




Brighton & Hove  
City Council

# Licensing Panel

(Licensing Act 2003 Functions)

Title:	<b>Licensing Panel (Licensing Act 2003 Functions)</b>
Date:	<b>3 December 2018</b>
Time:	<b>10.00am</b>
Venue	<b>Hove Town Hall, Room G79</b>
Members:	<b>Councillors:</b> Cattell, O'Quinn and Page
Contact:	<b>Gregory Weaver</b> Democratic Services Officer 01273 29-1214 greg.weaver@brighton-hove.gov.uk

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## AGENDA

### 60 TO APPOINT A CHAIR FOR THE MEETING

#### WELCOME & INTRODUCTIONS

### 61 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.*

## LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

### 62 BLAKES LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

5 - 26

Contact Officer: Dean Love Tel: 01273 295347  
Ward Affected: Hollingdean & Stanmer

**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 Gregory Weaver, (01273 29-1214, email [greg.weaver@brighton-hove.gov.uk](mailto:greg.weaver@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Friday, 23 November 2018



**LICENSING PANEL  
(LICENSING ACT 2003  
FUNCTIONS)**

**Agenda Item 62**

Brighton & Hove City Council

<b>Subject:</b>	<b>Application for a New Premises Licence under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>Blakes 7 Hollingbury Place Brighton BN1 7GE</b>		
<b>Applicant:</b>	<b>Lalji Keshav Ltd</b>		
<b>Date of Meeting:</b>	<b>3 December 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>Hollingdean And Stanmer</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 Blakes.

**2. RECOMMENDATIONS:**

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

**3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION**

- 3.1 The application is for a New Premises Licence under the Licensing Act 2003. The application proposes sale by retail of alcohol from 07:00 to 23:00 every day.
- 3.2 Section 18 (operating schedule) of the application is detailed at Appendix A and the plan of the premises is attached at Appendix B.

3.3 Summary table of proposed activities.

	<b>Proposed</b>
<b>M) Supply of Alcohol</b>	Every Day 07:00 to 23:00
<b>O) Hours premises are open to public</b>	Every Day 07:00 to 23:00

3.4 The premises does not fall in the Cumulative Impact Area or the Special Stress Area.

**Representations received**

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

3.6 One representation was received. It was received from a local business.

3.7 The representation received had concerns relating to Prevention of Crime and Disorder and Prevention of Public Nuisance.

3.8 After discussions between Sussex Police the applicant agreed conditions relating to Prevention of Crime & Disorder and Protection of Children from Harm.

3.9 Full details of the representation and agreement are attached at Appendix C. A map of the location of the premises and showing those representations within the locality is 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**

### **3.3 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 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 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.

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

### **4.3 Care, control and supervision of premises**

4.3.1 The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.

4.3.2 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, eg type of licence, capacity, operating hours' restrictions.

4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.

4.3.4 This policy recognises the use of registered Door Supervisors All Door Supervisors will be licensed by the Security Industries Authority. Mobile security units and similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. The Licensing Strategy Group has sought to define the standards and operating guidance for such mobile units, which will be in need of regular review. This policy endorses the use of units following such guidance and standards in appropriate circumstances. A copy can be found on the licensing pages of the council's website.

4.3.5 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are

urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.

## **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.

## **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: 08/11/18*

### 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: 12/11/18*

### 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 – Section 18 (operating schedule) of the Application
2. Appendix B – Plan of Premises
3. Appendix C – Representation and agreement
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. 3rd 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

### 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.

Strong management controls and effective training of all staff so that they are aware of the premises license. we will take care to meet the requirements to meet the four licensing objectives with specific attention to: -

- a. we will not sell alcohol to people who are under 18 years.
- b. we will not allow any drunk mis-behavior on the premises.
- c. we will be careful and vigilant in preventing the use and sale of illegal drugs at the retail area.
- d. we will not let any violent and anti-social behavior take place in the premises.
- e. there will be no harm to children.
- f. we will maintain "Challenge 25" and not sell alcohol to people who are under 25 years of age without their ID verification.

