




Brighton & Hove  
City Council

# Licensing Panel

(Licensing Act 2003 Functions)

Title:	<b>Licensing Panel (Licensing Act 2003 Functions)</b>
Date:	<b>13 July 2018</b>
Time:	<b>10.00am</b>
Venue	<b>Hove Town Hall, Room G90 - Hove Town Hall</b>
Members:	<b>Councillors:</b> Hyde, Knight and C Theobald
Contact:	<b>Penny Jennings</b> Democratic Services Officer 01273 29-1065 penny.jennings@brighton-hove.gov.uk

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AGENDA

9 TO APPOINT A CHAIR FOR THE MEETING

WELCOME & INTRODUCTIONS

10 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.

11 YUN FENG ORIENTAL FOODSTORE LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS) 5 - 28

Contact Officer: Dean Love

Tel: 01273 295347

Ward Affected: St Peter's & North Laine

## LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

**NOTES:** *Applicants, Agents, Representatives from Statutory Authorities and Other Interested Parties are kindly requested to wait outside before the beginning of the hearing until called in together by the clerk.*

*There may be more than one item on this agenda, and as such the item you are interested in may not be heard until later in the day. However, the Chair reserves the right to alter the running order of the agenda at the start of the meeting without prior notice.*

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For further details and general enquiries about this meeting contact Penny Jennings, (01273 29-1065, email [penny.jennings@brighton-hove.gov.uk](mailto:penny.jennings@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Thursday, 5 July 2018



# Licensing Panel (Licensing Act 2003 Functions)

**Agenda Item 11**  
Brighton & Hove City Council

<b>Subject:</b>	<b>Application for a New Premises Licence under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>Yun Feng Oriental Foodstore 25 London Road Brighton BN1 4JB</b>		
<b>Applicant:</b>	<b>Yun Feng Foods Limited</b>		
<b>Date of Meeting:</b>	<b>13 July 2018</b>		
<b>Report of:</b>	<b>Executive Director of Neighbourhoods, Communities &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Mark Savage-Brookes</b>	<b>Tel: (01273) 292100</b>
	<b>Email:</b>	<b>Mark.savage-brookes@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>St. Peter's And North Laine</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 Yun Feng Oriental Foodstore.

### 2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for Yun Feng Oriental Foodstore.

### 3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a New Premises Licence under the Licensing Act 2003. The applicant describes the premises and operation as 'a shop located in the main street, we sell the alcohol for customers. However we do not provide space for them to consume the alcohol'.
- 3.2 Part M (the Operating Schedule) of the application is detailed at Appendix A and the plan of the premises is attached at Appendix B.

### 3.3 Summary table of proposed activities

	<b>Proposed</b>
<b>M) Supply of Alcohol</b>	Off sales only <b>Monday to Saturday</b> 11:00 – 20:00 <b>Sunday</b> 11:00 – 19:00 <b>Seasonal variation:</b> From May to October the shop is open from 11:00 – 21:00

3.4 Special Stress Area: The premises falls within the Special Stress Area. This area is deemed an area of special concern in terms of the levels of crime, disorder and public nuisance experienced within it (see Section 4 – Commentary on the Licensing Policy, paragraphs 3.2 – 3.2.4).

#### **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 Representation received had concerns relating to Prevention of Crime and Disorder and Prevention of Public Nuisance.
- 3.8 Full details of the representations are attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

## **4. COMMENTARY ON THE LICENSING POLICY**

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

### **1. Introduction**

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

application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

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

## **1.2 The licensing objectives are:-**

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

## **1.3 Scope**

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

## **3 Special Policies and Initiatives**

### **3.2 Special Stress Area**

The map below details the area of the Brighton city centre which borders the Cumulative Impact zone at 3.1.3 and which is deemed an area of special concern in terms of the levels of crime and disorder and public nuisance experienced within it. The area recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below delineated in purple:

## Cumulative Impact and Special Stress Area



The Special Stress Area - an area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Holland Road northwards to its intersection with the north side of Lansdowne Road; eastwards to the junction with Furze Hill, along the north side Furze Hill to its end and then due east along Victoria Road to its junction with Montpelier Road (west side), north to where Montpelier Road joins Vernon Terrace then north to Seven Dials; north west along the west side of Dyke Road until the junction with the Old Shoreham Road, then East along the north side of Old Shoreham Road, north end of New England Road, across the north side of Preston Circus, eastwards along the north side of Viaduct Road, then at the junction with Ditchling Road, North East along the north side of Upper Lewes Road until the junction with Lewes Road; south along the Lewes Road to junction with Hartington Road, along the north side of Hartington Road until the junction with St. Helen's Road, south into May Road, eastwards until its junction with Freshfield Road, then south into Upper Bedford Street, into Bedford Street to the mean water mark south of Bedford Street, then due west until the mean water mark south of Lower Rock Gardens.

