



Brighton & Hove
City Council

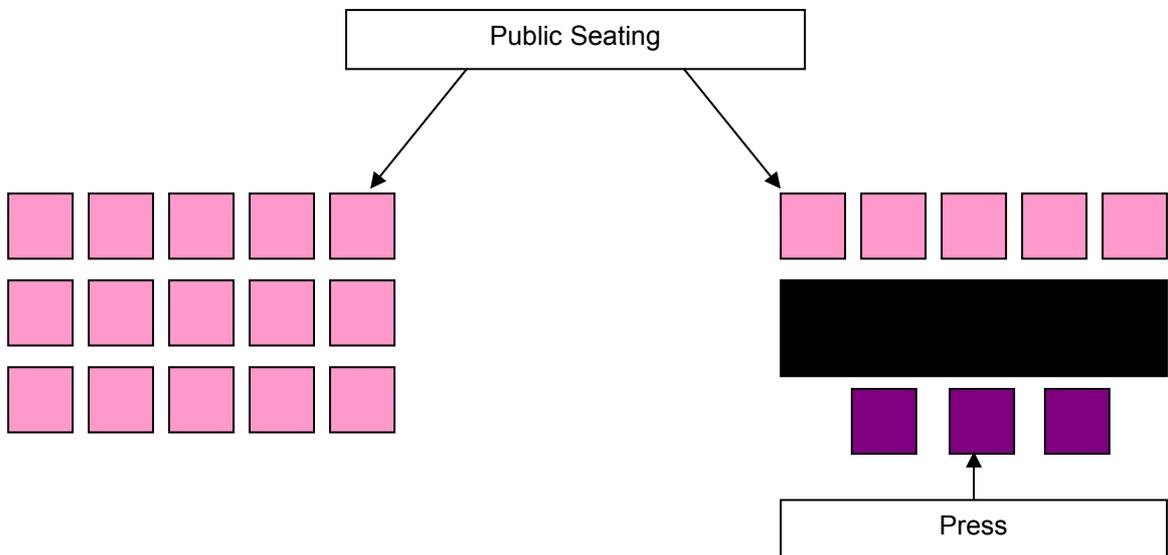
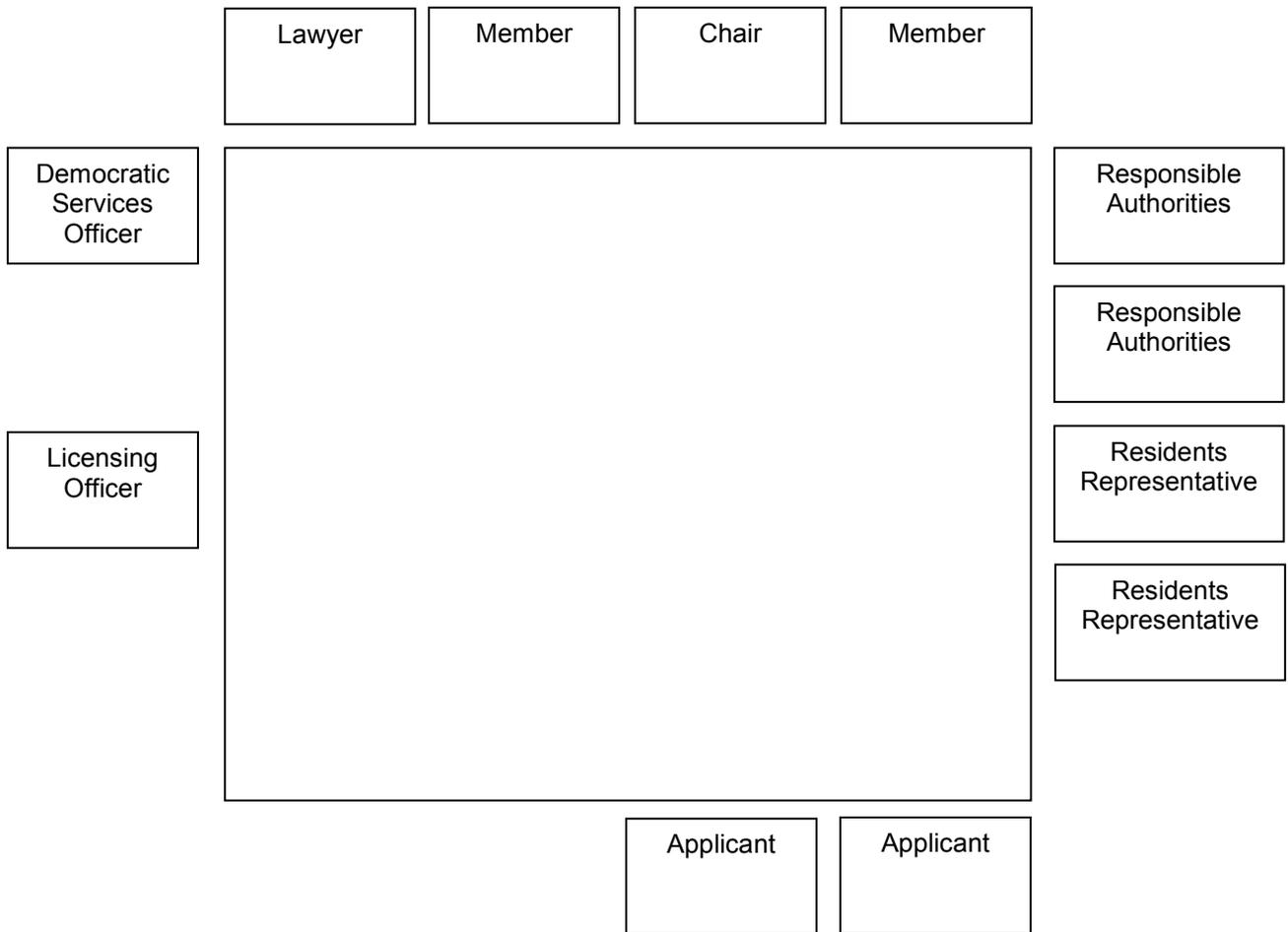
Licensing Panel

