

APPENDIX C

From: REDACTED TEXT

Sent: 19 October 2020 19:34

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Objection to licence

BP CON ENDS 27.10.20 VALID PPN & PCH (A)

REDACTED TEXT

19 October 2020

With ref. To : Licence -
1445/3/2020/03091/LAPREN
17 Preston Road
Brighton
BN1 4QE

With reference to an application made by Mr Kamber Koluman, on the 30th September 2020 for the grant of a premises licence or club premises certificate to use or permit the use of premises known as A Nifty Store, 17 Preston Road, BRIGHTON, BN1 4QE for licensable activities on or from the premises. The application requests the sale of alcohol by retail therefore, operated as an off-licence throughout the whole week from Monday to Sunday with extensive hours from 9 a.m. until 11 p.m. In addition, the application requests that seasonal variations are permitted for even longer hours from 9am until 1am the following morning. This would include, Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Boxing Day AND Brighton Gay Pride. However, I strongly object to the application as the premises has had many previous complaints from local residents and an older application has been refused. There has been dreadful disturbances late at night and in the early hours of the morning which have derived from the premises in question. Particularly in these trying days of covid-19 congregations of young people, students and suchlike will again be encouraged to cause a nuisance which as a local resident in the very immediate vicinity is not fair to be subjected to such a disturbance. This has happened in the past and I can see no reason why it would be any different and in actual fact the fact with the hardship caused with the presence of covid-19, there appears to be a tendency for people to be more angry and vexed. For Brighton and Hove Council to encourage even more licensed premises is irresponsible as looking at the figures that Brighton and Hove are very high in the ever-evolving list of death related statistics. This figure exceeds twice the national average. To encourage drinking and thus going onto drunken behaviour is not a sight that I want to see as a local resident nor do I want to hear the rowdiness either. Apparently, it has been rumoured that drug dealing was a regular occurrence and quite known. Of course, I have not been there in the early hours but I am appalled to hear of such goings on even if it is hearsay. This is more distressing if the underage are influenced and underage drinking was rife previously. The name of the applicant appears to change each time but it seems that they are all related or otherwise which **REDACTED TEXT** and I see the same people operating the premises. In this respect it is not an honest application, I think personally. I vermanly object to any licence being granted to this application.

REDACTED TEXT

From: **REDACTED TEXT**
Sent: 21 October 2020 16:26
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Premises licence

BP CON ENDS 27.10.20 VALID PPN (B)

Dear Sir/Madam,

I **REDACTED TEXT** resident of **REDACTED TEXT** since **REDACTED TEXT** . I
object to the application made by Mr Kamber Koluman on 30th September 2020 for the grand of a
premises licence or club premises certificate to use or permit the use of premises known as A NIFTY
STORE , 17 Preston Road, Brighton BN1 4QE for licensable activities on or from the premises.
Nowadays we have COVID-19 situation, if the premises has been grant it , it will encourage people
going out or stay out till later night. It doesn't help to stop spread coronavirus at all. More
people stay till late because of the alcohol more noisy cause on the street! Previously so many
complaining for 17 Preston Road, Brighton from local residents. Shop operator (Mr
Kamber Koluman) must take full responsibility for any activity dealing with alcohol, but I didn't seen
that with previously case! I strongly object to any
licence being granted to this application. **REDACTED TEXT**

REDACTED TEXT



Licencing Team
Brighton & Hove City Council
2nd Floor
Bartholomew House
Brighton, BN1 1JP

9th October 2020

Dear Sirs,

BP CON ENDS 27.10.20 VALID PPN & PCD (C)

REF: 1445/3/2020/03091/LAPREN

The Nifty Store 17 Preston Road, Brighton

I write to object to the application for an alcohol licence on the above premises.

This store is currently a hardware store also selling cigarettes and soft drinks, it was previously a convenience store which lost its licence.

My objection to a licence, is that this is also a residential area and the selling of alcohol will lead to additional noise and unreasonable behavior and so effect our quality of life, this at a time when we are more and more confined to our homes. This statement is made based on past experience of this store having an alcohol licence. Due to the fact there is a bus shelter with seating, right outside, people who buy alcohol from the store do not leave the area, instead they stay and party in the bus shelter causing noise, littering and REDACTED TEXT as a public convenience. No

one should have to walk through human excrement of a morning when exiting their own home.

On the short stretch of road between Preston Circus and Preston Park there are:

4 Licenced Convenience stores selling alcohol until the early hours.

4 Licenced restaurant's

3 Takeaway food outlets + the 4 restaurants providing takeaway deliveries until the early hours

2 Public Houses selling alcohol.

I fail to see the need for yet another premise selling alcohol which will only attract more people, some already the worse for drink, leading to public nuisance and criminal behavior.

I also feel it is important to support the local established businesses who are currently struggling during these abnormal times due to Covid 19. Granting yet another alcohol licence in the area will have a detrimental effect on these businesses.

REDACTED TEXT

Mrs Pratley

Licensing Authority

Brighton & Hove City Council

Bartholomew House

Bartholomew Square

Brighton

BNI IJP

Date: 22 October 2020

Our Ref: 2020/34012/LICREP/EH

Phone: **Redacted Text**

Email: **Redacted Text**

BP CON ENDS 27.10.20 VALID PPN, PCD & PCH (D)

Dear Mrs Pratley

Licensing Act 2003

Representation concerning the application for a new Premises Licence under the Licensing Act 2003 (Ref: 2020/03091/LAPREN)

A Nifty Store, 17 Preston Road, Brighton BN1 4QE

I write to make a representation on behalf of the Council's Licensing and Trading Standards Team, in their capacity as a responsible authority, in relation to the above application for a new Premises Licence for 17 Preston Road, Brighton BN1 4QE.

