



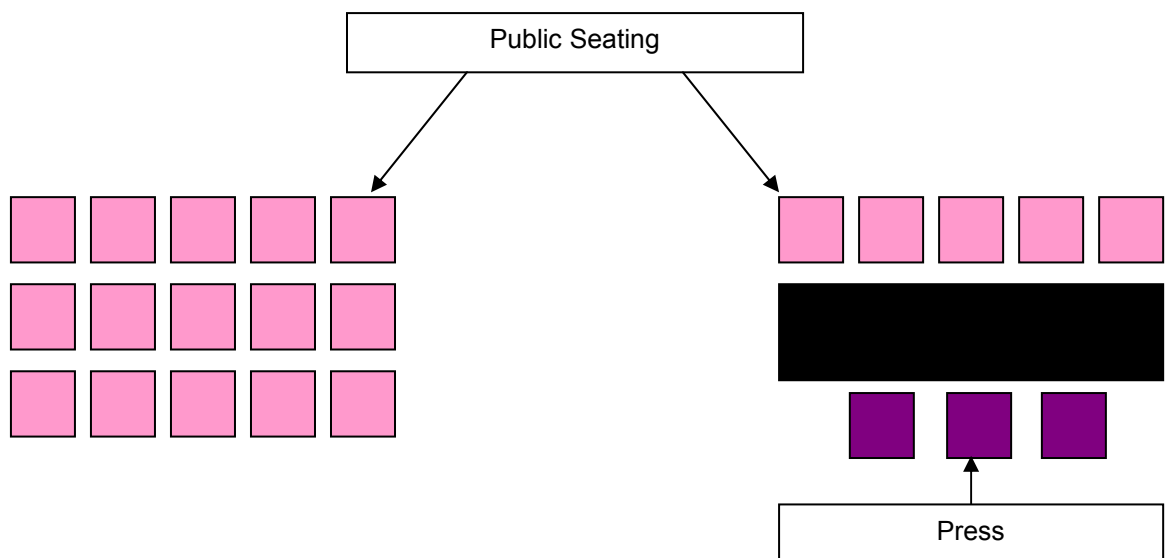
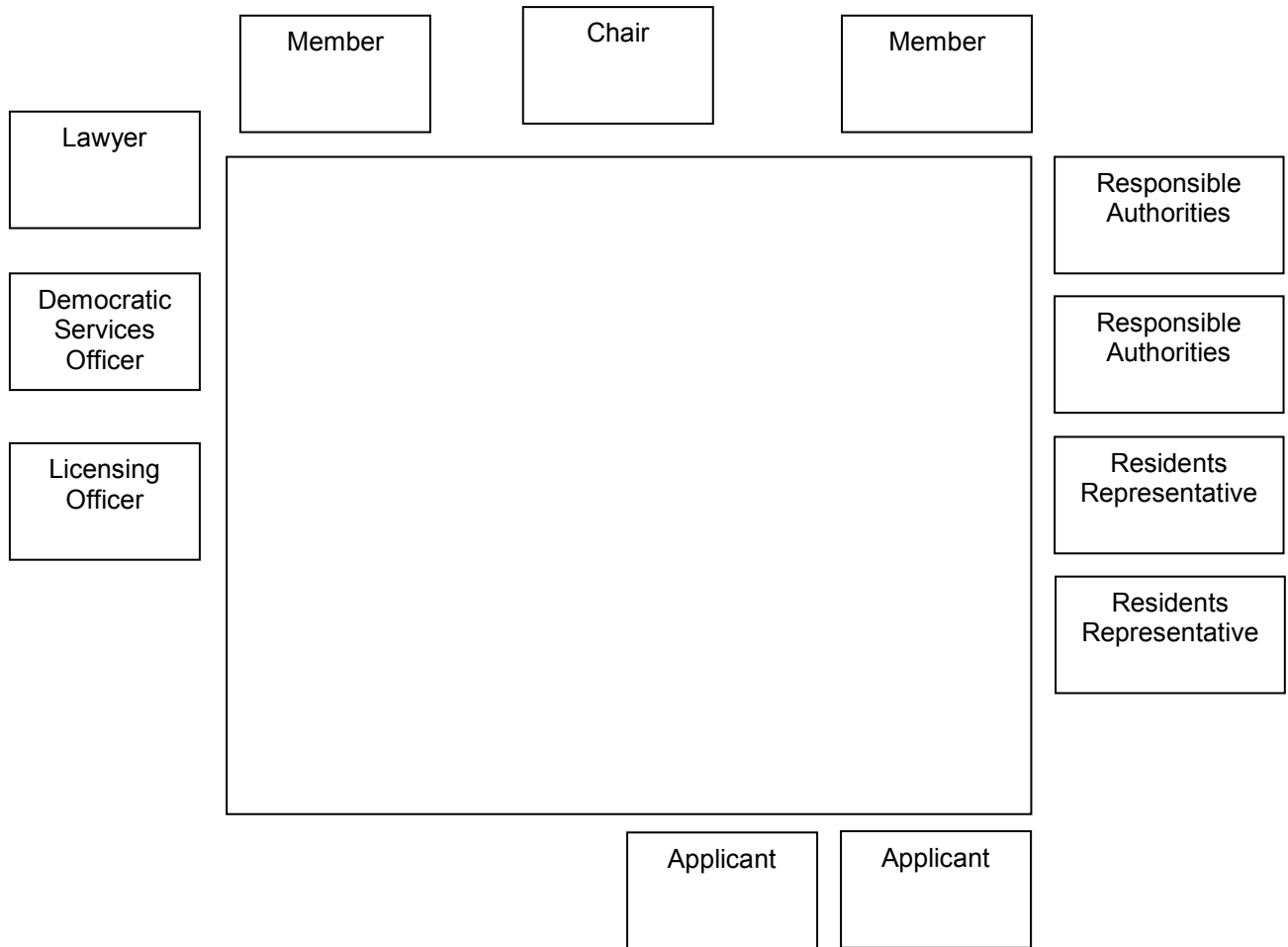
Licensing Panel

(Licensing Act 2003 Functions)

Title:	Licensing Panel (Licensing Act 2003 Functions)
Date:	3 March 2015
Time:	10.00am
Venue	Committee Room 1, Brighton Town Hall
Members:	Councillors: Kennedy, A Kitcat and Marsh
Contact:	Caroline De Marco Democratic Services Officer 01273 29-1063 caroline.demarco@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

Part One

Page

57 TO APPOINT A CHAIR FOR THE MEETING

58 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.

59 NORTHERN LIGHTS REVIEW HEARING

1 - 98

Report of the Director of Public Health (copy attached).

Contact Officer: Becky Pratley
Ward Affected: Regency

Tel: 01273 292143

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 Chairman 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 Caroline De Marco, (01273 29-1063, email caroline.demarco@brighton-hove.gov.uk or email democratic.services@brighton-hove.gov.uk

Date of Publication - Monday, 23 February 2015

LICENSING PANEL

(Licensing Act 2003 Functions)

Agenda Item 59

Brighton & Hove City Council

Subject:	Review of a Premises Licence under the Licensing Act 2003		
Premises:	Northern Lights, 6 Little East Street, Brighton, BN1 1HT		
Applicant:	Sussex Police		
Date of Meeting:	3 March 2015		
Report of:	Director of Public Health		
Contact Officer:	Name:	Becky Pratley	Tel: (01273) 292143
	Email:	becky.pratley@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	Regency		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To review a Premises Licence for Northern Lights under the Licensing Act 2003.

2. RECOMMENDATIONS:

- 2.1 That the Panel review the licence granted to the premises known as **Northern Lights** under the Licensing Act 2003

3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

- 3.1 Existing licence attached at Appendix A.
- 3.2 Brighton & Hove City Council is both the relevant licensing authority and a responsible authority in respect of any premises, and may in its capacity apply under Section 51 of the Licensing Act 2003 for a review of any premises licence in respect of the premises.
- 3.3 An application was received by the Licensing Authority from Sussex Police, to review the licence granted to the premises known as Northern Lights, 6 Little East Street, Brighton, BN1 1HT (Appendix B)
- 3.4 The grounds for the review relates to the following Licensing objectives
- Prevention of Public Nuisance
 - Prevention of Crime and Disorder

A copy of the supporting evidence bundle is attached in Appendix E.

3.5 At this hearing the licensing authority must:

- Consider the application made in accordance with Section 51
- Consider any relevant representations
- Take such steps (if any) as are considered necessary for the promotion of the Licensing objectives. These steps are
 - to modify the conditions of the licence
 - to exclude a licensable activity
 - to remove the designated premises supervisor from the licence
 - to suspend the licence for a period not exceeding 3 months, or
 - to revoke the licence.

