

APPENDIX D

Police Station
John Street
Brighton
BN2 0LA

Tel: 01273 404535 – ext. 550829

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

20th September 2021

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

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

Dear Sarah Cornell,

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

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

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

This new application seeks the following licensable activities:

Supply of alcohol both on and off sales:

Monday – Saturday: 08:00-22:00

Sunday: 09:00-21:00

Provision of recorded music – indoors:

Monday – Thursday: 08:00-22:00

Friday – Saturday: 08:00-23:00

Sunday: 09:00-22:00

Hours premises are open to the public:

Monday – Saturday: 08:00-22:00

Sunday: 09:00-21:00

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

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

Supply of alcohol off sales:

Every day: 08:00-19:00

Provision of recorded music – indoors:

Every day: 08:00-20:00

Hours premises are open to the public:

Every day: 08:00-20:00

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

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

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

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

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

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

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

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

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

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

A further visit on 21st May 2021 found:

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

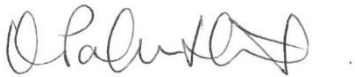
Our most recent visit on 15th September 2021 found:

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

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

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

Yours sincerely,



Inspector Michelle Palmer-Harris

Licensing – Brighton & Hove Division

Sussex Police

Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

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

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

Dear Mrs Cornell

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

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

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

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

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

The premises falls within the Cumulative Impact Zone (CIZ) as defined in the Council's Statement of Licensing Policy (SoLP). The policy includes a Matrix approach for licensing decisions with provisions for a terminal hour for all classes of licensed premises in a

particular area. The Matrix Model recognises the diverse operation and different risks presented by different classes of licensed premises. It provides a vision of what the Licensing Authority would like to see within its area and gives an indication of likelihood of success or otherwise to investors and local businesses making applications.

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

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

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

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

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

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

Yours sincerely,

Emma Grant,
Licensing Officer