(Licensing Act 2003 Functions)

Title:	Licensing Panel (Licensing Act 2003 Functions)
Date:	20 December 2011
Time:	10.00am
Venue	Committee Room 3, Hove Town Hall
Members:	Councillors: Deane, Cobb and Pidgeon
Contact:	Ross Keatley Democratic Services Officer 01273 291064 ross.keatley@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

103. TO APPOINT A CHAIRMAN FOR THE MEETING

104. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the main Licensing Committee may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (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 2 of the Agenda states in its heading either that it is confidential or 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 categories of exempt information is available for public inspection at Brighton and Hove Town Halls.

105. WINE ME UP - APPLICATION FOR A VARIATION OF A PREMISES LICENCE 1 - 20

Contact Officer: Felicity Broder Tel: 295347
Ward Affected: Hanover & Elm Grove

106. ROLYN'S NEWS REVIEW COMMITTEE REPORT 21 - 46

Contact Officer: Tom Roberts Tel: 294432
Ward Affected: St Peter's & North Laine

NOTE: *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.*

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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For further details and general enquiries about this meeting contact Penny Jennings, (01273 291064, email ross.Keatley@brighton-hove.gov.uk or email democratic.services@brighton-hove.gov.uk

Date of Publication - Monday, 12 December 2011

LICENSING PANEL

(Licensing Act 2003 Functions)

Agenda Item 105

Brighton & Hove City Council

Subject:	Application for a Variation of a Premises Licence under the Licensing Act 2003		
Premises:	Wine Me Up, 7 Lewes Road, Brighton, BN2 3HP		
Licence Holder:	Cenk Daldeniz of Bright Time Limited		
Date of Meeting:	20 December 2011		
Report of:	Head of Environmental Health & Licensing		
Contact Officer:	Name:	Sarah-Jane McNaught	Tel: 294431
	Email:	Sarah.McNaught@brighton-hove.gov.uk	
Ward(s) affected:	Hanover and Elm Grove		

FOR GENERAL RELEASE

1. PURPOSE OF THE REPORT:

- 1.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Wine Me Up.

2. SUMMARY OF THE APPLICATION PROCESS:

- 2.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Wine Me Up.

- 2.2 The application is for:

A Variation of a Premises Licence under the Licensing Act 2003.

The application proposes:
Extend the hours for the sale of alcohol

- 2.2.2 Part P of the application is detailed at Appendix A

- 2.3 Summary table of existing and proposed activities

	Existing	Proposed
M Supply of Alcohol	Off the Premises Every Day 10.00 – 00.00	Off the Premises Sunday – Thursday 10.00 – 01.00 Friday – Saturday 10.00 – 02.00
O Hours premises are open to public	Every Day 10.00 – 02.00	Sunday – Thursday 10.00 – 01.00 Friday – Saturday 10.00 – 02.00

- 2.4 Existing licence is attached at Appendix B.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The premises does not fall in the Cumulative Impact Area or the Special Stress Areas.
- 3.2.1 Representations Received:
Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:
- 3.2.2 One representation was received. It was received from a local Councillor.
- 3.2.3 The representation received had concerns relating to Prevention of Crime and Disorder and Prevention of Public Nuisance.
- 3.2.5 Full details of the representation is attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

4. CONSULTATION

Commentary on Licensing Policy

- 4.1 The following extracts from Brighton & Hove City Council Statement of Licensing Policy are considered relevant to this application and 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 vicinity.
- 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
- 1.10.4 The licensing authority's preferred position is to ensure planning permission is in place before an application for a licence is made.

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 designated premises supervisor (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.
- 2.5 Measures put in place should support the intentions of Operation Marble (police operational order refers), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the City Centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

2.7 The Licensing Authority will support:

- 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.
- 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.

2.7.12 Enforcement will be achieved by the enforcement policy.

2.9 Street drinking

The area around the Level is considered high risk for street drinkers and the Licensing Authority will have regard to prevention of crime and disorder by virtue of street drinking and antisocial behaviour when considering applications in this area.

In respect of the prevention of public nuisance

4.1 Planning, building control and licensing will be properly separated to avoid duplication and inefficiency. Granting of licences will not relieve applicants of the need to apply for planning permission or building control consent and there is an expectation that these issues will have been explored before licensing applications are submitted. Applicants are recommended to obtain correct planning consents prior to applying for a licence to avoid potentially inoperative licences.

4.2 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke)

4.6 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

4.7 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre, 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.