And for this purpose the conditions of a premises licence are modified if any of them are altered or omitted or any new condition is added. It may provide that the modification or exclusion have effect for a specified period not exceeding 3 months. The determination, if not completed at the hearing, shall be within 5 working days of the hearing. Such determinations do not have effect until after the appeal period or, if an appeal is lodged, until after the appeal is disposed of.

Representations received

- 3.6 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:
- 3.7 One representation opposing the Review application has been received from Pauliina Talvensaari, DPS & Director of Northern Lights Restaurant Limited. Full details of the representations are attached at Appendix C
- 3.8 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**:

General

- 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 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 area.
- 1.5 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.

In Respect of the Prevention of Crime and Disorder

- 2.1 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.
- 2.2 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.
- 2.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 2.7.1 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. A "matrix" approach to licensing decisions has been adopted and is set out below.

Matrix approach for licensing decisions in a Statement of Licensing Policy

	Cumulative Impact Area	Special Stress Area and London Road	Mixed Commercial and Residential Areas (streets containing shopping parades)	Residential Area (mainly residences in street)	Marina
Restaurant	Yes (midnight)	Yes (2am)	Yes	Yes (11.30pm)	Yes
Late Night Takeaways	No	Yes (midnight)	Yes (midnight)	Yes (midnight)	Yes
Night Club	No	No	Yes (3am)	No	Yes
Pub	Yes (11pm)	Yes (11pm)	Yes (3am)	Yes (11pm, midnight Friday and Saturday)	Yes
HVVD (Super pub)	No	No	No	No	Yes
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes (favourable)	Yes	Yes
Off-licence	No	No	No	Yes (8pm)	Local shops only
Members Club	Yes (<100)	Yes (<100)	Yes	Yes (11pm and midnight Friday and Saturday)	Yes

Notes on matrix

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

- 1) Each application would be considered on individual merit*
- 2) Departure from policy is expected only in exceptional circumstances*
- 3) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix*
- 4) Exceptional circumstances may include: close consultation with Sussex Police and the Licensing Authority, 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 business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts), BCRP membership*
- 5) 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

6) Shatterproof drinking receptacles will normally be required by licence condition in alcohol led establishments in the city centre

7) Outdoor events will be supported where arranged through the council's event planning process

8) Favourable consideration will be given to residential need

9) Favourable consideration will be given to local businesses properly engaged with the local licensing authority and responsible authorities

2.7.6 Care, control and supervision of premises: 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.

2.7.7 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, e.g. type of licence, capacity, operating hours restrictions.

2.7.8 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, 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.

2.7.12 Enforcement will be achieved by the enforcement policy.

4. In Respect of the Prevention of Public Nuisance

- 4.7 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours on busy main roads and in the central leisure area. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood. Licensed premises in residential neighbourhoods will normally have a terminal hour no later than 2330. In mixed neighbourhoods they will normally have a terminal hour of no later than 0200 hours to counter noise disturbance to residents as informed by the health impact assessment and requested by Licensing Strategy Group. The Licensing Authority has adopted a matrix approach to licensing decisions (see 2.7.1)
- 4.11 Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

6. Strategic Integration

- 6.5 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.
- 6.8 Other regulatory regimes: This policy avoids duplication with other regulatory regimes wherever possible.
- 6.9 Enforcement – the enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at appendix H of Brighton and Hove City Council's Statement of Licensing Policy. In addition the Licensing Authority will have regard to its publishing Licensing Enforcement Policy in making enforcement decisions (Appendix F) of Brighton and Hove City Council's Statement of Licensing Policy. In order to better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements. Joint Intelligence Meetings are organised and include officers from responsible authorities.

8. Reviews

- 8.1 Reviews represent a key protection for the community. Where the licensing authority considers action necessary under its statutory powers it will take necessary steps to support the licensing objectives. Action following review will be informed by licensing enforcement policy.

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 Jeff Coates

Date: 10/02/2015

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: 10/02/2015

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 A of Premises Licence
2. Appendix B – Review Application
2. Appendix C – Supporting Representation
3. Appendix D – Map of area
4. Appendix E – Supplementary Documentation (Police Evidence Bundle)
5. Appendix F – Enforcement Policy

Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2011, as amended 20 December 2011.

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2011, as amended 20 December 2011.

Appendix A



Brighton & Hove City Council

Schedule 12

Part A

Regulation 33, 34

Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2010/00387/LAPREV

Part I – Premises Details

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

Northern Lights
6 Little East Street
Brighton
BN1 1HT

Telephone number 01273 747096

Licensable activities authorised by the licence

Performance of a Play	Exhibition of a Film
Performance of Live Music	Performance of Recorded Music
Late Night Refreshment	Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Performance of a Play - Indoors

Monday – Thursday: 18:00 - 00:00
Friday – Sunday: 12:00 - 00:00

Exhibition of a Film - Indoors

Monday – Thursday: 18:00 - 23:30
Friday – Sunday: 12:00 - 23:30

Performance of Live Music - Indoors

Live music is not a regular weekly event. Music will be mainly acoustic and if amplified the volume will be kept at an environmentally friendly level. Windows are kept shut during the performance and when finished a member of staff will guide the audience in a quiet and orderly manner.

Monday – Thursday: 18:00 – 23:00



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Friday – Sunday: 14:00 – 00:00

PLUS: On New Year's Eve 14:00 – 00:00

Performance of Recorded Music - Indoors

Sunday- Thursday: 11:00 – 00:00

Friday - Saturday 11:00 – 02:00

PLUS: On Sunday nights before bank holiday Mondays from 11:00 – 02:00

On "Juhannus" – traditional Scandinavian mid summer party (on the Saturday nearest summer solstice) – until 11 a.m. the following morning.

On the Saturday nearest 06 December until 5 a.m. the following morning.

On New Year's Eve until 5 a.m. the following morning.

Late Night Refreshment - Indoors

Sunday- Thursday: 23:00 – 00:00

Friday – Saturday: 23:00 – 02:00

PLUS: On Sunday nights before bank holiday Mondays from 11:00 – 02:00

On "Juhannus" – traditional Scandinavian mid summer party (on the Saturday nearest summer solstice) – until 5 a.m.

On New Year's Eve until 5 a.m.

Sale by Retail of Alcohol

Sunday – Thursday 11:00 – 00:00

Friday - Saturday 11:00 – 02:00

PLUS: On Sunday nights before bank holiday Mondays from 11:00 – 02:00

On "Juhannus" – traditional Scandinavian mid summer party (on the Saturday nearest summer solstice) – until 11 a.m. the following morning

On the Saturday nearest 06 December until 5 a.m. the following morning.

On New Year's Eve until 5 a.m.

The opening hours of the premises

Sunday – Thursday 11:00 – 00:00

Friday – Saturday 11:00 – 02:00

PLUS: On "Juhannus" – traditional Scandinavian mid summer party (on the Saturday nearest summer solstice) – until 11 a.m. the following morning

On the Saturday nearest 06 December until 5 a.m. the following morning.

On New Year's Eve until 5 a.m.



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

Alcohol is supplied for consumption both Off and On the Premises.

Part 2

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

Northern Lights
6 Little East Street
Brighton
BN1 1HT

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

Registered Business Number: 06427101

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

Erika Pauliina Talvensaari

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

Party Reference:

Licensing Authority:



Annex I – Mandatory conditions

S 19; mandatory conditions where licence authorises supply of alcohol

- no supply of alcohol may be made under the premises licence
 - (a) at a time when there is no designated premises supervisor in respect of the premises, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;



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- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 4.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.
6. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
7. For the purposes of the condition set out in paragraph 1—
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(1);
 - (b) “permitted price” is the price found by applying the formula—

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

where—

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



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

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

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(2).

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

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

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

S 21; mandatory condition: door supervision

- where a premises licence includes a condition relating to security activity, the licence must include a condition that each individual must be licensed by the Security Industry Authority (there are exemptions re theatre and films and clubs)

Embedded Conditions

All previous embedded conditions removed

Justices licence conditions

- I. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the premises.



Brighton & Hove City Council

Annex 2 – Conditions consistent with the Operating Schedule

For the Prevention of Crime and Disorder:

1. The premises will employ SIA registered door supervisors from 21:30 hrs till close on Friday and Saturday evenings at a ratio of 1:100 – starting with a minimum of two. At all other times, the premises will employ a mobile support unit whereby all personnel carrying out security duties will be registered with the SIA.
2. Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally and externally to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police and to Police Specification. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate cooperation and technical assistance to the Police in an event that CCTV footage is requested for the prevention and detection of suspected or alleged crime. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy and will be changed when British Summer Time starts and ends.
3. The premises will trade as a “food led” venue and shall not operate as a vertical drinking establishment. In particular
 - a) operate to café bar conditions where practicable whereby the sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables.
 - b) Substantial food shall be available at all times.
 - c) The areas given to the use of chairs and tables may be cleared for the purpose of stand up / pre booked / private functions on no more than 24 occasions per year, subject to each occasion being notified in writing to the police at least 7 days in advance.
4. The premises will be a member of the Brighton and Hove Business Crime Reduction Partnership or similar police approved scheme while one is in existence.