1. Operating Schedule providing the hours of operation and licensable activities during those hours.
2. Designated-premises supervisor confirmed that he is obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act Training Record, to authorize each sale
3. CCTV system installed with recording option available.

As a licensed premise holder we promise that we will take care to carry and promote the above licensing objectives. We also promise that we check and provide regular training to all the staff members and monitor the same so that we can take care of the above objectives.

b) The prevention of crime and disorder

CCTV System installed to monitor the entrances, exits, and other parts of the premises in order to address the prevention of crime objective.

A clear and legal notice outside the premises indicating the normal hours under the terms of the premises license during which licensable activities are permitted.

Warning notice of potential criminal activity, such as theft, that may target customers will be displayed in the premises.

We will not sell alcohol to drunk or intoxicated customers.

We will prevent and be vigilant for the use of illegal drugs at the premises and the retail unit area.

Staff will be fully trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol such as canned beer etc. in the retail unit area.

c) Public safety

lighting fixed in both internal and external area to promote the public safety.

CCTV in operation in and outside the retail unit area recording all the areas of the premises.

Well trained staff to follow the environmental health requirements.

Training and implementation of "challenge 25" and underage ID checks.

A log book or recording system shall be kept upon the premises in which particulars of inspections made shall be entered and information shall be compiled to comply with any public safety condition related to the premises license that requires the recording of such information. The log book shall be kept available for inspection when required by authorized person by the Licensing Act 2003.

All parts of the premises and all fittings are there within, door fastenings and notices, lighting, heating, electrical, air condition and other installations, will be maintained at all times in good order and in a safe condition.

We will completely take care of the public safety.

d) The prevention of public nuisance

Noise reduction measures to address the public nuisance objective.

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

prevent nuisance and disturbance to nearby residents.

The Licensee will ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

Customers will be asked not to stand around loudly talking in the street outside the premises.

Customers will not be admitted to premises above opening hours.

The movement of bins and rubbish outside the premises will be kept to a minimum till 23:00 hours. This will help to reduce

the levels of noise produced by the premises.

Any lighting on or outside the premises will be positioned in such a way so as to not cause a disturbance to nearby residents.

e) The protection of children from harm

"Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID i.e. a card bearing the PASS hologram, a photographic driving license or a passport if they wish to buy alcohol. Well trained staff about requirement for persons' identification, age establishment etc.

