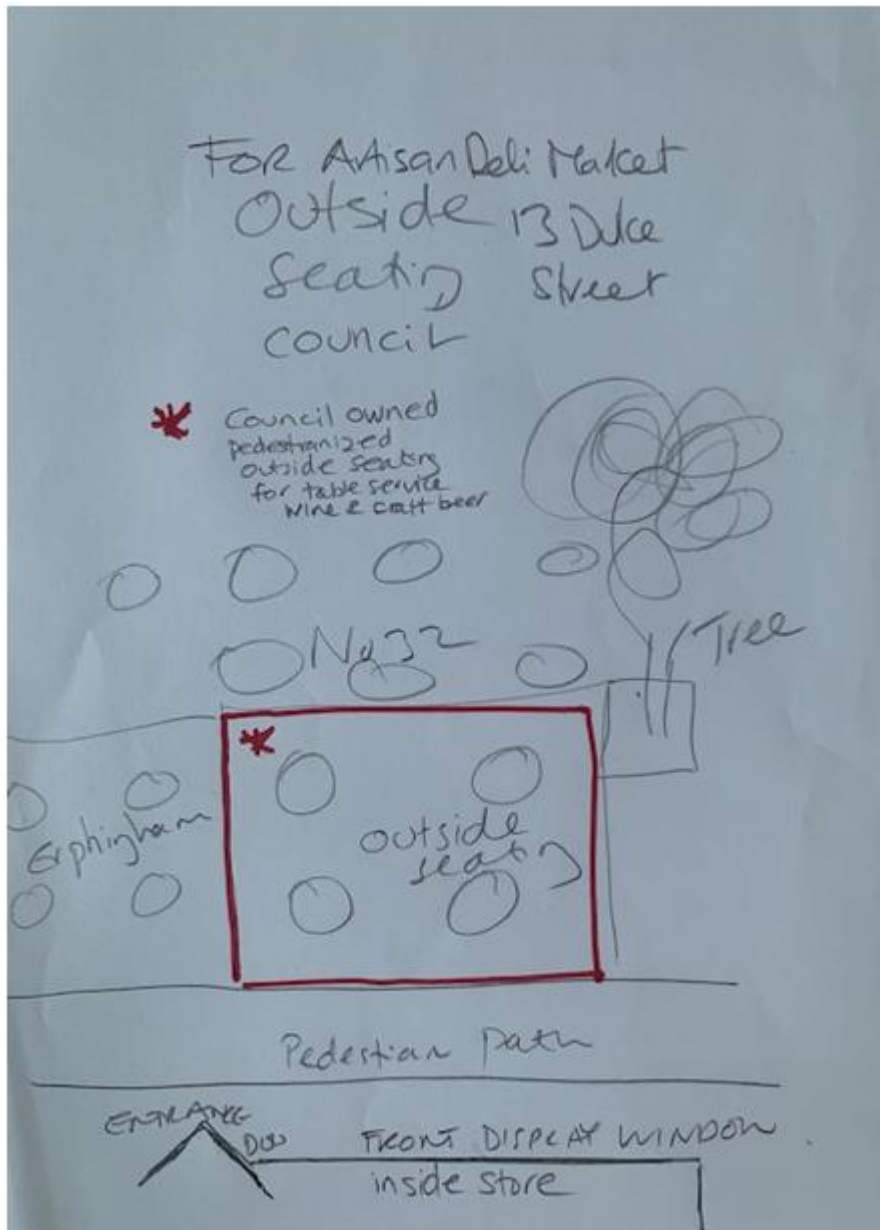
e) The protection of children from harm

The steps taken to achieve the objective of The protection of children from harm will be:

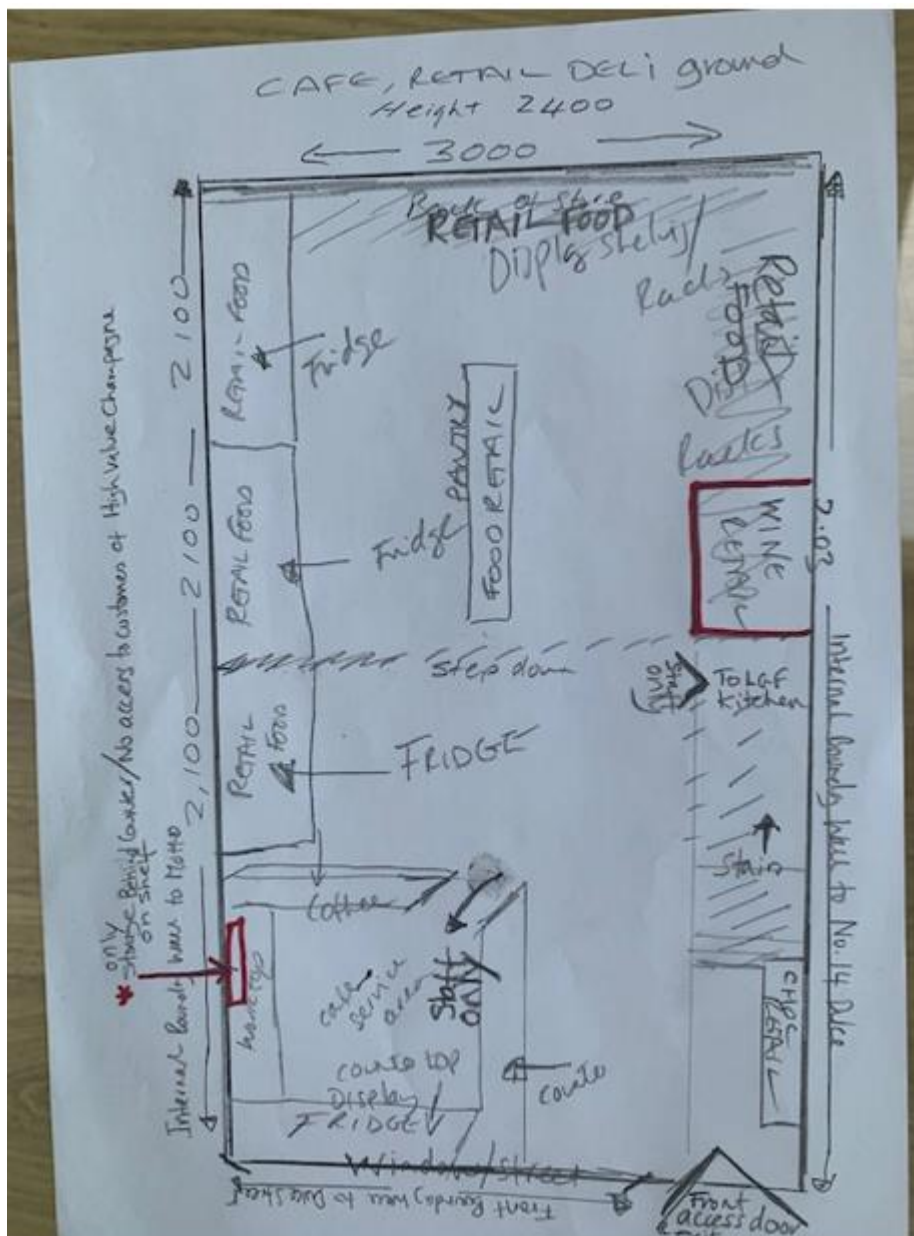
1. Adopt Challenge 25
2. Clearly no alcohol would be sold to anyone under 18
3. A refusals system including a log book
4. Awareness and alertness and to include training on Proxy Sales
5. The only alcohol on the premises and for sale will be an ancillary category comprising of sealed unopened bottles of artisan wine and beer.
6. Signage - Good, clear signage of legal obligations.
7. Good caring citizen behavior by all staff will prevail.
8. Good old fashioned common sense will prevail at all times.