- 4.8 While each application will always be considered on its merits, as an indication the St James's Street area and the North Laines/area will be considered residential neighbourhoods, and East Street a mixed neighbourhood.
- 4.9 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 4.10 below).
- 4.11 Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

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.

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: Karen Brookshaw Date: 05.12.2011

5.2 Legal Implications:

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: 05.12.2011

5.3 Equalities Implications:

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.

5.4 Sustainability Implications:

Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

5.5 Crime & Disorder Implications:

Licensing policy aims to prevent crime and disorder and protect public safety.

5.6 Risk and Opportunity Management Implications:

Licensing is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.

5.7 Public Health Implications:

Licensing Policy aims to implement and maintain risk and protective factors regarding the misuse of alcohol and drugs.

5.8 Corporate / Citywide Implications:

The success of the city's tourism strategy requires a safe, attractive city centre to improve competitiveness. The Act may significantly change night time economy

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part P of the Application
2. Appendix B – Part A of Premises Licence
3. Appendix C – Representation
4. Appendix D – Map of area

Documents in Members' Rooms

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy

Background Documents

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council Statement on Licensing Policy.

APPENDIX A

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

WE DO NOT ENVISAGE THAT WE WILL STAY OPEN UNTIL EVERYDAY- IT WILL DEPEND ON CUSTOMER DEMAND. BUT WE HAVE APPLIED FOR A LATE LICENSE IN ORDER NOT TO WORRY ABOUT TIMES.

b) The prevention of crime and disorder

THE ONLY IDs THAT WILL BE ACCEPTED ARE PASSPORTS, DRIVING LICENSES WITH A PHOTOGRAPH OR PORTMAN GROUP PROOF OF AGE CARDS BEARING "PASS" MARK HOLOGRAM. ON BUSY DAYS, WE WILL HAVE 2 STAFF ON IN THE LATE EVENINGS. ALCOHOL WILL NOT BE ALLOWED TO BE CONSUMED ON THE VICINITY OF THE PREMISES. THERE WILL BE A PANIC BUTTON & TELEPHONE BEHIND THE COUNTER

c) Public safety

THERE IS A CCTV TO POLICE STANDARDS THAT WILL COVER THE DOOR ENTRANCE & ALCOHOL SALES AREA. NO ALCOHOL WILL BE ALLOWED TO BE DRUNK IN THE VICINITY OF PREMISES.

d) The prevention of public nuisance

SUITABLE SIGN AT DOOR EXIT TO REQUEST CO-OPERATION TO MAKE AS LITTLE NOISE AS POSSIBLE WHEN LEAVING. PATRONS WILL BE ASKED NOT TO HANGAROUND & TALK OUTSIDE THE PREMISES AND ASKED ~~NOT~~ TO LEAVE QUIETLY. STAFF WILL BE AWARE OF NOISE THAT COULD DISTURB NEIGHBOURS AND WILL KEEP IT TO A MINIMUM

e) The protection of children from harm

THE ACCEPTABLE IDs ARE PASSPORTS, DRIVING LICENCES WITH PHOTOGRAPH AND "PASS" HOLOGRAPHIC GROUP PROOF OF AGE CARD.
ANY GROUP OF YOUTHS HANGING AROUND OUTSIDE THE PREMISES WILL BE ASKED TO LEAVE QUIETLY

APPENDIX B

**Schedule 12
Part A**

Regulation 33, 34

**Premises Licence
Brighton and Hove City Council**

Premises Licence Number

1445/3/2010/01324/LAPREN

Part 1 – Premises Details

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

Wine Me Up
7 Lewes Road
Brighton
BN2 3HP

Telephone number

Where the licence is time limited the dates -

Licensable activities authorised by the licence

Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol

Every Day 10:00 - 00:00

The opening hours of the premises

Every Day 10:00 - 02:00

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

Alcohol is supplied for consumption off the Premises.

Part 2

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

Bright Time Ltd
7 Lewes Road
Brighton
BN2 3HP

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

Registered Business Number 6400146

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

Tayfun Ozturk

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 1 - 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

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.

Annex 2 – Conditions consistent with the Operating Schedule

The Prevention of Crime and Disorder:

1) Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises externally and internally to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police. 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 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. 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 certain footage onto a disk for the police without difficulty or delay.

Public Safety:

- 2) The applicant will have two members of staff on the premises from 21:00hrs to 00:00hrs Friday and Saturday whilst alcohol is on sale.

The Prevention of Public Nuisance:

- 3) Suitable signage will be displayed at the exit requesting patrons to respect neighbours and leave quietly.
- 4) Patrons congregating or talking loudly outside the premises will be asked to move on quietly and quickly.
- 5) Staff will be trained to keep noise to a minimum when disposing of rubbish and closing up.