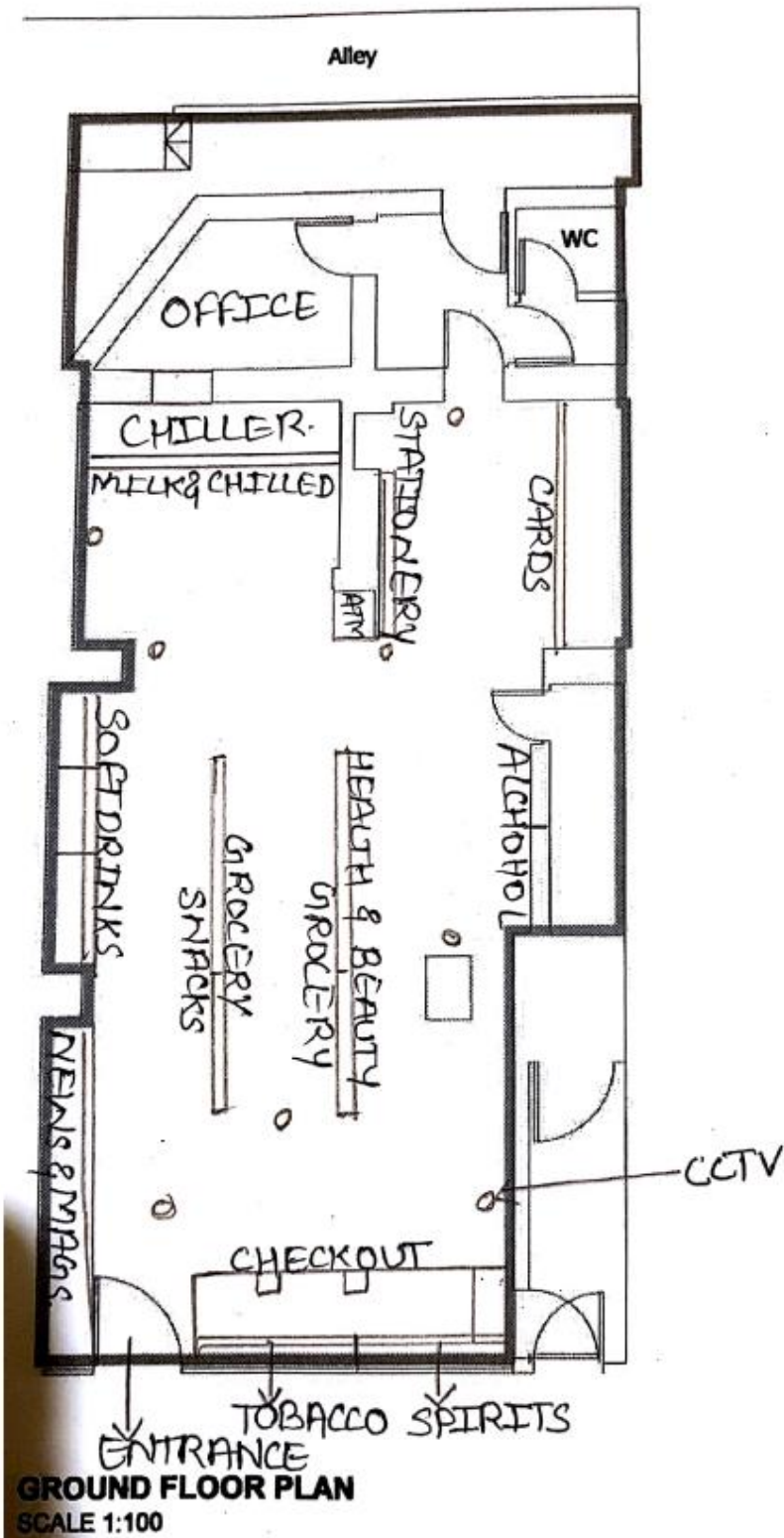
All the details provided in Training Record Book will be available in the retail unit.

Log Book will be kept upon the premises all the time.

We promise we will take care for the full protection of children from harm.



**APPENDIX B**





## **APPENDIX C**

### **Representation**

Elite Albion Ltd  
T/A Mulberrys  
14 Hollingbury Place  
Brighton  
BN1 7GE

11<sup>th</sup> October 2018

Dear Sir / Madam,

**MSB CON ENDS 06.11.18 VALID PCD & PPN (A)**

**New Premise License Application: 1445/3/2018/05672/LAPREN**

I am writing on behalf of Elite Albion Ltd who own and operate the premises known as Mulberrys, 14 Hollingbury Place, Brighton East Sussex, BN1 7GE which is located across from the property that this applications relates.

Elite Albion Ltd would like to make a representation to the Premises License application for:  
7 Hollingbury Place  
Brighton  
BN1 7GE.

Application number: 1445/3/2018/05672/LAPREN

The grounds for our representation relate to the four licensing Objectives.

#### **Prevention of Crime & Disorder:**

- Another License permitting the sale of alcohol along this parade of shops would lead to an increase in Crime and Disorder.

#### **Public Safety:**

- The premise is located under and adjacent to numerous private residences. There is no reference in the application to the applicant providing or completing a relevant and thorough risk assessment that will high light any and all Health & Safety or Fire Safety issues, nor is there an undertaking to complete yearly PAT testing on all electrical appliances. In the event of a Fire or other major incident the residents living above the premises could be in mortal danger if the correct plans and preventative measures are not put in place, adhered to and regularly reviewed and updated.

- The selling of alcohol to the street drinking community will pose a risk to public safety and have the potential to cause a public nuisance and increase the risk of Crime and Disorder in the community.