For Public Safety:

5. Signage will be clearly positioned on the premises informing customers that they will be refused service if they breach the key policies of the premises relating to the prevention of and/or disorder caused by drug use, intoxication, underage and disorderly behaviour.
6. No glass/bottles will be permitted on the front outside seating areas from 8pm every day.



For the Prevention of Public Nuisance:

7. Windows and doors to be kept shut during the performance of live music.
8. Live music performances will end at 24:00 hrs on Friday, Saturday and Sunday and at 23:00 hrs Monday to Thursday.
9. Staff must ensure that customers leaving the premises leave in a quiet and orderly manner.
10. Signs to be put up asking customers to respect local residents when leaving.
11. Outdoor lights to be maintained in good working order.

For the Protection of Children from Harm:

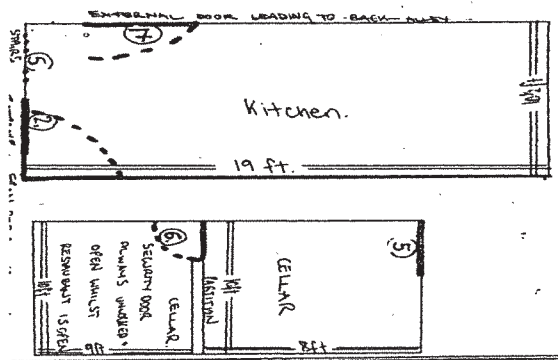
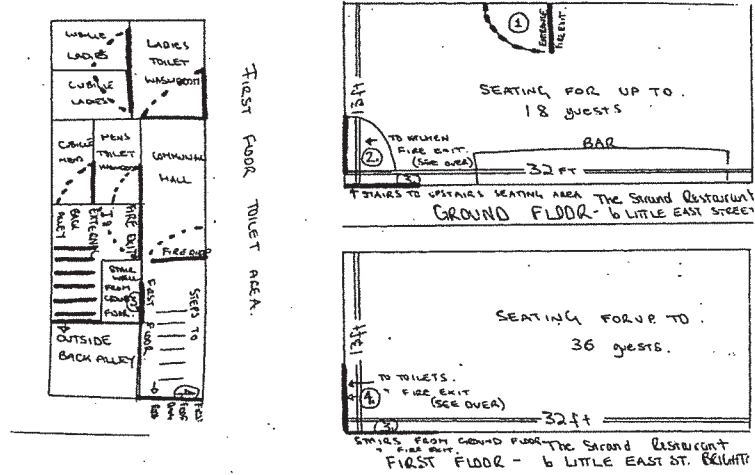
12. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to under 25 will be asked for photographic ID to prove their age. The only forms of ID that will be accepted are passports, driving licences (with a photograph) or Portman Group, Citizen card or Validate proof of age cards bearing the "PASS" mark hologram. The list of approved 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.
13. All staff members engaged, or to be engaged, in selling alcohol on the premises shall have received the following training in age-restricted sales:
 - Induction training which must be completed, and fully documented, prior to the sale of alcohol by the staff member; and refresher training thereafter on an annual basis.
 - All age-restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be kept on the premises and made available to Sussex Police and Brighton & Hove Trading Standards Service upon request.
14. The premises shall at all times maintain and operate an age-restricted sales refusal book 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 shall be available upon request to police staff, Local Authority staff and Trading standards.

Annex 3 – Conditions attached after a hearing by the licensing authority - N/A



Brighton & Hove City Council

Annex 4 – Plans



GROUND FLOOR & CELLAR AREAS
ARE FOR KITCHEN / PREPARATION AREAS
& STORAGE. NOT ACCESSIBLE TO THE
PUBLIC

Appendix B

2015/00087/LAPREV

BP

valid CD & PNV

BC

Application for the review of a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I T/ Ch Supt S Whitton, Divisional Commander, Brighton and Hove Police on behalf of Chief Constable Giles York

(Insert name of applicant)

Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Northern Lights
6 Little East Street

Post town

Brighton, East Sussex

Post code (if known)

BN1 1HT

Name of premises licence holder or club holding club premises certificate (if known)

Northern Lights Restaurant Limited
6 Little East Street
Brighton
East Sussex
BN1 1HT

Number of premises licence or club premises certificate (if known)

1445/3/2010/00387/LAPREV

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENTAL HEALTH & LICENSING
DATE RECEIVED

08 JAN 2015

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises ☐
- b) a body representing persons living in the vicinity of the premises ☐
- c) a person involved in business in the vicinity of the premises ☐
- d) a body representing persons involved in business in the vicinity of the premises ☐
- 2) a responsible authority (please complete (C) below) ☒
- 3) a member of the club to which this application relates (please complete (A) below) ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

☐

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address T/Ch Supt Steve Whitton c/o Claire Abdelkader Police Licensing Officer Brighton & Hove Licensing Unit 4 th Floor, Police Station John Street BRIGHTON BN2 0LA
Telephone number (if any) 101 ext 550828
E-mail address (optional) brighton.licensing@sussex.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

Sussex Police contend that the following licensing objectives have been seriously undermined:

- The prevention of crime and disorder
- The prevention of public nuisance

The premises licence has the following condition:

3. The premises will trade as a “food led” venue and shall not operate as a vertical drinking establishment. In particular

- a) operate to café bar conditions where practicable whereby the sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables.
- b) Substantial food shall be available at all times.
- c) The areas given to the use of chairs and tables may be cleared for the purpose of stand up / pre booked / private functions on no more than 24 occasions per year, subject to each occasion being notified in writing to the police at least 7 days in advance.

This condition specifies that the venue will be ‘food led’ and ‘shall not operate as a vertical drinking establishment’. On a number of visits in the last 13 months (since Ms Erika Pauliina Talvensaari became Designated Premises Supervisor (DPS), it has been found that this condition, alongside others, is not being adhered to. Sussex Police contend that the venue is not being operated in accordance with the premises licence.

There have been continued failures by the management and staff to promote the licensing objectives; particularly the prevention of crime and disorder and the prevention of public nuisance, by not adhering to the premises licence conditions.

Please provide as much information as possible to support the application
(please read guidance note 2)

Northern Lights is a licensed premises at 6 Little East Street, Brighton and is located to the rear north east of the Thistle Hotel. The opening hours are as follows:

Sunday – Thursday: **11:00 – 00:00**
Friday – Saturday: **11:00 – 02:00**

The premises is authorised for the following licensable activities:

- Sale by retail on alcohol (on/off the premises):
Monday – Thursday: **11:00 - 00:00**
Friday – Sunday: **11:00 - 02:00**
- Performance of a Play – Indoors:
Monday – Thursday: **18:00 - 00:00**
Friday – Sunday: **12:00 - 00:00**
- Exhibition of a Film – Indoors:
Monday – Thursday: **18:00 - 23:30**
Friday – Sunday: **12:00 - 23:30**
- Performance of Live music – Indoors:
(Live music is not a regular weekly event)
Monday – Thursday: **18:00 – 23:00**
Friday – Sunday: **14:00 – 00:00**
- Recorded music – Indoors:
Sunday- Thursday: **11:00 – 00:00**
Friday - Saturday **11:00 – 02:00**
- Late night refreshment – Indoors:
Sunday- Thursday: **23:00 – 00:00**
Friday – Saturday: **23:00 – 02:00**

The premises consists of two floors of which the ground floor and the first floor are licensed and open to the public. An external area on the pavement outside the front of the premises is also utilised and has tables and seating.

The area surrounding Northern Lights is densely populated with licensed premises and late night refreshment venues and suffers from significant crime and disorder and public nuisance. This has resulted in the defining of a Cumulative Impact Area by the Local Authority and Little East Street is situated within this area.

Sussex Police licensing team have endeavoured to work with the management of Northern Lights in an attempt to prevent ongoing breaches of the premises licence. A number of visits have been made to Northern Lights by Sussex Police after issues were raised which related to breaches of the conditions on the premises licence. A formal meeting was held at Brighton Police Station, John Street in March 2014. Despite these interventions, the Designated Premises Supervisor (DPS), Ms Talvensaari, has failed to make any significant or sustainable changes to the way the premises is operated,

which will promote the licensing objectives and ensure that the existing premises licence conditions are being adhered to.