3.2.1 This Special Stress Area (SSA) is of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it. The area will be kept under review.

3.2.2 New and varied applications for premises and club premises certificates within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. Appendix A of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These



may be more or less appropriate depending upon the style of operation applied for.

- 3.2.3 On receipt of any application in the SSA, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in Appendix A, Licensing Best Practice Measures. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.
- 3.2.4 The Licensing Authority will keep the Cumulative Impact Zone and Special Stress Area under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening, the Special Policy will be reviewed.

### 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>Marina</b>	<b>Other Areas</b>
<b>Restaurant</b>	Yes (midnight)	Yes (midnight)	Yes	Yes (midnight)
<b>Café bar</b>	Yes (11.30)	Yes (midnight)	Yes	Yes (midnight)
<b>Late Night Takeaways</b>	No	Yes (midnight)	Yes	Yes (midnight)
<b>Night Club</b>	No	No	Yes	No
<b>Pub</b>	No	Yes (11pm)	Yes	Yes

				(midnight)
<b>Non-alcohol lead (e.g. Theatre)</b>	Yes (favourable)	Yes (favourable)	Yes	Yes (favourable)
<b>Off-licence</b>	No	No	Yes	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	Yes

#### Notes on matrix

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

- 1) Each application will be considered on individual merit
- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to off set impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).
- 6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, 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 café bars, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing and the Street Community and Drug Activity Profile. These documents are available on the following page of our website [www.brighton-hove.gov.uk/licensingact](http://www.brighton-hove.gov.uk/licensingact).
- 8) In an area where there are already several existing off-licences and where representations are received about negative cumulative impact on the licensing

objectives of a further premises, the application may be refused on these grounds.

- 9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.

### **3.5 Off licences**

- 3.5.1 In recent years there has been a noticeable shift towards more people buying alcohol from shops and drinking at home before going out prior to going into premises such as pubs and clubs. The council is concerned that alcohol loading from off-licence sales is a significant problem in the city and adversely affects the licensing objectives as it gives rise to problems of drunkenness, disorderly behaviour and a higher risk of alcohol sales to children. Representations from the police, local residents and the director of public health at licensing panel hearings have testified to these problems and Information published in the Public Health Framework for assessing alcohol licensing presents a ward by ward analysis of crime and disorder and health data which is relevant in this respect.
- 3.5.2 The special policy on cumulative impact and the special stress areas apply to off-licences as explained in the matrix approach at 3.3. But in general where applications are made for new premises or variations to existing licences, and where the police or others make representations against the grant of a further licence for off sales, the council will give specific consideration to restricting the number, type, and the hours of premises selling alcohol exclusively for consumption off the premises. Decisions will be grounded in the Public Health Framework for assessing alcohol licensing. The council will want to be assured that the operating schedule of premises, and their overall management, training and levels of staffing, are appropriate to ensure that the licensing objectives are promoted in what may be challenging circumstances. Retail outlets and stores where the provision of fresh produce is the principle product sold maybe considered more favourably.
- 3.5.3 The Licensing Authority encourage off licences to join the Council led "Sensible on Strength" scheme to reduce the availability of cheap super strength beers and ciders. Off licences voluntarily sign up not to sell cheap super-strength beers and ciders over 6% ABV and operate good practice measures (see 3.5.4), for which they receive an accreditation as a responsible retailer.

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

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

## **4 Prevention of Crime and Disorder**

4.1.1 The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.

4.1.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.

4.1.3 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.

### **4.3 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.
- 4.3.5 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.

## **6 Prevention of Public Nuisance**

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

Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 6.2 below).

## **8 Integration of Strategies**

- 8.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by:-
- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
  - Liaising and consulting with Public and Alcohol Programme Board
  - Liaising and consulting with the East Sussex Fire & Rescue Service
  - Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
  - Liaising and consulting with the Planning authority
  - Liaising and consulting with the Highways authority
  - Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
  - Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice
- 8.2 In line with statutory requirements and the Council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.
- 8.3 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.
- 8.4 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.

