





**Brighton & Hove  
City Council**

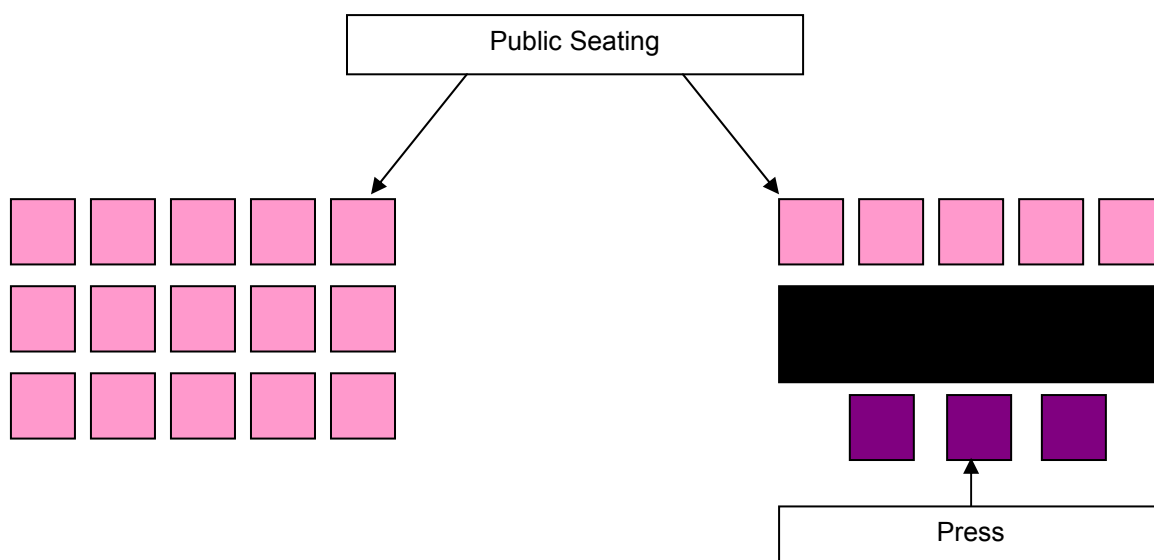
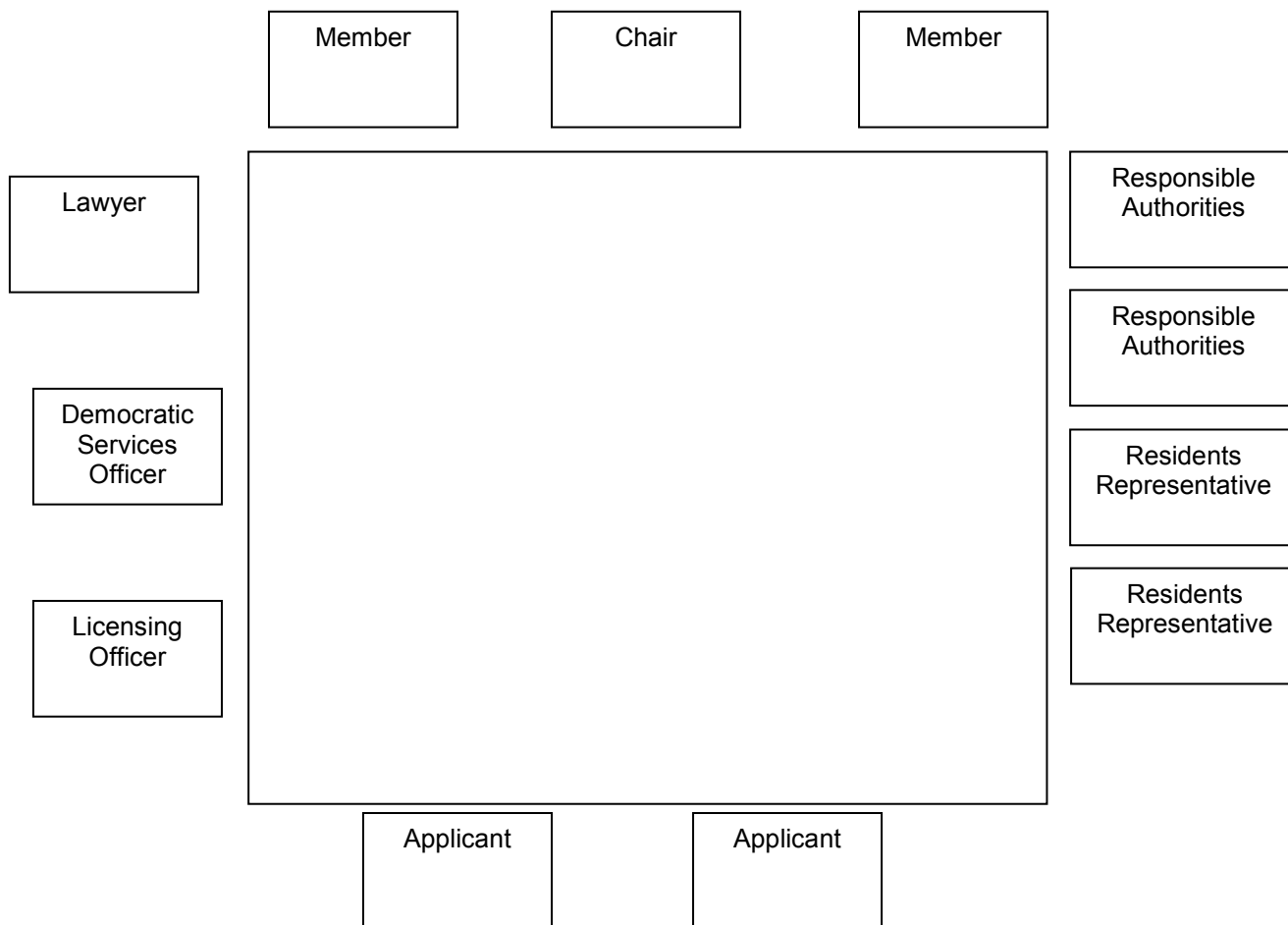
# Licensing Panel

