

APPENDIX D

Ms S Cornell
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Date: 5 January 2018
Our Ref: 2017/10945/LICREP/EH
Phone:
Email:

SC CON ENDS 15.01.18 VALID PCD & PPN (A)

Dear Ms Cornell

Licensing Act 2003

Representation in regard to the application to vary a Premises Licence under the Licensing Act 2003 (Ref: 2017/06014/LAPREV)

Re: Nisa (PKA Kingsway Store), 18 Victoria Terrace, Hove BN3 2WB

I write to make a representation on behalf of the Council's Licensing Team, in their capacity as a responsible authority, in relation to the above application for a variation to the existing licence to extend the opening and sale by retail of alcohol hours as follows:

- Alcohol Hours (off consumption) – Monday Sunday – 7am – Midnight

The existing premises licence allows the sale of alcohol for off consumption Monday to Saturday from 8am – 11pm and Sunday 10am -10.30pm.

I make my representation on the ground that the extended licence will undermine the licensing objectives of prevention of crime and disorder and public nuisance. I would like to clarify that the variation is also to amend the plan on the licence and I have no objection to this part of the application.

The Licensing Authority and the Police/Local Authority partnership Alcohol Programme Board are concerned about emerging themes concerning the availability of alcohol, in particular, pre-loading, street drinking and binge drinking.

Brighton & Hove City experiences local problems and local trends such as pre-loading, binge drinking and street drinking created by cheap alcohol and fierce, localised price competition, particularly between off-licence stores and supermarkets.

The Council's Statement of Licensing Policy includes a Matrix approach for licensing decisions with provisions for a terminal hour for all classes of licensed premises in a particular area. The Matrix Model recognises the diverse operation and different risks

presented by different classes of licensed premises. It provides a vision of what the licensing authority would like to see within its area and gives an indication of likelihood of success or otherwise to investors and local businesses making applications. Each application is still considered on its individual merit and there is discretion to depart from the policy where justified.

Guidance issued under S182 of the Licensing Act 2003 states in paragraph 8.38 that in completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. The guidance goes on to say in paragraph 8.40 that applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a matrix-decision making policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application, any measures they will take to mitigate the impact, and why they consider the application should be an exception to the policy. On looking at the application form, particularly section 16 (licensing objectives), it seems to me that despite the applicant putting in some measures they still have little understanding of these points and has not demonstrated a potential exception to our policy.

The decision-making Matrix on page 17 of the Council's Statement of Licensing Policy states that outside of the CIZ, SSA & Marina Off licences may be granted up until 11pm (or earlier if a densely residential area). The aim is to reduce availability of alcohol to address late-night street drinking, binge drinking and post-loading. There is an obvious disconnect in where alcohol is sold for off consumption and any subsequent nuisance or crime and disorder. Causality of alcohol sale, consumption, nuisance and impact is difficult to link back to the place where alcohol is purchased and consumed.

The Licensing Authority together with Trading Standards and the Police have been operating an off-licence accreditation scheme since 2014 known as 'Sensible on Strength'(SOS). The purpose of the campaign is to find ways of limiting the availability of super-strength drinks in the Brighton & Hove City area and to encourage retailers who sell alcohol 'off the premises' to operate good practice measures that will promote the four licensing objectives. We have encouraged a large number of licensed businesses to voluntarily stop selling super-strength beer, lager and cider above 6% and implement other good practice measures including a refusals system, CCTV, documented training etc, this has proved a huge success across the city and has had far reaching benefits for many.

I can confirm that this particular premises has previously decided not to join the scheme, it is a voluntary scheme so we cannot force premises to join. This is of particular concern as I have recently investigated complaints regarding the premises serving alcohol to intoxicated street drinkers but despite this the premises has not offered up in their operating schedule to stop selling beers, lagers & ciders over 6% ABV.

Granting a licence with later terminal hours is likely to facilitate post-loading, late night binge drinking and street drinking in Victoria Terrace and surrounding areas. I do not believe that the applicant has demonstrated that there are exceptional circumstances to justify departing from the Policy. I therefore request the extended hours part of this application is refused.

Yours sincerely

Donna Lynsdale
Licensing Officer
Licensing Team
Regulatory Services

Sarah Cornell
Senior Licensing Officer
2nd Floor, Bartholomew House,
Bartholomew Square,
Brighton BN1 1JP

Date: 5th January 2018

Phone:

E-mail:

**SC CON ENDS 15.01.18
VALID PCD, PNN & PS (B)**

Dear Ms Cornell

Licensing Act 2003 - Representation regarding the application for a variation to the licence for Nisa, 18 Victoria Terrace, Hove, BN3 2WB (1445/3/2016/04935/LAPRET).

I am writing regarding the above application for a variation to an off sales licence from Nisa, 18 Victoria Terrace, Hove BN3 2WB, which is in Central Hove ward. The application is for a variation to the time for the off sales of alcoholic beverages to be available from 7am to midnight every day of the year including Christmas day, New Year's day and all bank holidays. Currently the licence is for sales at the following times; Monday - Saturday 08:00 - 23:00, Sunday 10:00 - 22:30, Christmas day 12:00 - 15:00 & 1900 - 22.30 and Good Friday 08:00 - 22:30.