- 8.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.
- 8.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

## **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 underage persons or refusals to those intoxicated
- the installation of a digital CCTV system by liaison with, and to a standard approved by, Sussex Police
- policies for dispersal of customers which may include signage regarding taxi services' telephone numbers and advice to respect neighbours and minimize noise

Items to which positive consideration would be given:

- membership of Business Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of 'NightSafe' radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators

- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Recommend best practice for both on and off premises

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

## 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: 21/06/18*

### 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: 21/06/18*



### 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 (the Operating Schedule) of the Application
2. Appendix B – Plan of Premises
3. Appendix C – Representations
4. Appendix D – Map of area

### **Documents in Members' Rooms**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.

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. 4th edition. Public Health Intelligence. October 2017

### **Background Documents**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.



## **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)**

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

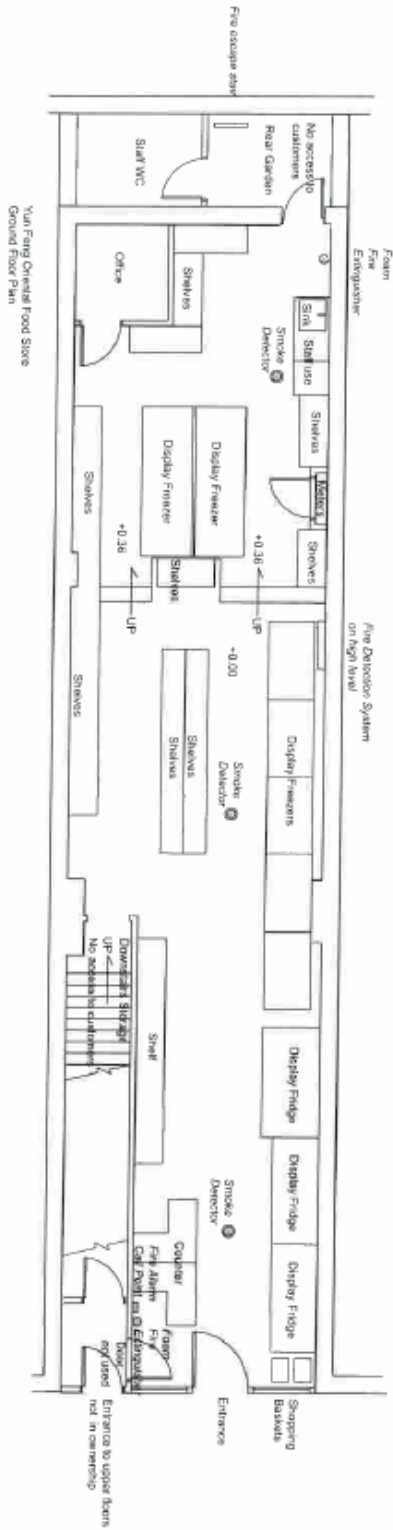
**c) Public safety**

**d) The prevention of public nuisance**

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



# APPENDIX B



SCALE 1:100

SWP

1/1/17

CLIENT	PROJECT	DATE
Mr. Zhang Van Fang Oriental Food Store This drawing is for Planning License application purposes only. All dimensions to be confirmed in situ.	25 Lardon Road Brighton East Sussex BN1 4JB	Premises Licence May 2018 1:100
	Ground Floor Plan as existing	Edward Wong Edward Wong
		T PL 01



## **APPENDIX C**

Police Station  
John Street  
Brighton  
BN2 0LA

30<sup>th</sup> May 2018

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

### **MSB CON ENDS 15.06.18 VALID PCD & PPN (A)**

Dear Mark Savage-Brookes,

**RE: APPLICATION FOR NEW PREMISES LICENCE, YUN FENG ORIENTAL, 25 LONDON ROAD, BRIGHTON, EAST SUSSEX, BN1 4JB UNDER THE LICENSING ACT 2003. 1445/3/2018/02982/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, public nuisance and public safety. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy.