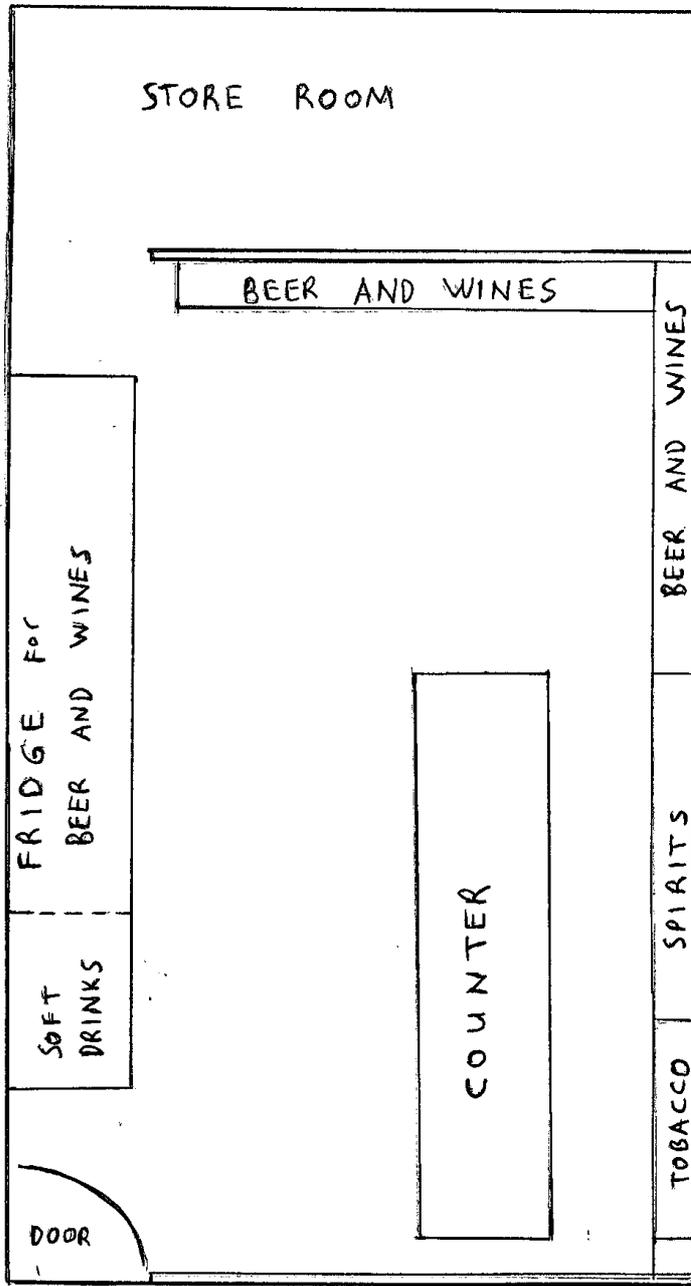
The Protection of Children from Harm:

- 6) The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The 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.
- 7) Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations of the premises.
- 8) All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive 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 at intervals of no less than 8 weeks.
 - All age-restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police and Brighton & Hove Trading Standards Service upon request.
- 9) The premises shall at all times maintain and operate an age-restricted sales refusals 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 Brighton & Hove Trading Standards.

Annex 4 – Plans

FLOOR PLAN

7 Lewes Road BN2 3HP



LEWES ROAD

APPENDIX C

Jean Cranford
Licensing Manager
Environmental Health & Licensing
Brighton & Hove City Council
Bartholomew House
BRIGHTON
BNI IJP

Con: 30.11.11
SJM

(A)



30th November 2011

VALID
C+D
AN.

Dear Jean,

WINE ME UP, 7 Lewes Road BN2 3HP I445/3/2010/01324/LAPREN – application for variation of premises license

As a ward councillor representing Lewes Road and surrounding area, I wish to make a representation with regard to the application for a variation of premises license for Wine Me Up, 7 Lewes Road. I am concerned that this application will have a detrimental impact upon the licensing objectives of the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

The application is for variation to sell alcohol up to 01.00 Sunday to Thursday, and to 02:00 on Friday and Saturday. The existing license is to open 7 days a week to 01:00, but for sale of alcohol only until 12:00 midnight.

Despite being a busy local transport corridor and local shopping area, Lewes Road between the Level and Vogue gyratory is predominantly a residential area. There are many residents living in flats above small shops, some houses front the road and in the adjacent terraced side streets there is a very high density of residential population.

This area already suffers from a considerable degree of night time noise and antisocial behaviour from those living within the area and those passing through. There are now very many licensed establishments along this stretch of Lewes Road, with an unbalancing proliferation in off-licenses in recent years. I am concerned that later opening and alcohol sales at Wine Me Up will have an additional detrimental impact on crime and disorder and public nuisance in the vicinity as late night revellers are drawn to the premises especially those dispersing from the city centre.

The Council's Statement of Licensing Policy (section 4.8) states an appropriate maximum terminal hour for 'residential' areas is 23.30, while for 'mixed' areas it suggests 02:00. For clarity, the policy cites North Laine and St James Street as examples of what is meant by a 'residential' area, whereas it defines East Street as a 'mixed' area.

The area around 7 Lewes Road, with its predominately residential and small retail composure, and out of centre location and nature, is more comparable with St James Street and North Laine. By contrast, Lewes Road bears little relation to the distinctly city centre make up of East Street, where high volume pubs, restaurants and the taxi rank dominate, the

night time scene. I would therefore suggest that it would be far more appropriate for a terminal hour of 23:30 to be applied to these premises than 02:00.

I have discussed the application at a meeting of the Triangle Community Group, which represents the area between Lewes Road and Upper Lewes Road, and members shared my concerns with the application.

I would request that a licensing panel determine the application, and by way of refusal of the application, continue to maintain the current hours of alcohol sales terminating at midnight on every night of the week.

