

**BRIGHTON & HOVE CITY COUNCIL**  
**LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)**

**10.00am 20 FEBRUARY 2024**

**VIRTUAL**

# **DECISION LIST**

## **Part One**

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### **3 MAZAR MARKET LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)**

*Contact Officer:* Corinne Hardcastle      *Tel:* 0127329  
*Ward Affected:* Regency

#### **Licensing Panel (Licensing Act 2003 Functions) - Notification of the Determination of Panel.**

**Licensing panel hearing held via Teams on Tuesday 20<sup>th</sup> February 2024 in respect of the application for a new premises licence in respect of premises known as Mazar Market, 56 Western Road, Brighton, BN1 2HA.**

The panel has considered the report of the Executive Director of Neighbourhoods, Communities and Housing with the relevant representations made. It has listened carefully to all the points and submissions made. In reaching its decision, it has had due regard to the Council's Statement of Licensing Policy (SOLP) and section 182 guidance.

The application is for a new premises licence, authorising the sale of alcohol off the premises every day, 08:00 to 23:00 hours. The application is within the Cumulative Impact Zone (CIZ) and therefore subject to the special policy on cumulative impact as set out in the Statement of Licensing Policy.

Our policy states that applications for new premises licences will be refused following relevant representations unless the applicant has demonstrated that their application will have no negative cumulative impact. The special policy will only be overridden in exceptional circumstances.

However, the policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the cumulative impact of an area, it may be granted. The impact can be expected to be different for premises with different styles and characteristics. A matrix approach has also been adopted in the policy which

indicates that an off-licence in the CIZ would not be granted, subject to the special policy.

Representations were received from Sussex Police, and the Licensing Authority. The representations raised the licensing objectives of the prevention of crime and disorder, prevention of public nuisance, the protection of children from harm and cumulative impact.

The police are concerned about further increasing the availability of alcohol in an area already suffering from high levels of crime and disorder, and many existing licensed premises. They are concerned that an additional licence will add to negative cumulative impact. There is also the risk of alcohol being consumed within open spaces close by increasing anti-social behaviour and proxy sales to children and those dependant on alcohol.

Both the police and licensing authority point to the lack of reference by the applicant to the SOLP and failure to address or acknowledge the location of the premises in the heart of the CIZ as the policy expects or show how their application will not add to the problems faced in the area. As guardians of the SOLP the licensing authority are thus concerned that the application is contrary to the policy and cannot identify any exceptional circumstances in relation to the application. The police invite the panel to consider refusing the application but attach a set of conditions that they contend may mitigate some risk if the panel were minded to grant the application.

The applicant's agent addressed the panel. His client was willing to accept all the police conditions. He would also offer a condition whereby the premises staff received training from an external agency on an annual basis. He stressed that this was a shop selling alcohol among other groceries and so was not an off-licence in the traditional sense. He pointed to the SOLP which stated that shops where the principal product sold was fresh produce may be considered more favourably. It was contended that this therefore should constitute an exception to the special policy and that the conditions agreed mitigated the risk.

During questions from the panel and others, it was established that the applicant did not have experience running a licensed premises but had general retail experience and was now a personal licence holder. The applicant would be willing to reduce the hours for sale of alcohol if that was a requirement from the panel. During the discussion a condition was also offered on behalf of the applicant to the effect that the alcohol sold would be ancillary to groceries excluding vapes and tobacco and that this would be evidenced by till receipts. This would mean that alcohol sales would not exceed the sale of groceries in any one transaction.

The panel has carefully considered this application on its merits and in light of the concerns raised by the Responsible Authorities and submissions on behalf of the applicant. The panel is very mindful of the location of these premises in the centre of the CIZ and that the police have provided evidence of high levels of crime and disorder in the area and a relatively high number of existing off-licences close by.

The applicant made no reference to the location of the premises in their application. The panel can see nothing exceptional about the business as it is similar to many other premises close by who sell groceries alongside alcohol. It has given consideration to the condition offered by the applicant whereby alcohol is ancillary to other groceries but considers that such a condition would be difficult to manage in practice and could lead to friction. The lack of experience of the applicant in managing licensed premises was also a concern given the location of these premises within such a challenging area and the complex and detailed nature of the conditions accepted and proposed. It was not considered that reducing the hours for sale of alcohol would mitigate the risk as challenges such as proxy sales, street drinking and anti-social behaviour existing during the day too.

Overall, the panel are concerned that this would be another premises selling alcohol for consumption off the premises and sharing the concerns of the police and licensing authority consider it is likely to add to the cumulative impact of problems already in the area and thus undermine the licensing objectives. As already stated, the panel does not consider that exceptional circumstances have been shown in this case. The application is therefore refused.

The minutes of the panel will be available on the Council's website under the rubric 'Council and Democracy'.

#### Appeal Rights

(Section 181 and schedule 5, paragraph 1 of the Licensing Act 2003)

The applicant may appeal against the decision to refuse the licence.

All appeals must be made to Magistrates' Court, Edward Street, Brighton, within 21 days of deemed

delivery of this letter. Delivery will be deemed to have been effected on the second working day

after posting. A fee is payable upon lodging an appeal

**a) FIELD\_TITLE**