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 Special Stress Area (SSA) (as defined in the BHCC Statement of Licensing Policy) and seeks the following hours and licensable activities:

#### **Sale by Retail of Alcohol – Off Premises**

Monday - Saturday:	<b>11:00 – 20:00</b>
Sunday:	<b>11:00 – 19:00</b>
Seasonal variation between May – October:	<b>11:00 – 21:00</b>
Christmas:	<b>No times given or actual dates.</b>

*Paragraphs 3.2.1-3 of the Brighton and Hove City Council 2016 Statement of Licensing Policy states:*

*3.2.1 - This Special Stress Area (SSA) is of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it. The area will be kept under review.*

*3.2.2 - New and varied applications for premises and club premises certificates within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. Appendix A of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.*

*3.2.3 On receipt of any application in the SSA, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in Appendix A, Licensing Best Practice Measures. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.*

The licensing decision matrix on page 16 of the Council Statement of Licensing Policy (SoLP) states that no new premises or premises licence variations asking for the “Off Sales” of retail alcohol will be granted in the SSA, except in exceptional circumstances.

The applicant has not referred to the Special Stress Area or the BHCC Statement of Licensing Policy (SoLP) in their application nor did they pre consult with Sussex Police prior to submission. We do not believe that the applicant has offered any reasoning why this new licence application would be an exception to policy or why the SoLP should be departed from.

Further, the applicant has not offered any comprehensive enforceable conditions to help mitigate potential risk in a busy and central area of the City. Sussex Police contend that without suitable conditions the carrying on of a licensable activity 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,

Insp Di Lewis  
Licensing and Response Inspector  
Local Policing Support Team  
Sussex Police



**Mr M Savage-Brookes  
Licensing Officer  
Licensing Team  
BHCC  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP**

Date: 1<sup>st</sup> June 2018  
Our Ref: 2018/03824/LICREP/EH  
Phone:  
Email:

**MSB CON ENDS 15.06.18 VALID PCD & PNN (B)**

Dear Mr Savage-Brookes,

**Re: Licensing Act 2003 - Representation regarding the application for a New Application for a Premise Licence For: Yun Feng Oriental Foodstore, 25 London Road, Brighton, BN1 4JB. Reference no. 2018/02982/LAPREN**

I refer to the application made by Yun Feng Foods Limited, for a new Premises Licence to be issued for the above premises. 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 and the protection of children from harm and to uphold our Statement of Licensing Policy (SoLP).

The applicant has applied for a Premises Licence for alcohol for consumption off the premises Mon-Sat 11am-8pm and Sun 11am-7pm.

This representation is submitted as there are concerns that the application does not meet the requirements of the Council's SoLP, with regard to applications made within the Special Stress Area of the city. The Special Stress Area is of concern to the Licensing Authority because of the relatively high levels of crime and disorder and nuisance experienced within it and we believe that the granting of this application could lead to increased associated issues with regard to crime, disorder and public nuisance in the nearby surrounding area.

The Council's SoLP includes a Matrix Model approach for licensing decisions, which 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, on page 17 of the Council's SoLP, states that in the Special Stress Area, there should be no new off-licence Premises Licence applications granted. The policy does state that each application is still considered on its individual merit and there is discretion to depart from the policy where justified. However, departure from the Matrix Model is only expected in exceptional circumstances.

Guidance issued under S182 of the Licensing Act 2003 states that in completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. The guidance goes on to say that applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area, such as the special policy for the Special Stress Area and a decision making matrix, applicants are also expected to demonstrate an understanding of how the policy impacts on their application, any measures they will take to mitigate the impact, and why they consider the application should be an exception to the policy.

On looking at the application form, particularly Part M (licensing objectives), there are no proposals put forward by the applicant at all and therefore they have little understanding of these points and have not demonstrated a potential exception to our policy.

Further, in relation to the Special Stress Area, the SoLP states the following:

3.2.2 - New and varied applications for premises and club premises certificates within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these area. Appendix A of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.

3.2.3 - On receipt of any application in the SSA, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in Appendix A, Licensing Best Practice Measures. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.

We maintain that the Matrix Model states that no new off-licence applications should be granted in the Special Stress Area and note that no exceptional circumstance evidence has been provided by the applicant to warrant departure from this part of the policy.

The Licensing Team act as guardians of the Council's SoLP and I make this representation on behalf the Licensing Authority as I believe the application made is contrary to our policy and therefore invite the panel to refuse the application.

Yours sincerely

Sarah Cornell  
Senior Licensing Officer  
Licensing Team  
Regulatory Services

**APPENDIX D**