(Licensing Act 2003 Functions)

Title:	<b>Licensing Panel (Licensing Act 2003 Functions)</b>
Date:	<b>7 May 2013</b>
Time:	<b>10.00am</b>
Venue	<b>Committee Room 1, Brighton Town Hall</b>
Members:	<b>Councillors:</b> Lepper, Hawtree and C Theobald
Contact:	<b>Nathan Birch</b> Democratic Services Officer 01273 291065354 penny.jennings@brighton-hove.gov.uk

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# Democratic Services: Meeting Layout



## AGENDA

### 119. TO APPOINT A CHAIR FOR THE MEETING

### 120. PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests not registered on the register of 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.*

### 121. CO-OP LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

1 - 22

Ward Affected: Westbourne

**NOTES:** *Applicants, Agents, Representatives from Statutory Authorities and Other Interested Parties are kindly*

## LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

***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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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email [penny.jennings@brighton-hove.gov.uk](mailto:penny.jennings@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Friday, 26 April 2013

# Licensing Panel (Licensing Act 2003 Functions)

## Agenda Item

Brighton & Hove City Council

<b>Subject:</b>	<b>Application for a Variation of a Premises Licence under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>Co-Op 67 - 71 Portland Road Hove BN3 5DQ</b>		
<b>Applicant:</b>	<b>Co-Operative Group Food Ltd</b>		
<b>Date of Meeting:</b>	<b>7 May 2013</b>		
<b>Report of:</b>	<b>Head of Regulatory Services</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Sarah-Jane McNaught</b>	<b>Tel: (01273) 294431</b>
	<b>E-mail:</b>	<b>Sarah.mcnaught@brighton-hove.gov.uk</b>	
<b>Wards Affected:</b>	<b>Westbourne</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

1.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Co-Op

#### 2. RECOMMENDATIONS:

2.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Co-Op

2.2.1 The application is for:

A Variation of a Premises Licence under the Licensing Act 2003

The application proposes:

To vary the hours when licensable activities may take place Monday-Saturday from 08.00-23.00 to 06.00-23.00 and on a Sunday from 10.00-22.30 to 06.00-23.00

2.2.2 Part M of the application is detailed at Appendix A

## 2.3 Summary table of existing and proposed activities

	<b>Existing</b>	<b>Proposed</b>
<b>M Supply of Alcohol</b>	Monday to Saturday 08:00 – 23:00  Sunday 10:00 – 22:30  Christmas Day 12:00 – 15:00  Christmas Day 19:00 – 22:30  Good Friday 08:00 – 22:30	Every Day 06:00 – 23:00

2.4 The existing Premises 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 Representation received had concerns relating to 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 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.

- 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.

### **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. 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

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

2.7.2 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, particularly around St James's Street, promoting a family leisure area on the sea front with a more adult leisure centre at night.

#### 2.7.5 Geographical spread

Spreading the siting of large venues (those with a capacity in excess of 250 people) across the city reduces the problems of dispersing large numbers of people leaving premises in close proximity at the same time. Taxi and bus queues can be flash points for public disorder and violence. A good geographical spread coupled with increased taxi ranks and bus stops near venues reduces waiting time and the potential for crime and disorder. Food led operations are promoted.

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.

2.7.13 Any enforcement checks will include outside drinking areas, looking particularly at noise, and customer smoking areas.

## 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 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)

- 4.8 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.
- 6.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.
- 6.8 Other regulatory regimes  
This policy avoids duplication with other regulatory regimes wherever possible.

## **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 regime.

Finance Officer Consulted: Jeff Coates

Date: 18.04.2013

### **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: 18.04.2013

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

### **Background Documents**

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



## APPENDIX A

### M

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 and e) (please read guidance note 9)

Having had regard to the four licensing objectives and the locality, the following conditions are appropriate.

#### b) The prevention of crime and disorder

1. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System, operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The CCTV cameras and recording equipment must be of sufficient quality to work in normal lighting levels inside the premises at all times. 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 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.
2. The premises will be fitted with a burglar alarm system
3. The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.

#### c) Public safety

The premises licence holder shall ensure that the appropriate fire safety, and health and safety regulations are applied at the premises.

