

## **APPENDIX C**

### **Representation**

M&O Trading Ltd  
Top Floor  
Delmon House  
37-39 Church Road  
Burgess Hill  
West Sussex  
RH15 9AE

Dear Sir / Madam,

**BP CON ENDS 03.10.16 VALID PCD & PNN (B)**

#### **New Premise License Application: 1445/3/2016/04928/LAPREN**

I am writing on behalf of M&O Trading Ltd who own and operate the premises known as Hartleys, 55B Arundel Road, Brighton East Sussex, BN2 5TB a few meters along from the property that this applications relates.

M&O Trading Ltd would like to make a representation to the Premises License application for 1B - 2B Whitehawk Road Brighton BN2 5FA, Application number: 1445/3/2016/04928/LAPREN. The grounds for our representation relate to the four licensing Objectives.

#### **Prevention of Crime & Disorder:**

- Another License permitting the sale of alcohol along this parade of shops would lead to an increase in Crime and Disorder.
- There is no reference in the application to the applicant selling beer or larger that has an ABV of over 5.5%. Selling alcoholic beverages with a high ABV% will increase the levels of Crime and Disorder in the community.

#### **Public Safety:**

- The premise is located under and adjacent to numerous private residences. There is no reference in the application to the applicant providing or completing a relevant and thorough risk assessment that will high light any and all Health & Safety or Fire Safety issues, nor is there an undertaking to complete yearly PAT testing on all electrical appliances. In the event of a Fire or other major incident the residents living above the premises could be in mortal danger if the correct plans and

preventative measures are not put in place, adhered to and regularly reviewed and updated.

- The selling of alcohol at 06:00hrs to either the street drinking community or party goers on their way home will pose a risk to public safety and have the potential to cause a public nuisance and increase the risk of Crime and Disorder in the community.

#### **Prevention of Public Nuisance:**

- There is no mention of a delivery schedule in the proposed operating conditions. Late or unsociable deliveries will impact on the local residents and disrupt their right peaceful enjoyment of their own home.
- There is no mention of waste collection schedules or how and where the waste will be stored and collected. The build-up of waste will pose health and hygiene risks as well as the potential for causing foul odours. Unsociable or late / early collections will cause a nuisance to local residents and community as a whole.

We would also ask that special consideration be given to the extremely early for the sale of alcohol in what is largely a residential area on the edge of the councils special stress zone where the Matrix approach for licensing decisions set out on page 20 of the councils STATEMENT OF LICENSING POLICY 2016 states that no new licenses will be approved. I would also like to draw your attention to note 7 and note 8 attached to the Matrix, in particular the lines underlined and in Italics which read:

Note 7;

7) Other Areas consideration will be given to the nature of the area and location in relation to any application. *In a densely residential area for example the concerns of local residents will be relevant when considering applications for off-licences*, pubs or café bars, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing which can be accessed from the following link (see appendix E) and Street Community and Drug Activity Profile. This document is available on the following page of our website

Note 8;

8) *In an area where there are already several existing off-licences and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds.*

Should the council however be minded to grant the license, we ask that it consider the below points from its Licensing Policy:

3.5.3 The Licensing Authority encourage off licences to join the Council led “Sensible on Strength” scheme to reduce the availability of cheap super strength beers and ciders. Off licences voluntarily sign up not to sell cheap super-strength beers and ciders over 6% ABV and operate good practice measures (see 3.5.4), for which they receive an accreditation as a responsible retailer.

4.1.4 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.

Should you wish to discuss any of the points raised above please feel free to contact me.

Regards,  
Paul Hobbs  
On behalf of M&O Trading Ltd

Below are the details listed within the operating schedule to meet the four licensing objectives:

**Prevention of crime and disorder**

CCTV shall be installed with 31 day recording facility.

CCTV shall be of a high standard recording images of persons entering the premises of at least head and shoulders.

CCTV cameras shall record alcohol display areas and point of sale and all other relevant areas

Staff training shall be recorded and updated every 4 months Training shall cover the requirements for ID as part of age verification, how to detect proxy sales, the consequences of underage sales (fines and punishment) , drunks and street drinkers, licensing objectives and other relevant matters as regards the licensing act, and the responsibilities of staff.