APPENDIX B

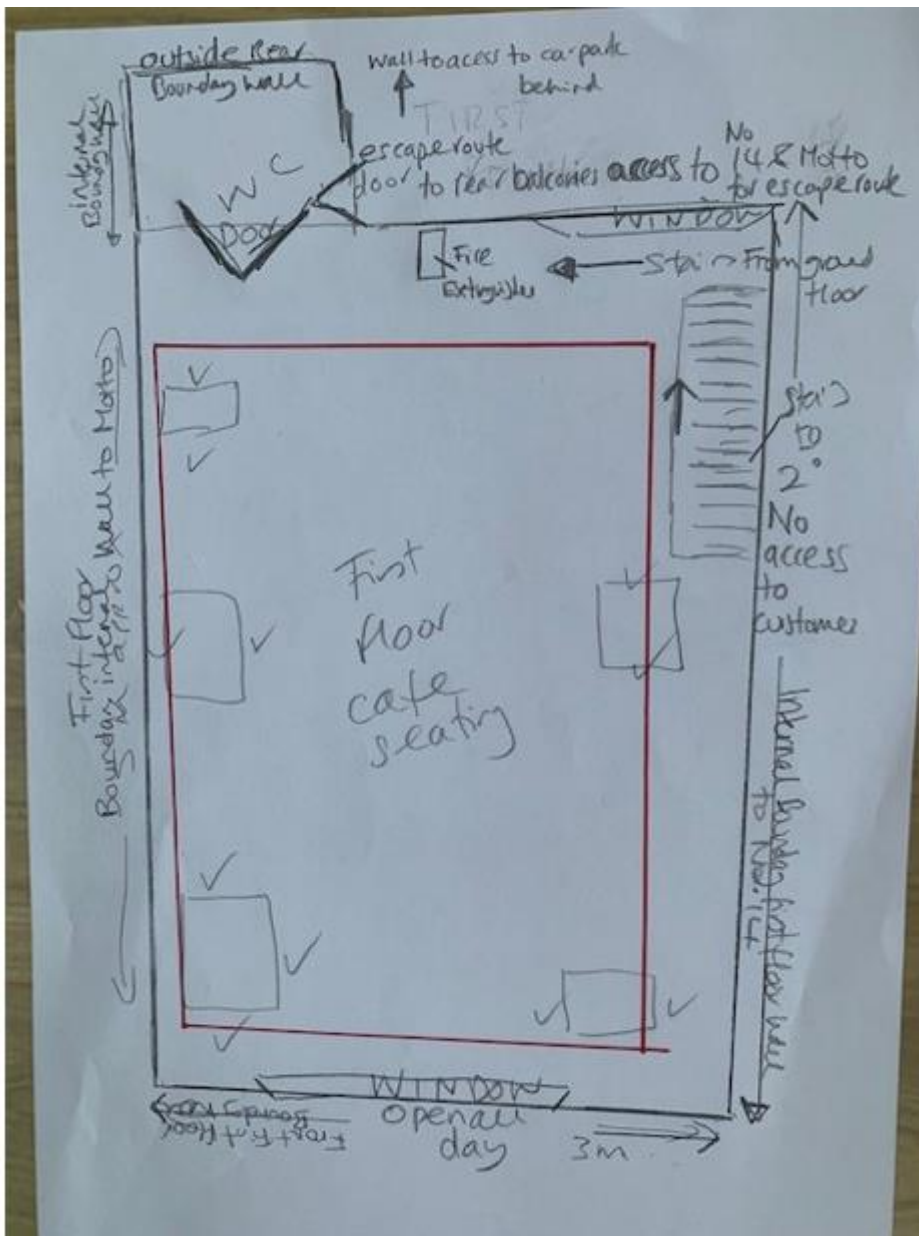
Outside Plan



Ground Floor Plan



First Floor Plan





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APPENDIX C

Schedule 12 Part A

Regulation 33, 34

Premises Licence

Brighton and Hove City Council

Premises Licence Number

1445/3/2020/02424/LAPRMV

Part I – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Artisan Deli Market

13 Duke Street

Brighton

BNI 1AH

Telephone number

Licensable activities authorised by the licence

Performance of Recorded Music

Sale by Retail of Alcohol



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Times the licence authorises the carrying out of licensable activities