Yours sincerely,

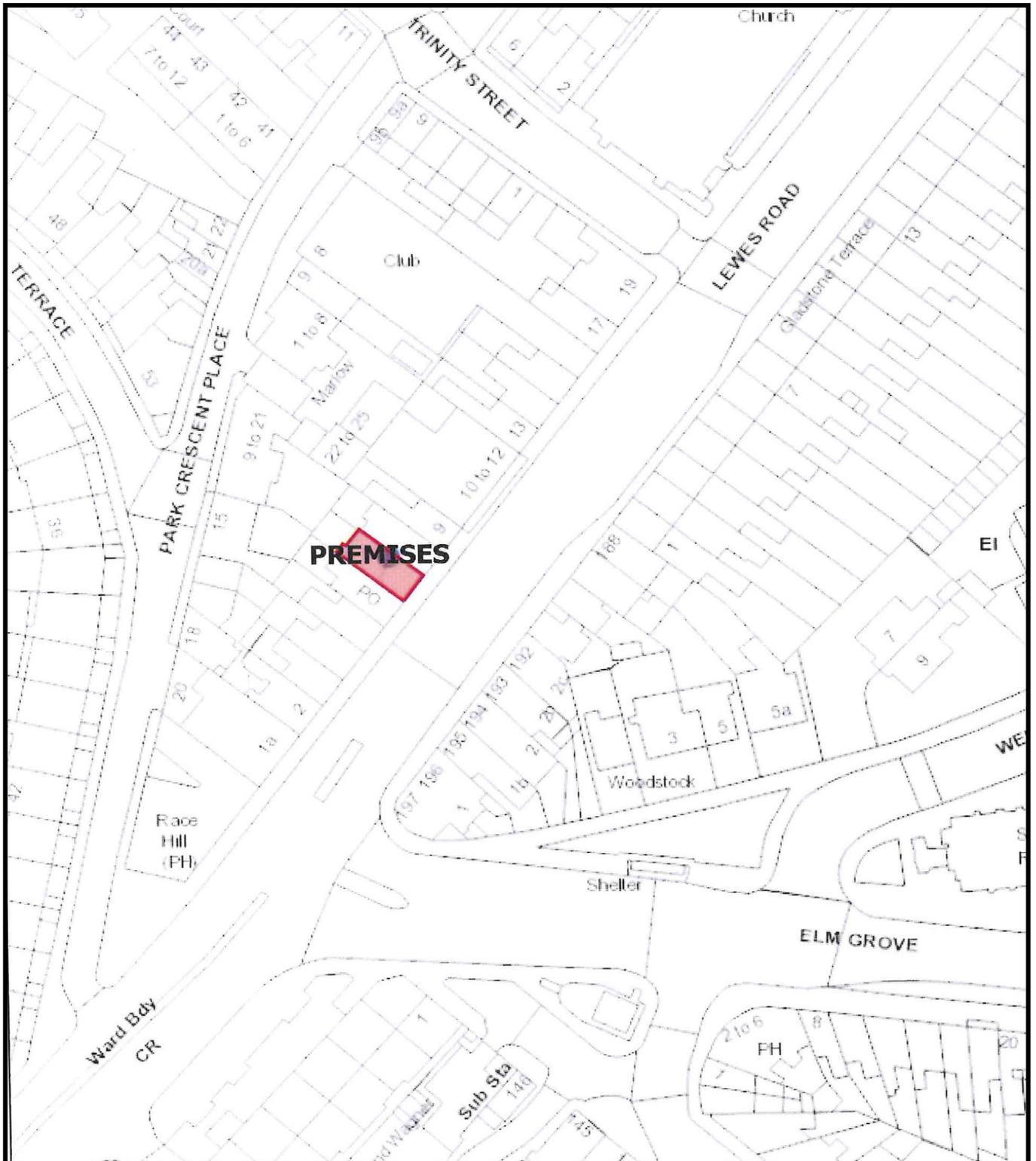
Councillor Pete West
Green, St Peter's & North Laine Ward

Tel: 07825 387373

Pete.west@brighton-hove.gov.uk

c/o King's House, Grand Avenue, Hove

APPENDIX D



Licensing Panel (Licensing Act 2003 Functions)

Agenda Item 106

Brighton & Hove City Council

Subject:	Review of a Premises Licence under the Licensing Act 2003		
Premises:	Rolyn's News 57A North Road Brighton East Sussex BN1 1YD		
Licence Holder:	Mina Bashir		
Date of Meeting:	20 December 2011		
Report of:	Head of Planning and Public Protection		
Contact Officer:	Name:	Jim Whitelegg	Tel: 292438
	E-mail:	Jim.whitelegg@brighton-hove.gov.uk	
Wards Affected:	St Peter's And North Laine		

FOR GENERAL RELEASE

1. Purpose of the report

- 1.1 To review a Premises Licence for Rolyn's News under the Licensing Act 2003

2. Summary of review process

- 2.1 Existing licence attached at Appendix A
- 2.2 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.
- 2.2 An application was received by the Licensing Authority from Trading Standards, to review the licence granted to the premises known as Rolyn's News, 57A North Road, Brighton, East Sussex, BN1 1YD.
- 2.4 The grounds for the review relates to the following Licensing objectives:

- Prevention of Crime and Disorder

Full details of the grounds for the review are attached in Appendix B. Supporting evidence is attached in Appendix E.