Below is a chronology of incidents, visits and interactions relating to the premises recorded by Sussex Police over the last thirteen months:

1. Saturday 9th November 2013, 22:55hrs

Sussex Police Licensing Officers (PC Hearth and PC Upton) attended the premises for a licensing check. The Officers observed a number of breaches to the premises licence including:

- Condition 3: *Customers were viewed ordering drinks at the bar and remaining standing while drinking. There was no waiter or waitress service and management stated that customers had to buy drinks at the bar. When asked about food, management confirmed that they stopped serving food at 21:00 and so substantial food was not available at all times. The premises was operating as a 'vertical drinking establishment'.*
- Condition 5 – 'Signage will be clearly positioned on the premises informing customers that they will be refused service if they breach the key policies of the premises relating to the prevention of and/or disorder caused by drug use, intoxication, underage and disorderly behaviour': *No signage was on display.*
- Condition 6 – 'No glass/bottles will be permitted on the front outside seating areas from 8pm every day': *The Officers observed several persons outside the premises, not sat at tables and drinking from glass pint glasses.*
- Condition 10 – 'Signs to be put up asking customers to respect local residents when leaving': *No signage was on display.*

The male staff member whom the Officers went through the premises licence conditions with was not the DPS but did state he was a Personal Licence Holder. He was unable to produce his personal licence, which is an offence under section 135 of the Licensing Act 2003, as he stated it had been stolen in a burglary 2 months earlier. He was offered words of advice about the need to get a replacement as soon as he could. A business card was left for the DPS to make contact with Police Licensing regarding the observed breaches.

2. Thursday 14th November 2013

Police Licensing submitted an objection letter to a temporary event notice (TEN) for Northern Lights for 11/12/2013 on the grounds of the prevention of crime and disorder and the prevention of public nuisance.

3. Friday 15th November 2013

14:25hrs

Telephone call made to Ms Talvensaari in her capacity as a manager at the premises by PC Hearth. The recent breaches were discussed, with Ms Talvensaari giving her assurances that they would be rectified.

The matter of the premises currently operating as a vertical drinking establishment was raised and Ms Talvensaari stated that she had not been allowed to change her licence 5 years ago but had been operating as a vertical drinking bar since then with no problems. It was explained to her that the licence specifically stated that the premises was to be operated as a 'food led venue' and not a vertical drinking establishment and that if changes were not made then she would be continuing to breach the conditions on the premises licence.

There was a discussion around the possibility of varying the licence or applying for a new one and advice was offered about the location of the premises within the Cumulative Impact Area (CIA) and what this meant.

Ms Talvensaari ended the call by putting the phone down on PC Hearth.

23:00hrs

Report from an off duty Police Officer that they had attended the premises, which was busy at the time, and observed customers standing at the bar both ordering and drinking. There was no indication that food was still being served to customers or was available. No persons were asked to sit down by door staff once they had ordered/received their drinks or leave the bar area.

It was noted that when customers tried to leave the premises with a glass vessel that door staff were asking them to decant their drinks into a plastic pint cup so that glasses could be retained inside.

4. Saturday 16th November 2013

13:30hrs

Email sent to Police Licensing from Ms Talvensaari addressing some of the points raised by Sussex Police in the TEN objection letter. She stated that the premises had the required signage about respecting neighbours and no glass outside after 8pm and that it had been on their wall for years. She noted that she was only aware of one theft recently at Northern Lights and that she regularly attended Business Crime Reduction Partnership (BCRP) Night Safe meetings. She commented that they were doing their 'best to get things right'. Subsequently the TEN was withdrawn.

22:00hrs

Police walked past Northern Lights en route to another call as part of Operation Marble (policing of the night time economy in Brighton). They observed that there were approximately 35-40 persons at the venue both inside and out. All were drinking and no food was seen on the tables the officer could see, inside (approximately 3 in total) or any of the tables outside the premises. Out of the 35 or so customers, around 8 of them were standing at the bar.

5. Monday 18th November 2013, 20:58hrs

Police Licensing Officers (PC Hearth and PC Upton) walked past the premises while on patrol. The Officers observed that there were approximately six customers within the premises that could be seen from the outside. Two were sat on stools at the bar drinking pints of beer and two couples were seen sat at tables with drinks. No food was observed.

There were two people outside the premises smoking holding drinks in glass containers despite it being past 20:00.

6. Thursday 28th November 2013, 17:20

Sussex Police received an email with an Action Plan attached from Ms Talvensaari which covered the following points:

- DPS to be varied from current DPS to Ms Talvensaari who works as a full time manager at Northern Lights
- Plastic only to be used outside after 8pm
- Late evening menu – renew menu to cater for late night meals – review chef's shift pattern to allocate this
- Book all staff in a supervisor position for a personal licence course
- Work around theft reduction – make contact with Sussex Police
- Fights – discussion in staff meeting how to handle situations such as this, manager to continue to attend Night Safe meetings, ensure all staff confident in using Night Safe radio if required

7. Saturday 30th November 2013, 22:45

Police completed a licensing visit at Northern Lights. There were 20-25 persons outside the premises and all were drinking from plastic containers. There was no excessive noise or signs of high levels of drunkenness at the time of this visit.

8. Thursday 5th December 2013

Application processed by the Local Authority varying the Designated Premises Supervisor (DPS) of Northern Lights to Ms Erika Pauliina Talvensaari.

9. Wednesday 1st January 2014, 02:00hrs

Police Licensing Officer PC Upton completed a drive by at the premises as part of his New Years Eve duties. He noted it was not possible to drive past the pub due to the volume of people in the road and outside Northern Lights. PC Upton observed 2 door staff trying to get people to move out of the road without success and had to use his blue lights to alert persons to his presence to make further progress safely.

10. Thursday 20th February 2014, 08:34hrs

Telephone call reporting burglary from Northern Lights overnight. The till drawer from the bar was removed (which was noted as empty) and later located to the rear of Bartholomew Square.

On 21st February one of the investigating officers made contact with Ms Talvensaari regarding CCTV at Northern Lights to be used evidentially. She informed the officer that after checking she found the CCTV not to be working following an update error.

This is a breach of Condition 2 on the licence which states 'Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally and externally to cover all public areas'.

The investigation was filed undetected as there were no further lines of enquiry after the CCTV of other premises and Sussex Police were viewed.

11. Saturday 8th March 2014, 23:45hrs

Police Licensing Officers (PC Hearth and PC Upton) completed a licensing check at Northern Lights. There were approximately 20 people outside drinking, some standing and some seated. None were eating. When officers entered the premises, the bar was very busy and a lot of vertical drinking was observed.

The officers spoke to the supervisor and discussed that the following conditions were being breached:

- Condition 3: The premises was operating as a 'vertical drinking establishment' with persons standing both inside and outside drinking and ordering directly from the bar. There was no food available or being served.
- Condition 6: The Officers observed several persons outside the premises, not sat at tables and drinking from glass pint glasses.
- Condition 12: Staff were unaware what a Challenge 25 policy was.
- Condition 14: There was no refusals book available.

While stood at the end of the bar the Licensing Officers watched a customer

purchase a round of shots. The male customer then handed one of the shots to one of the bar staff, shouted 'Let's get fucked' and then the customer and the member of bar staff downed the shots.

A number of these issues should have been addressed under Ms Talvensaari's Action Plan for Northern Lights in November 2013 including the provision of food later into the evening and a reinforcing of the stopping of the use of glass outside after 20:00.

A Section 19 of the Criminal Justice and Police Act 2001 closure notice was served the same evening on the supervisor, who signed for it. This closure notice is issued to premises operating other than in accordance with the premises licence, in this instance, in breach of the licence conditions. A Section 19 notice can result in police applying to the Magistrates court for a closure order under Section 20 of the same Act. It was explained to the premises supervisor that all the conditions had been gone through with a manager at the end of 2013 and nothing had changed and so it was deemed to be serious enough to issue a Section 19.

12. Monday 10th March 2014, 16:30hrs

Police Licensing received a phone call from Rob at Northern Lights who explained he was a manager of the premises. He mentioned that the DPS was out of the country so unable to make contact which was why he was calling. Rob stated he was aware of the Section 19 Notice and that he wanted to arrange a meeting with Police Licensing to find a way forward. He stated that on the night of the visit (08/03/2014) that the premises had a Temporary Event Notice in place. Subsequent checks with Brighton & Hove City Council showed that this was not the case.

The current breaches and issues relating to the premises licence at Northern Lights were reiterated to Rob and that action needed to be taken.

13. Thursday 13th March 2014, 10:00hrs

A meeting was held at John Street Police Station Brighton attended by PS Morgan and Claire Abdelkader from Sussex Police and Ms Talvensaari (DPS) and Rob (Manager) from Northern Lights.