Performance of Recorded Music

Every Day 08:00 - 20:00 indoors

Sale by Retail of Alcohol

Every Day 08:00 - 19:00 off the premises

The opening hours of the premises

Every Day 08:00 - 20:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Jean Market Limited

The Barn

Meadow Court

Faygate Lane

Faygate

Horsham

RH12 4SJ



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Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 01234975

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

REDACTED TEXT

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

REDACTED TEXT



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Annex I - Mandatory conditions

S 19; mandatory conditions where licence authorises supply of alcohol

1. No supply of alcohol may be made under the premises licence
 - a) at a time when there is no designated premises supervisor in respect of the premises, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.



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2. For the purposes of the condition set out in paragraph 1 —

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979:

(b) “permitted price” is the price found by applying the formula—

$$P=D+(D\times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.



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4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the Operating Schedule

General

1. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.
2. The display/storage of alcohol on the shop floor will be limited to one shelving/unit area as shown on the submitted plan and will be no more than 1 meters width and 2 meters high.
3. For the purpose of off sales, the display/storage of alcohol will not be an in chilled cabinet. For the purpose of consumption within the outside seating area, alcohol may be stored chilled in a secure area off the main shop floor.
4. The display/storage of alcohol area will be in sight of the serving counter.
5. Alcohol products permitted to be sold under this licence are restricted to wine and craft beers only and sold in sealed containers (save for condition 6 below).
6. Alcohol sold in open containers is only permitted to customers seated at tables within the designated seating area immediately outside the premises. This area will be covered by a table and chairs licence. The supply will be by waiter/waitress service. Substantial food shall be available at all times the outside area is open.



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For the Prevention of Crime & Disorder

7. (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 all public areas, including the entrance to the premises. 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) 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.
8. (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 least once a week.
- (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.



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(c) 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.

Public Safety N/A

For the Prevention of Public Nuisance N/A

For the Protection of Children from Harm

9. 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.
10. Signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
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



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(b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 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.