2.5 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.

3 Representations received

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

3.2 One representation has been received from Police on the grounds of the Prevention of Crime and Disorder supporting the application submitted by Trading Standards seeking the revocation of the licence.

3.3 Full details of the representations are attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

4. Commentary on licensing policy

4.1 The following extracts from Brighton & Hove Licensing Policy are considered relevant to this application and 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 focussed on matters which are in the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity.
- 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 recommends 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 staff 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.
- 2.2 It is expected that the designated premises supervisor (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.
- 2.7.1 Diversity of premises
- This attempts to ensure that there is a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It will provide resilience against changing trends and attract a more diverse range of customers from different age groups, different communities of interest and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This in turn may 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 encourages mixed use venues, varying hours of business and a wider age balance.

2.7.6 Care, control and supervision of premises

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 will suggest crime prevention measures in relation to, for example, the internal layout of the premises, close circuit television, help points, lighting and security staff. The Police may ask for conditions which support such measures to be imposed when planning or licensing applications are granted, e.g. type of licence, capacity, opening time restrictions.

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.

2.7.12 Enforcement will be achieved by the enforcement policy.

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.

6.7 This policy avoids duplication with other regulatory regimes wherever possible.

6.8 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. In addition

the Licensing Authority will have regard to its publishing Licensing Enforcement Policy in making enforcement decisions.

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.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

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 new regime

Finance Officer Consulted: Karen Brookshaw Date: 05/12/11

5.2 Legal Implications:

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: 07/12/11

5.3 Equalities Implications:

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.

5.4 Sustainability Implications:

Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

5.5 Crime & Disorder Implications:

Licensing policy aims to prevent crime and disorder and protect public safety.

5.6 Risk and Opportunity Management Implications:

Licensing is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.

5.7 Corporate / Citywide Implications:

The success of the city's tourism strategy requires a safe, attractive city centre to improve competitiveness. The Act may significantly change night time economy

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part A of Premises Licence
2. Appendix B – Review Application
3. Appendix C – Representation
4. Appendix D – Map of area
5. Appendix E – Supporting Documentation

Documents in Members' Rooms

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2011): The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy

Background Documents

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2011): The Licensing Act 2003 – Brighton & Hove City Council Statement on Licensing Policy.

Schedule 12
Part A
Premises Licence
Brighton and Hove City Council

Premises Licence Number

1445/3/2011/02486/LAREV

Part 1 – Premises Details

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

Rolyn's News
57A North Road
Brighton
East Sussex
BN1 1YD

Telephone number 01273 732058

Where the licence is time limited the dates

Licensable activities authorised by the licence

Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol

Monday – Sunday: 08:00 - 01:00

The opening hours of the premises

Every Day 06:00 – 01:00 -

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

Alcohol is supplied for consumption off the premises

Part 2

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

Mina Bashir
19 Burwash Road
Hove
BN3 8GQ

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

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

Dina Abadeir
37 Erroll Road
Hove
BN3 4QF

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: 509716

Licensing Authority: London Borough Of Brent

Annex 1 – 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

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.

Annex 2 – Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder

The premises will employ a mobile support unit, where all personnel carrying out security will be registered with The Security Industry Authority.

Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police. 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 the 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.

Prevention of Public Nuisance N/A

Public Safety N/A

Protection of Children from harm

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 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.

All spirits to be located behind the counter and out of reach of the general public. Self service of wine, beer, cider.

All alcohol in public areas is properly secured and fully concealed between 0600 – 0800.

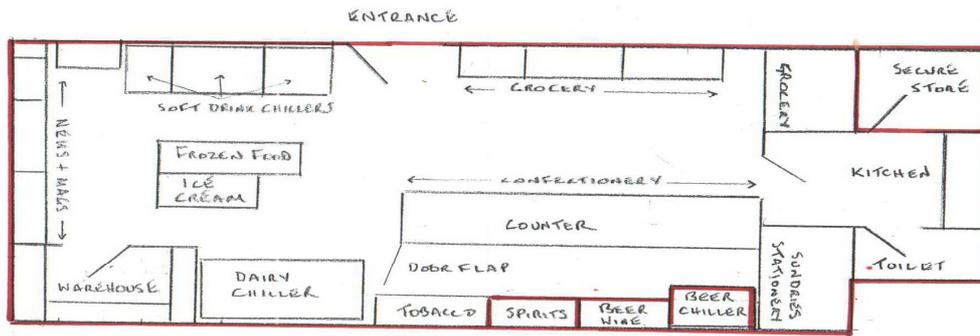
All staff members engaged, or to be engaged, in selling alcohol on the premises shall received the following training in age-restricted sales:

- Training (including age restricted sales) to be conducted by Trading Standards. This must be completed, and fully documented, prior to the sale of alcohol by the staff member; and refresher training to be conducted on an annual basis.
- All age-restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police and Brighton & Hove Trading Standards Service upon request.