The Section 19 Notice that was issued in the early hours of Sunday 9th March was discussed. It was noted that there were some errors in the document which affected its validity however the fact that it was issued showed the serious nature of the breaches.

The recent breaches and the dates where these had been witnessed were put to Ms Talvensaari including vertical drinking, substantial food not being available 'at all times', the use of glass outside after 20:00, lack of certain signage, lack of staff knowledge about Challenge 25, the lack of a refusals book and the cumulative impact of Northern Lights continuously breaching the premises licence conditions. Ms Talvensaari was also advised that she

needed to get a non-frontline SIA licence after she confirmed that she directed the door staff as they are 'in house' staff. It was impressed upon her that promotion of the 4 Licensing Objections, especially public safety, was key.

PS Morgan explained to Ms Talvensaari that there were two options to make lasting changes to ensure the premises licence was being adhered to at Northern Lights. These were:

- 1) A variation to remove condition 3 and reduce the hours for licensable activity to 23:00 to make the premises a vertical drinking establishment or 'pub' as set out in the licensing decision matrix on Page 15 of the Brighton & Hove City Council Statement of Licensing Policy (BHCC SoLP).
- 2) Change the business to adhere to the current conditions while retaining the hours. This would mean operating as a food led venue as set out in condition 3 where customers needed to be seated while consuming alcohol and substantial food available at all times.

Ms Talvensaari stated that she believed that the licence was vague and had been interpreted differently in the past and this is why the business operated as it does. PS Morgan made it clear that the premises licence was for a food led 'café bar' with no vertical drinking. It was noted that this needed to be addressed to ensure there were no further breaches and additional cumulative impact in an area already identified as high stress within the BHCC Statement of Licensing Policy.

Ms Talvensaari listed some steps that she would be taking in the interim including sourcing food from a nearby late night refreshment venue, Martin's Burgers, to ensure that food was available at all times.

14. Friday 14th March 2014, 13:04hrs

Police Licensing received a phone call from Ms Talvensaari with questions following the meeting the previous day.

It was confirmed again that condition 3 must be adhered to – that the premises must operate as a food led venue and not as a vertical drinking establishment. Alcohol can be served without food but persons must be seated and substantial food must be available at all times.

Ms Talvensaari enquired if plates, knives and forks were allowed outside after 20:00 as glass was not. Advice was given that the outside area should be cleared and checked regularly to help reduce any risk and it was reiterated that glass must be decanted to plastic after 20:00. She mentioned she would be putting up signs to advise persons to be seated during the period of change to help reinforce that persons could not stand and drink.

15. Friday 4th April 2014, 19:27hrs

Email sent to Police Licensing from Ms Talvensaari notifying of upcoming

'event days' as allowed under Condition 3 of the premises licence:

- c) The areas given to the use of chairs and tables may be cleared for the purpose of stand up / pre booked / private functions on no more than 24 occasions per year, subject to each occasion being notified in writing to the police at least 7 days in advance.

Within this email, she confirmed that she had arranged a staff meeting and training regarding the recent issues and that everyone was on board 'to get things right'. She noted that all the signs were up and that customers were slowly getting more used to sitting down. Food was also now 'going on all the times'.

16. Friday 9th May 2014

22:00hrs

Police walked past Northern Lights on foot patrol as part of Operation Marble and noted it was extremely busy with up to 300 patrons – half of which were outside the venue. Door staff were spoken to about keeping persons out of the road to ensure it was not blocked and to keep patrons safe.

22:30hrs

Police Licensing Officers attended the venue as part of visits for the evening. It was again noted there were a large amount of persons standing outside drinking however notification had been given that the Great Escape Festival was an 'event day' (where some tables/chairs can be cleared for a stand up/private/pre booked event). No customers were seen to be eating food. Door staff were again advised to ensure patrons were remaining on the pavement and did not spill out into the road causing an obstruction.

17. Saturday 25th October 2014, 23:50hrs

Police completed a licensing check at Northern Lights. A punk band had just completed their set upstairs and the furniture had been moved out of the way for their performance. Sussex Police Licensing had not received any notification of an 'event day' for this date.

The officers noted a large number of people were standing outside and in the bar area drinking as well as ordering from the bar. They commented that a number of persons were at or approaching a state of drunkenness. No person was seen to be eating.

Door staff were asked how they were keeping track of numbers within the premises and stated that they were 'clicking' customers in and out although this was not observed by officers. When asked again later, the door staff stated they were counting in their heads.

The attending officers noted that the general mood inside the premise was

good although several customers approached police and made a range of comments, not entirely positive.

18. Thursday 4th December 2014, 13:44hrs

Intelligence received that the management of Northern Lights were still permitting persons to vertically drink inside the premises. It was also reported that the premises do not have a mobile support unit despite having the following condition:

1. The premises will employ SIA registered door supervisors from 21:30 hrs till close on Friday and Saturday evenings at a ratio of 1:100 – starting with a minimum of two. At all other times, the premises will employ a mobile support unit whereby all personnel carrying out security duties will be registered with the SIA.

19. Friday 12th December 2014, 23:30hrs

Police Licensing Officers (PC Hearth and Force Licensing Manager Jean Irving) conducted a licensing check at the premises. It was noted that the premises was very busy with 30 people outside drinking both at tables and standing. The ground floor had around 30 people inside with persons standing 2 deep at the bar in some places waiting to be served. There was no food seen to be consumed and no evidence to suggest any food had been consumed. The first floor was also busy and mirrored downstairs with persons both seated and standing consuming drinks with no evidence of food.

The premises licence and the conditions were gone through on the visit with Ms Talvensaari (DPS) and she was again advised that Condition 3 was not being adhered to as the premises was not operating as a 'food led' venue and there were persons vertically drinking throughout. She again stated that it was vague and open to interpretation as it states 'where practicable'. It was pointed out to her that this was only part a) of Condition 3 and that the first line of the condition explicitly states: *'The premises will trade as a "food led" venue and shall not operate as a vertical drinking establishment'*. When asked about what substantial food was available, Ms Talvensaari stated that Martin's Burgers (a nearby late refreshment venue) was supplying food.

The officers moved outside with Ms Talvensaari due to the amount of customers and noise inside. The outside area was still busy and one very loud group was witnessed leaving the premises. Ms Talvensaari was spoken to about this but claimed they were not her customers. However, the officers believed that they were and therefore this would constitute a breach of Condition 9: *'Staff must ensure that customers leaving the premises leave in a quiet and orderly manner'*. The noisy patrons gathering outside and leaving the premises can be seen as adding to the cumulative impact of an area which already suffers from problems with public nuisance evidenced by the existence of the CIA.

It was reiterated to Ms Talvensaari again that the first part of the condition was

very clear and that Northern Lights should be running as a food led venue and not a vertical drinking establishment.

Despite concerns being raised on a number of occasions to Ms Talvensaari and other members of management at Northern Lights, breaches of the premises licence conditions have continued to occur. These centre around condition 3 which clearly states that the premises 'shall not operate as a vertical drinking establishment'. Sussex Police contend this demonstrates the premises management have failed to promote the Licensing Objectives and are not taking active steps to address the concerns of the police.

As part of Condition 3 there is the following:

- c) The areas given to the use of chairs and tables may be cleared for the purpose of stand up / pre booked / private functions on no more than 24 occasions per year, subject to each occasion being notified in writing to the police at least 7 days in advance.

However, out of the 10 visits that have been conducted at Northern Lights over the last thirteen months, only 2 of these have fallen on a notified 'event day' – and both of these visits were on the same night as part of the Great Escape weekend – 9th May 2014.

Sussex Police contend that the management of these premises has fallen below an acceptable standard. Despite a self written action plan by Ms Talvensaari, intervention, advice and a warning notice from the Police Licensing team over 13 months, Ms Talvensaari has shown a disregard for the conditions attached to the premises licence and in doing so is not promoting the Licensing Objectives, especially the prevention of crime and disorder. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by a fine of up to £20,000, up to six months' imprisonment or both.

Licensing checks have evidenced that a large number of customers gather outside the premises which in turn creates public nuisance when not being managed appropriately. On a number of occasions door staff have had to be spoken to about control of patrons of Northern Lights and obstructing the road outside and noisy customers leaving the premises have been witnessed later into the evening after 23:00. Furthermore, during 2014 the premises have had five thefts of mobile telephones from patrons within Northern Lights. Compared to other food led premises of a similar size in the vicinity, this is a high level of thefts and is adding to crime and disorder in the area. Four out of the five thefts are believed to have taken place after 23:00. Sussex Police contend that these thefts have taken place because the premises is operating as a late night vertical drinking establishment, rather than food led.