### **Prevention of Public Nuisance:**

- There is no mention of a delivery schedule in the proposed operating conditions. Late or unsociable deliveries will impact on the local residents and disrupt their right to peaceful enjoyment of their own home.
- There is no mention of waste collection schedules or how and where the waste will be stored and collected. The build-up of waste will pose health and hygiene risks as well as the potential for causing foul odours. Unsociable or late / early collections will cause a nuisance to local residents and community as a whole.

We would also ask that special consideration be given to the early time for the sale of alcohol in what is largely a residential area just to the North of the councils special stress zone where the Matrix approach for licensing decisions set out on page 20 of the councils STATEMENT OF LICENSING POLICY 2016 states that no new licenses will be approved. I would also like to draw your attention to note 7 and note 8 attached to the Matrix, in particular the lines underlined and in Italics which read:

Note 7;

7) Other Areas consideration will be given to the nature of the area and location in relation to any application. *In a densely 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 which can be accessed from the following link (see appendix E) and Street Community and Drug Activity Profile. This document is available on the following page of our website*

Note 8;

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.*

Should the council however be minded to grant the license, we ask that it consider the below points from its Licensing Policy:

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

cidery. 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.

4.1.4 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.

Should you wish to discuss any of the points raised above please feel free to contact me.

If the council is minded to grant the license we ask that consideration is given to the following on the operating schedule:

Below are the details listed within the operating schedule to meet the four licensing objectives:

**Prevention of crime and disorder**

CCTV shall be installed with 31 day recording facility.

CCTV shall be of a high standard recording images of persons entering the premises of at least head and shoulders.

CCTV cameras shall record alcohol display areas and point of sale and all other relevant areas.

Staff training shall be recorded and updated every 12 weeks.

Training shall cover the requirements for ID as part of age verification, how to detect proxy sales, the consequences of underage sales (fines and punishment) , drunks and street drinkers, licensing objectives and other relevant matters as regards the licensing act, and the responsibilities of staff.

The licence holder shall ensure that a refusals register is kept on the premises and that this shall be immediately available upon request of an authorised officer. The register shall record any refused sale of alcohol.

The refusal register shall be inspected on a regular basis by the DPS and signed by the DPS that they have checked the register.

At least 12 months of refusal register details shall be retained and made available upon request by an authorised officer.

An incident register shall be maintained recording all incidents of crime and disorder or other matters.

The incident register shall be inspected on a regular basis by the DPS and signed by the DPS that they have checked the register.

There shall be a documented reporting structure back to the Designated Premises Supervisor (DPS) and premises licence holder which shall include telephone contact numbers.

This reporting document shall be immediately available upon request of an authorised officer.

The premises licence holder shall ensure that a 'challenge 25' policy is adopted on the premises at all times.

Signage of the 'challenge 25' policy shall be prominently displayed on the premises.

Acceptable identification accepted by the premises licence holder, DPS, or other staff members shall be a passport, photo driving licence or PASS accredited identity card.

Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly.

Signage shall be prominently displayed warning customers of the legal penalties for purchasing alcohol for any person under the age of 18 years.

Regards,

Paul Hobbs

On behalf of Elite Albion Ltd

## **Agreement**

### **Blakes, 7 Hollingbury Place, Brighton – Off Licence – Licenced Conditions**

#### **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. There will be no external advertising outside of the premises of alcohol.
3. All spirits will be kept behind the serving counter beyond arms reach of customers.

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

4. No beer, lager or cider with an ABV of 6% or above shall be sold at the premises save that this prohibition shall not apply to premium beer, lager or cider with an ABV of 6% or above such as craft or speciality brands or brands produced by a micro-brewery, or brands produced to commemorate a national or local event.
5. (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.

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

**Public Safety:**

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

**For the Prevention of Public Nuisance:**

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

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

6. 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, driving licenses 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 and the Licensing Authority without the need to amend the licence or conditions attaching to it.
7. Signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
8. (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

(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 and retained for a minimum of twenty four (24) months. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

9. The premises shall at all times maintain and operate an age-restricted sales refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant. This refusals book should be kept on the premises and be available for inspection at all times the premises are open by Sussex Police, officers of the local authority and officers from the Trading Standards team. The log will be kept for a minimum of twenty four (24) months.

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



**APPENDIX D**