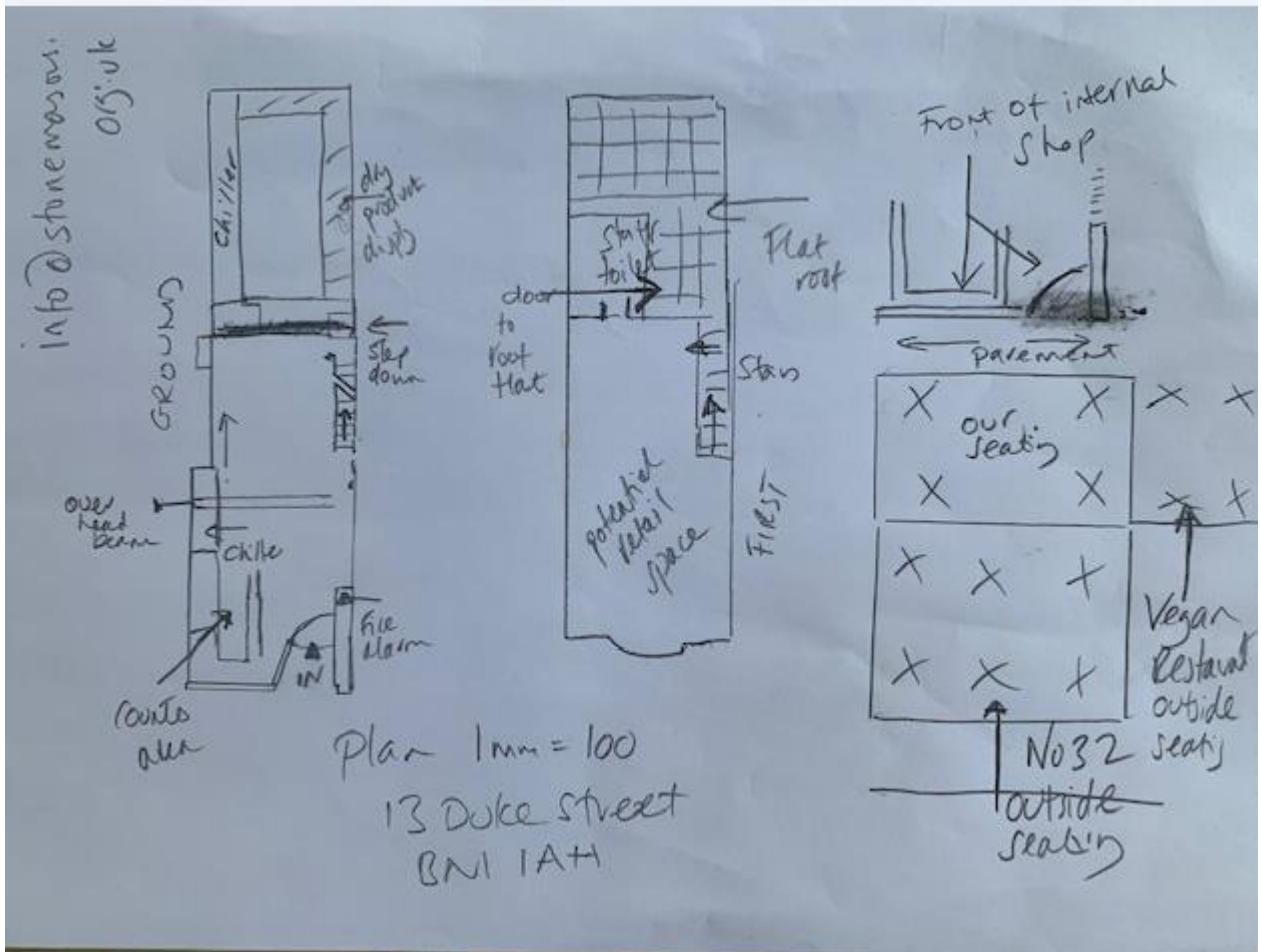
Annex 3 – Conditions attached after a hearing by the licensing authority

N/A



Brighton & Hove City Council

Annex 4 – Plans



APPENDIX D

Police Station
John Street
Brighton
BN2 0LA

Tel: 01273 404535 – ext. 550829

Email: brighton.licensing@sussex.pnn.police.uk

20th September 2021

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

SC CON ENDS 23.09.21 VALID PCD, PPN & CIZ (A)

Dear Sarah Cornell,

**RE: APPLICATION FOR A NEW PREMISES LICENCE FOR ARTISAN DELI, 13
DUKE STREET, BRIGHTON, BN1 1AH UNDER THE LICENSING ACT 2003.
1445/3/2021/02870/LAPREN.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the above licence variation application on the grounds of the prevention of crime and disorder and protection of children from harm. We also make reference to the 2021 Brighton & Hove City Council (BHCC) Statement of Licensing Policy and the 2019 Brighton & Hove Public Health Framework for Assessing Alcohol Licensing 5th edition report.

This is a new application for an existing premises that is currently operating under licence number 2020/02424/LAPRMV. The applicant for this new licence is the same holder as the current one.