Sussex Police request the Licensing Committee give serious consideration to reducing the hours for licensable activity on the Premises Licence, with the removal of Condition 3 and applying additional and updated conditions to the

Premises Licence, as below. This will permit the premises to be run as a pub, rather than the late bar that is currently being run as.

Sussex Police contend that a short period of suspension would be appropriate for the Committee to consider. This would enable the changes to be made at the premises and to send a message to those patrons who use the venue as a late night drinking venue, that the hours have been reduced and the style of the premises has changed.

This would also reduce the cumulative impact in an already defined area of Brighton which suffers from crime and disorder and public nuisance. It would also provide clarity of usage for the premises as a 'pub'/vertical drinking establishment with suitable hours in line with the BHCC Statement of Licensing Policy decision making matrix.

Proposed New Timings

Opening hours:

Everyday: 11:00 – 23:30

All licensable activity to fall in line with the opening hours with a terminal hour of 23:00 latest for each current activity on the licence. This would permit a 30 minute 'drinking up' time.

Proposed New/Amended Conditions

For the Prevention of Crime and Disorder:

1. The premises will employ SIA registered door supervisors from 21:30 hrs till close on Friday and Saturday evenings at a ratio of 1:100 – with a minimum of two.
2. SIA Licenced Door Supervisors shall be employed at the premises on any other occasions when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 7 days in advance. Further, as part of this written risk assessment the premises licence holder will consult with Sussex Police and take into consideration their advice regarding the following: public holidays, when seasonal variations are taking place and other city wide events e.g: Pride. This written risk assessment will be reviewed every 12 months or sooner should the need arise and a copy shall be retained at the premises.
3. At all other times, the premises will employ a mobile support unit with a minimum of 2 SIA registered Door Supervisors operating from it.
4. 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.

- The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
 - CCTV footage will be stored for a minimum of 31 days
 - 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.
 - The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
 - Subject to Data Protection 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 for the police without difficulty or delay and without charge to Sussex Police.
 - Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
4. The premises will be a member of the Brighton and Hove Business Crime Reduction Partnership or similar police approved scheme while one is in existence.
5. The premises licence holder and management will have in place an operations manual detailing policies and training, details of which have been inspected by Sussex Police and approved by them and the Licensing Authority and any major change intended to this manual shall be so approved before being taken into use. The operations manual acknowledges the good practice and both legal and social responsibilities of the licence holder and will document the management structure and all training carried out.

For Public Safety:

6. No glass/bottles will be permitted on the front outside seating areas from 20:00 every day.
7. No drinks will be allowed outside the premises after 22:00
8. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made at any of the bars/point of alcohol service e.g. for intoxication, will also be recorded in writing. Feedback regarding this will be given to staff as relevant.

9. The external seating area will be defined and cordoned off by a physical barrier e.g. planters, to be in use all the time the premises is open. This will provide a barrier, restrict access from the pavement directly into that area and ensure there is only one entrance to the outside area.
10. Customers will not be permitted to take drinks beyond the delineated external seating area onto the pavement and road.
11. The external seating area must be checked and tables cleared once customers have finished. The area must be regularly monitored, at least every 30 minutes during licensable hours and all furniture is to be cleared at close of business.

For the Prevention of Public Nuisance:

12. Windows and doors to be kept shut during the performance of live music.
13. Staff must ensure that customers leaving the premises leave in a quiet and orderly manner.
14. Signs to be put up asking customers to respect local residents when leaving.
15. Outdoor lights to be maintained in good working order.

For the Protection of Children from Harm:

16. 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 licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of approved 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.
17. Signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
18. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive the following training in age-restricted sales and drunkenness:
 - The premises licence holder will ensure that all staff members engaged in selling alcohol on the premises shall receive induction training as to the lawful selling of age-restricted products and not serving a drunk prior to the selling of such products, and verbal

reinforcement / refresher training thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.

- All age-restricted sales and preventing serving an intoxicated person training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, Officers of the Local Authority and Brighton and Hove Weights and Measures Officers upon request.

19. All staff are to receive training in line with the operations manual detailed in Condition 5.

Sussex Police contend that the reduction of hours in combination with the above conditions will help reduce crime and disorder and public nuisance at Northern Lights and the cumulative impact in an area which already suffers with issues relating to these.

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature (on behalf of the applicant)

 Supt. AWS:3 WHETTON.

Date

7th January 2015

Capacity

Temporary Chief Superintendent, Divisional Commander, Brighton & Hove Division

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Appendix C

Brighton 26/01/2015

2015/00087/LAPREV BP/SC
Valid PCD & PPN

**Representation from Northern Lights Restaurant Ltd by Pauliina Talvensaari,
director and Designated Premises Supervisor**

**Re: Application for a review of a premises licence under the Licensing Act
2003 bt T/CH Supt S Whitton, Divisional Commander, Brighton and Hove
Police on behalf of Chief Constable Giles York**

Premises Licence number: 1445/3/2010/00387/LAPREV

Brighton and Hove Police Licensing unit has applied for a review of our
premises licence based on

1. The prevention of crime and disorder
2. The prevention of public nuisance

On the grounds of clause 3 of our premises licence

*"The premises will trade as a "food led" venue and shall not operate as a
vertical drinking establishment. In particular*

- A) *Operate to café bar conditions where practicable whereby the sale of
intoxicating liquor and other beverages shall be waiter/waitress service
for consumption by persons seated at tables*
- B) *Substantial food shall be available at all times*
- C) *The areas given to use of chairs and tables may be cleared for the
purpose of stand up/ pre booked / private functions on no more than 24
occasions per year, subject to each occasion being notified in writing to
the police at least 7 days in advance*

Special attention is drawn to being **"food led" and vertical drinking**, claiming
that we have breached these conditions.

I am objecting the review based on the facts that

1. We have an excellent track record in preventing crime and disorder.
During almost seven years of the venue we have had to call for the help
of police twice (both caused by dining customers). Compared to other

late night venues in the area according to discussions with other premises supervisors, this is very good. It also shows that we do take our responsibilities seriously and readily contact authorities when the situation demands.

2. There is no evidence of public nuisance caused by us or our customers.

The inspections by Brighton and Hove council licencing team has never found any fails or breeches of our premises licence.

We are “**food led**” venue. We have food always available as stated in our licence. There are six menus to choose from: full starter & mains, sandwich and light snacks, kid’s menu, buffet menu, x-mas menu (seasonal) and Martin’s burger menu. All food is prepared freshly on premises, we have two chefs working and kitchen porter when needed. All our menus are highly visible, one wall is dedicated to menu available, and there are prints and menu folders on tables and black boards with specials. All our paid advertising goes to food promotion. We have consistent presence in media over the years about our food, national magazines like Marie Clare, Good Things (we were their favourite in Brighton in front of Food for Friends, Moshi Moshi and Chilli Pickle), Olive (BBC food magazine) and even in Finnish papers have published articles about our food. These are not paid adverts or ordered features. This would not happen if we were not working hard to ensure we serve quality food and gained reputation for that.

There are times when people are less likely to eat, 10 pm to 1 am is such. But food is still available so no breach of licence occurs.

Vertical drinking definition is slightly unclear but most commonly I found it refers to *“A trading concept which forces majority of customers to stand and drink rather than sitting down. Chairs and tables are often cleared later in an evening to achieve this.”* We have a seat for everyone even if the full capacity is in use. If anything we have invested money in new chairs, benches and tables both inside and outside area. There are people queuing and standing at the bar when we decide that table service is not practical. We can make that decision according to our licence. And if there is no table service how else would people get served? We have coffees, teas and variety of soft drinks available all hours, along with food.

I would like to draw attention to statements in review application, there are some that are **false statements**. Which is an offence. There were also false statements in previous official communication from police in the closure notice handed to us on 9/3/2014.

From the review application:

1. *“Condition 10 – “signs to be put up asking customers to respect local residents when leaving”, No signage was on display.*

There has always been one just next to the outdoor.

16. *Visit Friday 9/5/2014 22.00 ...it was extremely busy with up to 300 patrons- half of which were outside the venue...*

We cannot by any chance fit in 150 people, estimation of 300 cannot be right by any means.

18. *It was reported that the premises do not have a mobile support unit despite having the following condition...*

We have always been part of night safe, always had the mobile support unit and use of the radio is a routine part of introduction and orientation to new staff. If police just asked we could have easily answered that question, no Intelligence needed.

From the closure notice:

“Alcohol must be drunk with a meal and delivered by waiter or waitress service”

This is not what our premises licence states.

“There will be no service to people whom are stood at the bar.”

We have a right to withdraw table service when not practicable and then people who want to be served will be standing and queuing at the bar, which is the only other option.