#### d) The prevention of public nuisance

The premises licence holder will, upon request, provide the telephone number of their Customer Relations Contact Centre.

#### e) The protection of children from harm

1. The premises will operate a "Challenge 25" policy or similar scheme 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 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.
2. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.

3. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive the following training in age-restricted sales:
4. 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 prior to the selling of such products. Refresher training will be conducted in accordance with company policies.
5. 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.
6. The premises shall at all times maintain and operate an age-restricted sales refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor at intervals not to exceed 4 weeks and feedback given to staff as relevant. The refusals recording system to be signed and dated by the Designated Premises Supervisor at the time of each review. This refusals recording system shall be available upon request to police staff, Local Authority staff and Brighton & Hove Trading Standards."

## APPENDIX B

### Schedule 12 Part A

Regulation 33, 34

### Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2013/00837/LAPRET

#### Part 1 – Premises Details

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

Co-op  
67-71 Portland Road  
Hove  
BN3 5DQ

**Telephone number**

**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**

Sunday	10:00 - 22:30
Christmas Day	12:00 - 15:00
Christmas Day	19:00 - 22:30
Good Friday	08:00 - 22:30
Excluding Sundays	08:00 - 23:00

**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**

Co-operative Group Food Ltd  
1 Angel Square  
Manchester  
M60 0AG

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

Registered Business Number IP26715R

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

Mr D Wenham  
Flat 3  
2 Dorothy Avenue  
Peacehaven  
East Sussex  
BN10 8LP

**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: LN200800482  
Council

Licensing Authority: Lewes District

## **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.

### **Embedded Restrictions**

#### **1. Permitted Hours**

1. Alcohol shall not be sold or supplied except during permitted hours.  
In this condition, permitted hours means:

- a) On weekdays, other than Christmas Day, 08.00 to 23.00.
- b) On Sundays, other than Christmas Day, 10.00 to 22.30.
- c) On Christmas Day, noon to 3 p.m. and 07.00 to 22.30.
- d) On Good Friday, 08.00 to 22.30.

### **Restrictions**

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

*Source Section 60,63,86 Licensing Act 1964*

2. Alcohol shall not be sold in an open container or be consumed on the licensed premises.

*Source Section 164 Licensing Act 1964*

### **3. Credit Sales**

Alcohol shall not be sold or supplied unless it is paid for before or at a time when it is sold or supplied, except alcohol sold or supplied to a canteen or mess.

*Source Section 166 Licensing Act 1964*

**Annex 2 – Conditions consistent with the Operating Schedule - N/A**

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

**Annex 4 – Plans**





## APPENDIX C

VALID  
PAN.

SJM CON ENDS 8/4/13 @

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**From:** Graham Cox  
**Sent:** 08 April 2013 10:27  
**To:** EHL Safety  
**Subject:** FW: Reference application to extend licensing hours at the Co-Op, Portland Road (2013/01415/LAPREV Co-op)

Sir

My original representation (below) was deemed invalid.

My objection concerns the potential disturbance to residents. It is relevant that this store is only 50 yards from a shelter for homeless people, many of whom have problems with alcohol.

We have worked closely with the Shelter (Off the Fence) to ensure that street drinking does not occur in the area, and this extension of hours risks an increase in street drinking (in particular early in the morning and late at night).

Most potential customers during these hours are those with a drink problem, or revellers returning after a night in town.

There is therefore potential for disturbance to customers if this application is granted.

I also still cannot understand why a company with an ethical USP such as they Co-Op see the need for this – but appreciate that view may not represent a valid objection!

Thank you

Graham

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**From:** Graham Cox  
**Sent:** 23 March 2013 07:33  
**To:** EHL Safety  
**Subject:** Reference application to extend licensing hours at the Co-Op, Portland Road (2013/01415/LAPREV Co-op)

Dear Sir

I have been notified that the Co-Op Store in Portland Road have applied to extend the hours for which they can sell alcohol. They wish to extend their alcohol licensing as follows-

- On Mondays to Saturdays to increase the hours when alcohol sales may take place from 08.00-23.00 to 06.00-23.00
- On Sundays to increase the hours when alcohol sales may take place from 10.00-22.30 to 06.00-23.00

I have some concerns over this application and am unsure it is necessary. Why do the Co-Op (who make much of their ethical business practices) feel it is necessary in this residential area to be allowed to extend licensing hours so that they can sell alcohol at 6am 7 days a week?

This store is not a supermarket – it is a large corner shop. It is 50 yards from the base of homeless charity, many of whose clients are street drinkers.

Whilst I appreciate the law and rules may make it difficult to stop the approval of this application, I really do question what benefits it will bring.

Thank you

**Graham Cox**

Conservative Councillor for Westbourne Ward

Opposition Spokesman on Transport

01273 291637

07557082663

[graham.cox@brighton-hove.gov.uk](mailto:graham.cox@brighton-hove.gov.uk)

Website [Cllr Graham Cox](#)

Twitter [@CoxGraham](#)

Facebook <http://www.facebook.com/WestbourneConservatives>

APPENDIX D