The premises shall at all times maintain and operate an age-restricted sales refusals. 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

Annex 4 – Plans



Rolyns News
 57a North Road
 Brighton
 East Sussex
 BN1 1YD
 Drawing No. rb/rn/25/07/02/
 24th July 2002
 Scale 1:50

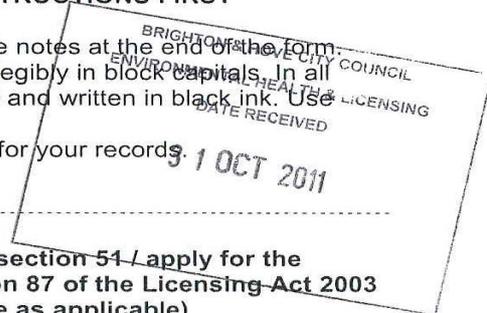
APPENDIX B

Rec'd: 31/10
 Cons: 28/11
 JW Valid PD 2011/02486/LAREV

Application for the review of a premises licence or club premises certificate 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 John Peerless
 (Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Rolyns News 57A North Road	
Post town Brighton	Post code (if known) BN1 1YD

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

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

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)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address John Peerless Mountford Head of Trading Standards Trading Standards Brighton & Hove City Council Bartholomew House Bartholomew Square Brighton BN1 1JP
Telephone number (if any) 01273 292486
E-mail address (optional) John.peerless@brighton-hove.gov.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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

Alcohol has been seized from the premises for being counterfeit.

Trading Standards state that the licensing objective, the prevention of crime and disorder has not been met.

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

Rolyns News is a small off-licence and convenience store at 57a North Road, Brighton, BN1 1YD. The Premises Licence Holder is Mina Bashir and the Designated Premises Supervisor (DPS) is Dina Abadeir. The licence was transferred to Mina Bashir in October 2009.

Trading Standards have identified a problem in Brighton & Hove with premises selling illegal alcohol. Illegal alcohol includes counterfeit alcohol, non duty paid (smuggled and diverted) alcohol, incorrectly described alcohol, incorrectly labelled alcohol and alcohol with incomplete or no traceability. As a result Trading Standards have been working in partnership with HMRC and Sussex Police to tackle the problem and have seen a progression in the tactics used in order to introduce illegal alcohol in to the market. Trading Standards have issued a number of press releases relating to illegal alcohol, in an attempt to inform both the general public and businesses of the problem and also the potential risks to any business found to have illegal alcohol on their premises.

Non payment of duty and VAT has an impact on both the local and national economy. Businesses willing to stock illegal alcohol receive an unfair trading advantage over other businesses. There is also a risk of counterfeit products entering the market with the inherent risks to the public's health as a result of the use of industrial alcohol and other chemicals not intended for human consumption, poor production methods and quality control and no traceability of the products.

A joint Police and Trading Standards inspection took place at the premises on 8 July 2011. During the course of the inspection Miss Macbeth, Fair Trading Officer discovered and seized 4 x 70cl bottles of High Commissioner whisky with false rear labels and duty stamps attached; 4 x 70cl bottles of Glens vodka with false rear labels and duty stamps attached; 1 x 35cl bottle of Glens vodka which Miss Macbeth suspected was counterfeit due to irregularities with the labelling and bottle; 3 x 70cl bottles of Stolichnaya vodka which Miss Macbeth suspected was counterfeit due to irregularities with the labelling.

The 35cl bottle of Glens vodka and the bottles of Stolichnaya have been confirmed as being counterfeit.

Other problem alcohol was also discovered both on display and being stored in the shop; these included the following items: Aros vodka, there have been incidences where this vodka has been discovered to be non duty paid; Cin Gin, there have been incidences where this gin has been discovered to be non duty paid; Italian wine with no lot markings in breach of Trading Standards enforced legislation and bottles of Polish lager with no English labelling in breach of Trading Standards enforced legislation.

There is a legal requirement for the owner of the business to provide traceability (invoices) for all food items sold in the shop. Whilst some invoices have been provided, these do not relate to all of the stock concerned and therefore the Premises Licence Holder has been unable to demonstrate that the duty and VAT has been paid on all of the stock identified. Further there are a number of products which are either counterfeit and/or the rear labels containing the duty stamp are false and therefore duty and VAT hasn't been paid.

Guidance issued under S182 of the Licensing Act 2003 lists certain criminal activity which may arise in connection with licensed premises which the Secretary of State considers should be treated particularly seriously. This list includes the use of the

licensed premises for the sale of smuggled alcohol. This guidance states that even in the first instance revocation of the premises licence is appropriate where the premises have been used for the sale of smuggled alcohol.

At all relevant times Mina Bashir was the Premises Licence Holder and Dina Abadeir the DPS of these licensed premises. Counterfeit/non duty paid/smuggled alcohol has been discovered on these premises. Trading Standards request that the Committee give serious consideration to the revocation of the premises licence.

Please tick yes

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

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

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

Date 27 October 2011

Capacity Head of Trading Standards

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

Rec: 31/10/11
Cas: 28/11/11

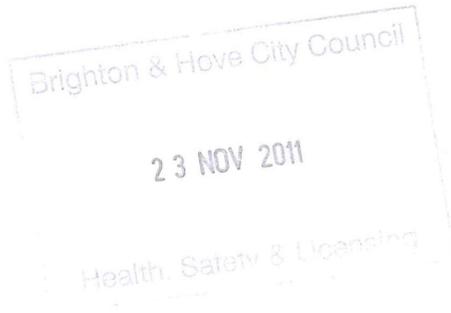
2011/02486/LAREN
JW

PCD



Sussex Police
Serving Sussex

www.sussex.police.uk | 0845 60 70 999



Brighton & Hove Licensing Unit
4th Floor
Police Station
John Street
BRIGHTON
BN2 0LA

Tel: 0845 60 70 999 ext 50826
Fax: 01273 66 55 96

Email: david.bateup@sussex.pnn.police.uk

22nd November 2011

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

Dear Sirs,

RE: APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR ROLYN'S NEWS, 57A NORTH ROAD, BRIGHTON, BN1 1YD, UNDER THE LICENSING ACT 2003.