During the meeting with PS Morgan on 13/3/2014 also made a false interpretation of our licencing conditions

" C) The areas given to use of chairs and tables may be cleared for the purpose of stand up/ pre booked / private functions on no more than 24 occasions per year"

We were told that it has to be all stand up and pre booked and private function all at the same time, when the actual writing indicates "or" ie one of these conditions.

There are other statements in the review that I **strongly disagree** with although they are not false statements.

It is clear that we are required to be food led but also a café & bar. We have a licence for plays, films and live music, doormen are required on weekends. One could argue that the definition of what kind of venue we are expected to be is unclear.

These are the statements I disagree with:

3. 15/11//2013 14.25 Phone conversation

"Ms Talvensaari stated that she had not been allowed to change her licence 5 years ago but had been operating as a vertical drinking bar since then with no problems"

I have never stated that we've been operating as a vertical drinking bar. I also disagree that I put the phone down on PC Hearth. That would serve no purpose for me in any sense.

4. Wednesday 1/1/2014 02.00 New Year's Eve

Regarding "volume of people on the road" as a police car was passing by.

Little East Street is a pedestrian only zone. Were all the people on the pedestrian street on New Year's Eve our customers or maybe people passing by? Can this be established in seconds when passing by?

10. Thursday 20/2/2014 CCTV error after burglary

Unfortunately this error came to light only after the incidence and was fixed as soon as we could after. We have in last couple of years assisted other police departments twice in their investigations (not related to Northern Lights) by providing CCTV material on their request. Apparently

our camera is the only one on Little East Street, the Town Hall ones are not in working order I was told.

17. Saturday 25/10/2014 23.50

"A punk band had just completed their set..... the officers noted a large number of people standing outside and in the bar area drinking as well as ordering from the bar"

There was no punk band that night, live music yes. If the band has just finished it is quite natural that crowds go outside and to order at the bar. .

"Door staff were asked how they were keeping track of numbers within the premises and stated that they were clicking customers in and out although this was not observed by officers. When asked again later, the door staff stated they were counting in their heads."

Doormen have clicker apps on their phones.

19. Friday 12/12/2014 23.30 hrs

"There was no food seen to be consumed and no evidence to suggest any food had been consumed"

We carried over 90 plates out of our kitchen that day, which I told the officers. They asked for no evidence. Our table service is effective and we clear the dirty plates out very quickly when the meals are finished.

That week we did over 350 plates, which is pretty much at the top what kitchen of our size is capable of doing.

"Ms Talvensaari has shown a disregard for the conditions attached to the premises licence"

I signed myself as DPS from 5/12/2013 onwards. All points 1, 2, 3,4,5,6 and 7 happened before I took the position. Since then we have made a point out of making sure all the signage is on place and checked daily. We have invested in more seating everywhere. I have arranged a training session by BHCRP of how

to use the radio. We pay more attention to staff rota to ensure there is always an experienced staff member on duty and that someone is on call for any incidents. We have printed lots of menus so they are even more easily available. After 8pm we only use plastic containers (although it is more costly financially and environmentally). And as always before we keep having staff meetings, training updates and make sure all the staff is aware of any campaigns by police (like rape awareness, thefts etc)

Police review is asking to remove clause 3. That is not a problem in regards to “table service when practicable”, that condition seems to cause lots of confusion and disagreement. Food- we would anyway keep doing what we do now and have food always available, we prefer it that way.

My concern is the earlier closure time at 23.30pm. I don’t think this would help in prevention of crime and disorder or public nuisance. Customers are not likely to want to go home that early on weekends, likelihood is that they will move on to East Street area and the sea front, areas that already have lots of problems and incidents.

The review is also asking for a CCTV system that records for 31 days. Our current system records for 28 days. We originally installed a CCTV system in 2008, October 2010 we were requested by licencing police to upgrade to system with 28 day memory. Which we did. Now we asked to upgrade again. This is financially costly and seems a bit unfair that the requirements change this often (especially if the Town Hall cameras are not required to work!).

Review asks for no drinks outside after 10pm. We have had no complaints about people sitting outside so I don’t see any grounds for this request.

All these requirements are costly for a small business like us. Reduced hours mean reduced income and 35 working hours will be lost from my staff. Sales will be down especially on weekends. Simultaneously Brighton and Hove Council is planning as a part of traffic arrangements in South Lanes to guide all the traffic out of South Lanes via Little East Street. This according to council’s own estimations will have a negative effect on businesses, being on a pedestrianized street increases sales up to 30%, obviously being by a busy roadside will have a similar negative effect. For a small business and independent venue the combined effect of these changes is unbearable.

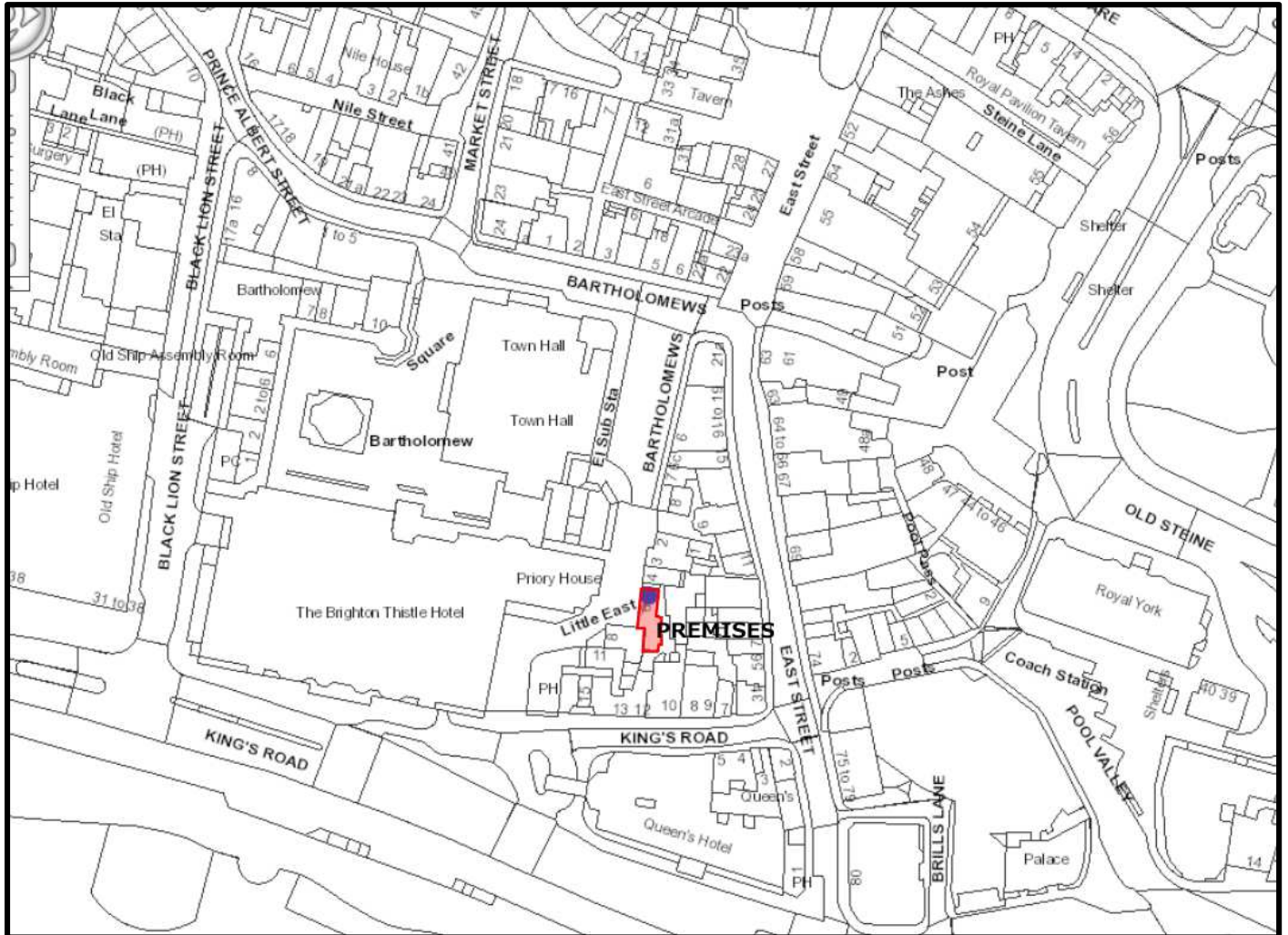
Brighton and Hove licencing policy states in multiple clauses that it is supposed to be promoting economic prosperity with community protection, partnership between agencies, a balanced range of complementary evening and night time economy uses which appeal to wide range of age and social groups, avoid the spreads of large bars/pubs and night clubs. It states that Licencing Authority will support diversity of premises, ensures that there is a mix of different types of licenced premises and attracts a more diverse range of customers from different age groups, different communities. Favourable consideration will be given to promoting the city's cultural quarter, live entertainment in pubs, food led operations, developing LGBT and other communities of interest venues. In mixed neighbourhoods a terminal hour will normally be of no later than 02.00.