This new application seeks the following licensable activities:

Supply of alcohol both on and off sales:

Monday – Saturday: 08:00-22:00

Sunday: 09:00-21:00

Provision of recorded music – indoors:

Monday – Thursday: 08:00-22:00

Friday – Saturday: 08:00-23:00

Sunday: 09:00-22:00

Hours premises are open to the public:

Monday – Saturday: 08:00-22:00

Sunday: 09:00-21:00

You will notice that the opening hours do not match up to the recorded music hours being applied for and will need clarification at any potential licensing hearing.

The current licence being used at the premises permits the following:

Supply of alcohol off sales:

Every day: 08:00-19:00

Provision of recorded music – indoors:

Every day: 08:00-20:00

Hours premises are open to the public:

Every day: 08:00-20:00

This licence was originally granted in June 2020 as an off licence application. Under the Brighton & Hove Statement of licensing policy, a new off licence within the Cumulative Impact Area of which this premises falls within, is not supported unless there are exceptional circumstances. We worked closely with the applicant and came to an agreement that the display area would be just 1 meter wide and 2 meters high so that to limit the amount of alcohol on display. We also agreed that no chilled alcoholic products would be sold to reduce the risk of it being consumed in the street straight after purchasing. And finally we agreed that the only products that could be stocked was wine and craft beers to keep alcohol as ancillary to other produces being sold. We believed that by reaching this agreement they had proven exceptional circumstances and reduced the chances of negative impact.

In July 2020 the applicant pre consulted with us to change the licence so that they could serve alcohol to their outside seating area. This would require the licence to be altered to permit chilled alcoholic products. We came to an agreement that this would be permitted but chilled products would be stored off the sales floor and only used for consumption within the outside seating area under café conditions. An application was submitted at the end of July 2020 and granted.

In August 2020 the applicant pre consulted with us again. This time about extending the inside area to the first floor which would require adding on sales. They also pre consulted in May 2021 wishing to be permitted to add chilled cocktails and selections of gins and vodkas including for take away.

We have concerns that since the original application was granted in June 2020 with robust conditions, the applicant is slowly finding ways to chip away at it which on paper could result in it being able to become more of a regular off licence and or café/bar.

Under the 2019 Brighton & Hove Public Health Framework for Assessing Alcohol Licensing 5th edition report, Regency ward of which this premises sits within is ranked 2nd highest for police recorded alcohol related incidents and 1st for all other crime and disorder data including sexual offenses and violence. It's also ranked 3rd for criminal damage. This is out of a total of 21 wards.

This new application seeks additional hours, permit on sales of alcohol, extend the alcohol products and display area on the shop floor and include chilled products for off sales.

This is an application within a very busy part of the City and an area that already has a high number of licensed premises be that drinking establishments, off licences, restaurants and cafes. The area at times can be challenging for emergency services. Sussex Police are concerned about the impact that granting this application could have on the area. Although the highest risk would be early evening and throughout the night, we believe that daytime trading with chilled off sales could also impact the area by increasing the risk of alcohol being consumed within public spaces. A number of outlets within the area suffer from a high number of daytime shoplifting of alcohol. This increases ASB as it is then often consumed by already intoxicated persons. The addition of chilled off sales products will also increase risk of under 18's being able to drink via proxy sales.

In addition to our concerns over the negative impact this new licence could have, during the short period that the original licence was granted, we have seen breaches of the licence conditions.

On 19th April 2021 a licensing inspection found the following:

- Part B not on display
- Alcohol display area to larger than permitted within the licence
- No refusals log
- No training logs
- No incident log
- Not adequate Challenge 25 signage

A further visit on 21st May 2021 found:

- Alcohol display area still too large than permitted within the licence
- Incident log presented but not sign off weekly by DPS as per licence condition

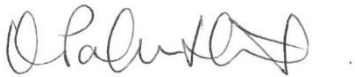
Our most recent visit on 15th September 2021 found:

- Alcohol display area still too large and extended further than permitted within the licence
- Addition of cider which is not permitted under the current conditions

The increase risk this application would bring if permitted is a concern when management have had a number of breaches on a tighter licence in a short space of time.