The premises lie outside both the cumulative impact zone (CIZ) and the special stress area (SSA). The current statement of licensing policy matrix approach for licensing decisions states that off licences outside the SSA and CIZ will be considered for a licence up to 11pm (but possibly earlier in a dense residential area or if there are other relevant local issues).

The applicant has offered a number of conditions to try and ensure that the operation of these premises will not undermine any of the licensing objectives. These include CCTV and Challenge 25. But does not include signing up voluntarily to the "Sensible on Strength" scheme which aims to reduce the availability of cheap super-strength beers and ciders.

For the alcohol associated crime and disorder indices we monitor Central Hove ward is ranked fifth worst, of the city's 21 wards, for "Police recorded alcohol related incidents" and is ranked eighth both for "All violence against the person" and for "Sexual offences". In addition, for the health data public health monitor, Central Hove ward is ranked the third worst for "Alcohol specific admissions (2016-17)", the fourth worst both for "A&E attendances with a record of alcohol" and for "Alcohol related mortality (2013-15)" as well as being the fifth worst for "Alcohol suspected ambulance call outs".

You will be aware that there is already considerable nuisance, crime and disorder from alcohol consumption in the city. This application for the variation to the off sales licence, if accepted would very likely add to this burden from alcohol. On the basis that the application is in contradiction with the licensing matrix set out in our policy, and that the premises sits in an electoral ward where the impact of alcohol on public safety and crime and disorder is already at a high level, I wish to register my objection to this licence application.

Yours sincerely,
Dr Peter Wilkinson,
Consultant in Public Health, Health and Adult Social Care Directorate,
Brighton & Hove City Council

From: Jon Stanley
Sent: 07 January 2018 21:43
To: EHL Safety
Subject: Application for extended hours - Nisa Shop off licence - 18 Victoria Terrace,
Hove BN3 2WB

SC CON ENDS 15.01.18 VALID PCD (C)

Dear Sirs,

It has come to my attention that there has been an application for extended hours from the Nisa shop / off licence on the Kingsway Hove (18 Victoria Terrace, BN3 2WB) under the Licensing Act 2003.

For some years I have been active in the area assisting Tesco, the traders of George St, St Andrews Church, St Andrews School, local Councilors and the seafront team with issues of anti social behaviour, especially by street drinkers. Particular issues in the area include rough sleepers in the grounds of the King Alfred, street drinking in the shelter in front of the King Alfred car park (including the bench being set fire too), street drinking and rough sleeping in the shelter next to the main groyne on the sea front and street drinking in the pods in front of the King Alfred swimming pool.

Due to the continuing problems with anti-social behaviour from street drinkers in the area, I would like the following condition to be considered, before any extended hours are considered at these premises:

No beers, lagers or cider with an ABV content exceeding 6% will be sold other than premium speciality bottled beer, lager or cider.

Yours faithfully,

Jon Stanley
St Andrews
Church Road
Hove
BN3 2AD

Police Station
John Street
Brighton
BN2 0LA

10th January 2018

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

SC CON ENDS 15/01/18 VALID PCD, PNN & PCH (D)

Dear Sarah Cornell,

RE: APPLICATION TO VARY PREMISES LICENCE FOR NISA, 18 VICTORIA TERRACE, HOVE, EAST SUSSEX, BN3 2WB UNDER THE LICENSING ACT 2003. 2017/06014/LAPREV.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds that it will undermine the Licensing Objectives of the prevention of crime and disorder, public nuisance and public safety. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy.

This is a proposed licence variation application in an area of the City which is subject to a Special Policy adopted by Brighton & Hove City Council. The premises lies in the "Other Area" (as defined in the BHCC Statement of Licensing Policy) and seeks the following hours and licensable activities:

Supply of alcohol – Off Sales

Monday – Sunday: 07:00 – 24:00 Including UK Bank Holidays

Currently the location has a licence allowing the sale of alcohol (off the premises) as follows:

Monday – Saturday:	08:00 – 23:00
Sunday:	10:00 – 22:30
Christmas Day:	12:00 – 15:00 and 19:00 – 22:30
Good Friday:	08:00 – 22:30

On considering the application alongside the licensing decision matrix on page 16 of the Council Statement of Licensing Policy (SoLP), this application falls outside the timings for licensable activity normally accepted in 'Other Areas'. We would especially point to the "Off Licence" section which recommends 23:00hrs as a terminal hour, although within a densely residential area, may be earlier. The premises already has licensed hours until 23:00hrs.

Note 7 of Paragraph 3.3.2 of the Brighton and Hove City Council 2016 Statement of Licensing Policy states:

Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a 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 and the Street Community and Drug Activity Profile. These documents are available on the following page of our website www.brighton-hove.gov.uk/licensingact.

Sussex Police note that Victoria Terrace, while being largely a parade of shops, is densely residentially populated with flats above the parade and the premises in question being opposite to flats and other residential properties. The area suffers from a certain amount of Anti-Social Behaviour and has a number of other restaurants, pubs and off licences close by all impacting on the area.

Although the premises licence conditions were updated as part of a minor variation in July 2017, the applicant did not seek consultation with Sussex Police prior to submitting their application and so no further mitigation or exceptional circumstances have been discussed or offered.

Therefore, Sussex Police invite the Licensing Authority to seriously consider refusing this application.

Yours sincerely,

Lisa Bell
Chief Superintendent
Divisional Commander
Brighton & Hove Division