The licence holder shall ensure that a refusals register is kept on the premises and that this shall be immediately available upon request of an authorised officer. The register shall record any refused sale of alcohol.

The refusal register shall be inspected on a regular basis by the DPS and signed by the DPS that they have checked the register.

At least 12 months of refusal register details shall be retained and made available upon request by an authorised officer.

An incident register shall be maintained recording all incidents of crime and disorder or other matters.

The incident register shall be inspected on a regular basis by the DPS and signed by the DPS that they have checked the register.

There shall be a documented reporting structure back to the Designated Premises Supervisor (DPS) and premises licence holder which shall include telephone contact numbers.

This reporting document shall be immediately available upon request of an authorised officer

The premises licence holder shall ensure that a ‘challenge 25’ policy is adopted on the premises at all times.

Signage of the ‘challenge 25’ policy shall be prominently displayed on the premises.

Acceptable identification accepted by the premises licence holder, DPS, or other staff members shall be a passport, photo driving licence or PASS accredited identity card.

Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly

Signage shall be prominently displayed warning customers of the legal penalties for purchasing alcohol for any person under the age of 18 years.

### **Agreement**

Brighton & Hove  
Licensing Unit  
4<sup>th</sup> Floor  
Police Station  
John Street  
Brighton  
BN2 OLA

Tel:

3<sup>rd</sup> October 2016

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

### **BP CON ENDS 03.10.16 VALID PCD & PCH (A)**

Dear Mr Whitelegg,

### **RE: APPLICATION FOR A NEW PREMISES LICENCE FOR WHITEHAWK POST OFFICE & STORES, 1b – 2b WHITEHAWK ROAD, BRIGHTON, BN2 5FA, UNDER THE LICENSING ACT 2003. 1445/3/20146/04928/LAPREN.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation in respect of this new application on the grounds of the prevention of crime and disorder and the protection of children from harm.

There is an existing premises licence for this shop, but the hours for the off sales supply of alcohol are until 8 pm. The principal purpose of this new licence application is to extend the hours for the supply of alcohol by a further two hours until 10 pm. The proposed extended hours are in line with the Council Statement of Licensing Policy decision making matrix.

Following discussions between the applicant and Sussex Police, the following new and revised conditions have been proposed to the applicant to go on the new licence, should it be granted in due course. However to date the applicant has not confirmed their acceptance.

Sussex Police consider that these new and revised conditions are necessary to promote the licensing objectives:

### **The Prevention of Crime and Disorder**

This new licence will not come into effect unless and until the existing premises licence No. 1445/3/2009/00451/LAPREN Best One Express, Whitehawk Way, is surrendered.

Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.

- The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- CCTV footage will be stored for a minimum of 31 days
- The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime. A member of staff must be present at all times who can operate the system and supply copies of these images on request to either Police, Council or other authorised Officer.
- The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
- Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.

### **For the Protection of Children from Harm**

The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

- The lawful selling of age restricted products;

- Refusing the sale of alcohol to a person who is drunk.

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed twelve weeks, with the date and time of the verbal reinforcement/refresher training documented.

All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses 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.

Signage advertising the "Challenge 25" policy will be displayed in prominent locations inside the premises.

The premises shall at all times maintain and operate refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant. This refusals book shall be available upon request to police staff, local authority staff and Trading Standards officers.

Yours faithfully,

Nev Kemp  
Chief Superintendent  
Divisional Commander  
Brighton & Hove Division

Brighton & Hove  
Licensing Unit  
4<sup>th</sup> Floor  
Police Station  
John Street  
Brighton  
BN2 OLA

4<sup>th</sup> October 2016

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

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Further to our representation of the 3<sup>rd</sup> October, the applicant has now agreed to the new and revised conditions requested by Sussex Police.

I attach an email confirmation from Mr Jordan on behalf of the applicant.

Accordingly I confirm that subject to the new and revised conditions being added to the new licence, Sussex Police withdraw their representation.

Yours faithfully,

Nev Kemp  
Chief Superintendent  
Divisional Commander  
Brighton & Hove Division

**From:** Robert Jordan

**Sent:** 03 October 2016 20:49

**To:** Bateup David

**Subject:** Re: New premises licence application for Whitehawk Post Office, 1b - 2b Whitehawk Road

Pleased to confirm applicants acceptance of below conditions