With reference to the review application dated 27th October 2011 by Brighton & Hove City Council Trading Standards in respect of the above premises, Sussex Police wish to make representations on the grounds of the prevention of crime and disorder.

A detailed witness statement has been prepared by PC Baldwin in respect of the above premises, which is being presented separately as part of the evidence bundle submitted by Trading Standards as part of their review application.

Sussex Police support the review application by Trading Standards, and in view of the serious nature of the crime associated with the premises, support the request for revocation of the premises licence.

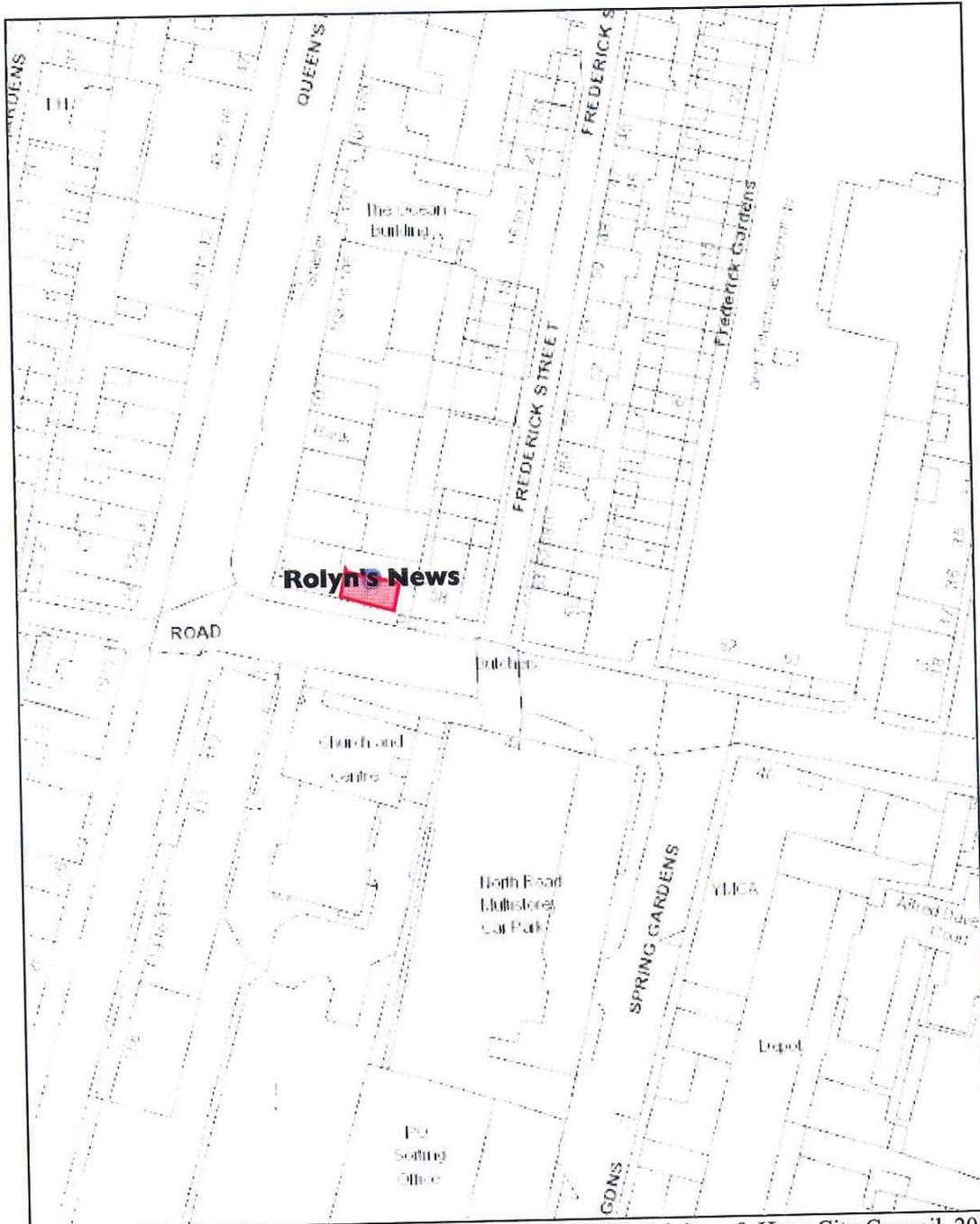
Should the Committee be so minded not to revoke the licence, then Sussex Police will make available at the hearing a list of new and revised conditions which we suggest are necessary to bring the licence up to current expectations in the City.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Graham Bartlett', with a long horizontal stroke extending to the right.

Graham Bartlett
Chief Superintendent
Divisional Commander
Brighton & Hove Division

APPENDIX D



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