

APPENDIX C

Representation

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

11th 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.