Northern Lights serves as a base for Scandinavian community in Brighton. We provide a venue not just for informal gatherings but also a venue for language courses, art exhibition space, venue for Nordic and local live music, book launches, meetings, celebrations of Nordic traditions including national days and of course cuisine. Our clientele is all ages, I would say on average older than most establishments in central Brighton. And we are one of the few independent venues left in Central Brighton.

We have no reputation as a crime hot spot and our track record shows that. Reduced hours would just add to problems in our surrounding areas. Forcing reviewed conditions partly on false statements is not fair. I disagree that we have breached the premises licence in any way which would justify these changes requested by the review application.

I am happy to provide you with any evidence related to my statement should you need it.

Appendix D



Document is Restricted

APPENDIX F

ANNEX A

“PROBLEM PREMISES ON PROBATION” – RED AND YELLOW CARDS : HOW IT WOULD WORK

The problem

1. In many cases, revocation of a premises licence effectively kills any business which is focussed on retailing alcohol. This means that not only the business owner suffers, but most people working there will lose their livelihoods. Many of these workers will be entirely innocent of any wrong-doing. There is also an impact on those who rely indirectly on income from the premises – such as local food suppliers or cleaning contractors, and the closure of a premises can deprive some communities of their local shop or restrict local consumer choice. Enforcement agencies that apply for reviews and local councillors sitting on licensing committees are well aware of this potential impact and it can lead to a reluctance to use the powers in the Act to revoke the licence instantly for any failure to promote the licensing objectives. This risks patchy enforcement and uneven solutions to alcohol-related problems around the country.
2. In addition, in many cases, enforcement agencies will prefer to negotiate additional voluntary conditions with problem premises against the threat of review as an immediate, pragmatic and less bureaucratic solution. While this may be a reasonable approach in many cases, there is a risk that some premises are not being dealt with as firmly as necessary, particularly given the level of test purchase failures. Nor are voluntary agreements particularly visible, lessening the deterrent effect on other premises.
3. Government wishes to support the enforcement agencies and licensing authorities by providing clear guidance on a “yellow card / red card” system, which would ensure a firm response to problems, but which give premises an opportunity to reform. The intention is that such a system would be highly visible and send a clear message to alcohol retailers, and the public, that action will be taken against those who act contrary to the licensing objectives and the law.
4. The proposed interventions below would not prevent the giving of an instant red card in an appropriately serious case. It should be realised that a “test purchase” failure often masks multiple offences that have gone undetected.

Supporting enforcement agencies

5. The Government will encourage enforcement agencies – mainly the police, trading standards officers and environmental health officers – to

seek more reviews in the knowledge of the yellow card/red card system described below. This will mean not giving formal warnings. It will

ANNEX B

POSSIBLE TOUGH CONDITIONS TO BE ASSEMBLED INTO PACKAGES

n.b. These would not be appropriate for every premises and need to be tailored to the nature of the problem and the type of premises.

GREATER CONTROL OVER SALE

1. Designated checkout(s) for alcohol sales (supermarket). Impact on protection of children from harm, but also impact on sales and goodwill (probable loss of trade to competitors).
2. Personal licence holder/DPS to be on site at all times during sales of alcohol. Impact on protection of children from harm and new costs if additional staff have to qualify as personal licence holder.
3. Personal licence holder/DPS to supervise and authorise every individual sale of alcohol. Impact on protection of children from harm and new costs if additional staff have to qualify as personal licence holder.
4. SIA registered security staff to be present at points of sales to support staff refusing sales to u-18s and drunks.
5. Alcohol sales only to be made only by person aged not less than 25 years. Impact on protection of children from harm, but also impact on sales and goodwill (probable loss of trade to competitors).
6. CCTV installed at all points of sale and recorded. Recordings can be examined by a constable or trading standards officer to determine sales to minors or drunks.
7. The licensed premises shall join the Business Crime Reduction Partnership scheme.

TRAINING

8. All staff to read and sign a declaration that they understand the law every time they start a shift.
9. Train all staff engaged in selling alcohol in alcohol awareness (not just personal licence holders). All new staff to be trained within two weeks of commencing employment. Evidence of training to be retained in writing and to be available for inspection by any authorised person and training standards officers. Impact on all licensing objectives.

ALCOHOL SALE BANNED AT CERTAIN HOURS

10. No alcohol sales Mon – Fri between 4pm and 8.30pm. Impact on protection of children from harm or targeted hours reflecting times when local intelligence indicates under 18s may be purchasing alcohol.
11. No alcohol sales – Friday to Sunday. Impact on all four licensing objectives.

ALCOHOL DISPLAYS

12. No displays of alcohol or advertising of alcohol promotions that can be seen from outside the premises.
13. No alcohol stocks promoted alongside goods likely to appeal to children (e.g. confectionary, toys).

CUTTING DOWN ON SHOPLIFTING

14. SIA registered security staff to be present at alcohol aisles during opening times to prevent attempted under age sales or theft.
15. Location of alcohol stocks/displays not to be sited near the entrance/exit to deter shoplifting.
16. No direct public access to alcohol products – like tobacco, alcohol to be kept behind a dedicated kiosk.

NAMING AND SHAMING

17. Display an external sign/yellow card to state which of the licensing act objectives they have breached and what action has been taken against them.

OTHERS

18. Maintain a log of all under attempted purchases from those who appear to be under 18 or drunk.
19. Children aged under [18 years] not to be present or (not more than one child at any one time) on premises (other than children living on the premises or of the people working on the premises); or only children under 18 accompanied by an adult to be permitted on the premises during retailing hours. Impact on protection of children from harm.
20. Products to be labelled (a label stuck to the bottle or can) to show the details of the shop from which it was bought. Purpose would be to provide evidence of unlawful sales if product found commonly in possession of persons under 18.

21. Designated single items – beer, alcopops and cider – not to be sold to any person. Impact on protection of children from harm. Purpose would be to reduce sales to children and drunks. Alternative would be to prescribe sales of beer, alcopops and cider in quantities of less than four.
22. CCTV installed, monitored and 24 hour recordings kept for a week and made available to constables and persons authorised under the 2003 Act to help identify attempted proxy purchasing.
23. Where there is no designated smoking area, readmission after midnight should normally be prohibited.
mean that on identifying problem premises, the licensing authority will be engaged faster than it might have been in the past.
6. Enforcement agencies would be encouraged to seek reviews when local intelligence suggests that individual premises are selling to children or causing other crime problems or causing noise nuisance.
7. Under the law, the licensing authority must then hold a hearing so long as the application relates to one of the four licensing objectives and is made by a responsible authority or by an interested party like a local resident or another local business.

First intervention

8. Responsible authorities will be encouraged to propose a package of touch new conditions to be added to the existing conditions which are designed to combat the identified problem. The kinds of conditions that we have in mind are set out in Annex A. These would not be appropriate for every premises and need to be tailored to the nature of the problem and the type of premises. Such action should be supplemented where appropriate by:
 - Removal of the designated premises supervisor and his/her replacement (the manager is removed);
 - Suspension of the licence for between 1 day and 3 months according to the circumstances.
 - Restriction on trading hours – cutting hours of trading in alcohol.
 - Clear warning that a further appearance will give rise to a presumption of revocation.
9. If appropriate following review, the licensing authority should consider these packages of conditions and action s to challenge problem premises more aggressively.

10. For example, requiring a major supermarket to make all alcohol sales through a single till manned by a person aged 25 years or older in order to tackle sales to underage. Over a year, this would potentially cost such a supermarket £millions. It would also make them reflect on their levels of supervision at other stores.
11. In addition, enforcement agencies should make the premises in question a priority for test purchases and more regular inspections.
12. The aim would be to put the premises on probation. Effectively, they are given a yellow card. They are put on notice that the next offence or breach would mean an automatic second intervention – a red card.

Second intervention

13. In the absence of improvement, enforcement agencies should seek another review. The licensing authority again must grant a hearing.
14. If satisfied on the issue of the lack of improvement, the licensing authority should look to **revoke the licence**. The action should be publicised in the area as an example to other retailers.

Implementation

15. Requires:
 - Development with the Home Office of a toolkit and guidance for police, trading standards and ethos;
 - Initial letters to Leaders of local authorities and Chief Executives;
 - Ultimately, stronger statutory Guidance to be laid in Parliament for licensing authorities themselves.
16. Central Government cannot tell licensing authorities what to do. The review powers are devolved to them. Similarly, central Government cannot direct enforcement agencies how to enforce the law. It would remain their judgement when and how to act.