Although when we are unable to support an application, should a panel be mindful to grant it following a licensing hearing, we would normally submit conditions to assist in mitigating risks. There are so many factors to this application it would be hard to condition it in a way that the licensing objectives are promoted. We also feel it would be hard to cherry pick various parts to grant. Taking in to account our comments, the Statement of Licensing policy, Public Health framework report, breaches of the current licence and the location of the premises, Sussex Police are unable to support such an application. We kindly ask for this application to go before a licensing panel where we will be requesting for it to be refused.

Yours sincerely,



Inspector Michelle Palmer-Harris

Licensing – Brighton & Hove Division

Sussex Police

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

Date: 21 September 2021
Our Ref: ELG/01823
Phone: 07826 951829
e-mail: Emma.grant@brighton-hove.gov.uk

**SC CON ENDS 23.09.21 VALID PCD,
PPN, PCH & CIZ (B)**

Dear Mrs Cornell

Re: Licensing Act 2003 - Representation regarding the application for a New Application for a Premise Licence For: Artisan Deli, Duke Street, Brighton

I refer to the application for a new Premises Licence for Artisan Deli, 13 Duke Street, Brighton. The Licensing Team, in its role as a Responsible Authority, has concerns about this application and therefore I am submitting this representation on the grounds of the prevention of crime & disorder, prevention of public nuisance and protection of children from harm and to uphold the Councils Statement of Licensing Policy (SoLP).

The application is for a new premises licence for the Sale of alcohol 08:00 -22:00 Monday to Saturday and 08:00 – 21:00 Sunday (On and Off the premises) There is already a licence in place but the applicant wishes to add the following and was advised to apply for a new licence:-

- 1) To expand by 30cm width the wine and beer current designated retail area for aesthetic purposes
- 2) In addition to serve alcohol under our existing Premises License at outside tables by waiter service to do the same to our inside tables on our first floor to accompany food; our charcuterie and cheeseboards, gourmet toasties etc.
- 3) To add for retail a very small selection (approximately 5 or so) craft Gin and Rum, retailed on the high shelving behind our counter, mostly locally produced, for example Brighton Gin,
- 4) To have a very small fridge area of the new trendy and rapidly expanding artisan "Seltzers" - low alcohol cocktails with artistically designed cans for keepsake.

The applicant also requested Recorded Music 08:00 -10:00 which is de-regulated.

The premises falls within the Cumulative Impact Zone (CIZ) as defined in the Council's Statement of Licensing Policy (SoLP). The policy 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.

The Matrix Model, states that in this CIZ the following will be considered favourably.

Restaurant	Yes (midnight)
Cafe	Yes (10pm)
Late Night Takeaways	No
Night Club	No
Pub	No
Non-alcohol lead (eg Theatre)	Yes (favourable)
Off Licence	No

The applicant has not made reference to the statement of licensing policy in the operating schedule but has stated that they have been in discussion with the Police Licensing Unit on measures required to ensure the premises will have no negative cumulative impact. The applicant believes the premises will have no negative impact and that the premises has added a positive cumulative impact to Duke Street.

The applicant has stated that they will comply with Challenge 25 and staff will complete regular training and refresher training, that the sale of alcohol will be ancillary to the main purpose of the shop and will only make up 15% of the products on display. However I have seen the letter from the Police Licensing regarding the breach of the conditions on the current premises licence relating to the amount of display space currently being used for alcoholic products and have concerns regarding the management of the premises.

The policy does state that each application is still considered on its individual merits and there is discretion to depart from the policy where justified. However, departure from the Matrix Model is only expected in exceptional circumstances.

The Licensing Team therefore makes this representation to uphold the council's Statement of Licensing Policy, which we believe this application contradicts and we wish to bring the application to the attention of the panel so that they can scrutinise this application in more detail.

Yours sincerely,

Emma Grant,
Licensing Officer

APPENDIX E