I make my representation on the ground that granting this licence will undermine the licensing objectives of Prevention of Crime and Disorder, Public Nuisance and Protection of Children from Harm.

The premises has a long history in breaching licence conditions, poor management, failed underage test purchases, non-duty paid (smuggled) alcohol and food safety issues. Resulting in the premises licence being revoked. Following the revocation of the licence, a further two new applications for a premises licence has been refused.

The Applicant has owned the premises for a number of years, and has been either directly or indirectly involved with previous issues at the premises.

On 13 August 2020, a visit was carried out to the premises jointly with Sussex Police. The purpose of this visit was part of a joint operation 'Op Safety', between Trading Standards and Sussex Police to talk to premises regarding the sale knives. This operation is being carried out across the City. The purpose of these visits are to check what systems premises currently have in place regarding preventing the sale of knives to underage, thefts etc.

At the time of this visit we spoke with Kamber Koluman. It was noted that the premises had knives on a shelf out of view of counter and was not covered by CCTV. We asked if they could be moved to behind counter. We also noticed that the premises had a large display behind the counter of 'drug paraphernalia' for sale. We asked Mr Koluman whether he knew what the items were used for and why was he selling them. He confirmed he knew what they were and that customers had asked for them. I informed him that I did not feel selling these items demonstrated that he was being a responsible person.

I also note that within the application it states 'this application including pre-consultation with local authorities and residents'. I can confirm on behalf of the Licensing Authority no pre-consultation has been sought prior to the application being submitted.

In addition, this premises falls within the electoral area of Preston Park. The premises is also on the border of the St Peters and North Laines electoral ward. According to our Public Health Framework for Assessing Alcohol Licensing 2019 is ranked (out of 21 wards) the worst for 'Increasing risk or higher risk drinking', worst for 'alcohol suspected ambulance call outs, and worst for 'Police recorded alcohol related incidents'. There is an obvious disconnect in where alcohol is sold for off consumption and any subsequent nuisance or crime and disorder.

It is my opinion, granting this application is likely to have a detrimental effect on the licensing objections of the Prevention of Crime and Disorder, Public Nuisance and Protection of Children from Harm.

I therefore invite the panel to refuse this application.

Yours sincerely

Redacted Text

Redacted Text

Licensing Officer and Fair Trading Officer

Licensing Team and Trading Standards

REP D - ADDENDUM

Mrs Pratley
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Date: 12 November 2020
Our Ref: 2020/34012/LICREP/EH
Phone: **Redacted Text**
Email: **Redacted Text**

Dear Mrs Pratley

**Licensing Act 2003
Representation concerning the application for a new Premises Licence under the
Licensing Act 2003 (Ref: 2020/03091/LAPREN)
A Nifty Store, 17 Preston Road, Brighton BN1 4QE**

Further to my previous representation on behalf of the Council's Licensing and Trading Standards Team, in their capacity as a responsible authority, in relation to the above application for a new Premises Licence for 17 Preston Road, Brighton BN1 4QE.

I made my representation on the ground that granting this licence will undermine the licensing objectives of Prevention of Crime and Disorder and Protection of Children from Harm.

I would like to include additional supplementary information as an addendum to my current Representation following information that has been supplied regarding the premises being involved in the sale of illicit tobacco products. (Please see attached Addendum as Appendix A witness statement from **REDACTED TEXT**).

It is my opinion, granting this application is likely to have a detrimental effect on the licensing objections of the Prevention of Crime and Disorder and Protection of Children from Harm.

I therefore invite the panel to refuse this application.

Yours sincerely

REDACTED TEXT

REDACTED TEXT
Licensing Officer and Fair Trading Officer
Licensing Team and Trading Standards

Name of Witness **REDACTED TEXT**

Age **Over 21**

Occupation **Crime consultant**

Address _____

I HEREBY DECLARE that this statement consisting of **__2__** pages each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at the trial of any person, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

3rd November 2020

(Signature of Witness)

My name is REDACTED TEXT and since 2009 I have been the Managing Director of REDACTED TEXT. Since 2011 I have been employed on a contract basis as a consultant for REDACTED TEXT. My role is to conduct extensive research into the illicit trade in tobacco products and to act as a spokesperson on the subject. I have studied the illicit trade across the UK and Ireland.

REDACTED TEXT

Part of my work for REDACTED TEXT is to organise test purchase operations. In October of 2020 we had cause to visit the Brighton and Eastbourne areas of East Sussex over a period of two days to conduct research and test purchases to ascertain the availability of illicit tobacco products in the area.

Working predominately with intelligence acquired by speaking to people on the street there were twenty (20) separate purchases of illicit tobacco products.

The following although not all witnessed by me is a summary of a test purchase conducted in Brighton.

On the 21st October 2020 a test purchaser working for me entered the retail premises of 'A Nifty Store' 17 Preston Road, Brighton BN1 4QE.

I was later informed that a REDACTED TEXT described as of REDACTED TEXT and REDACTED TEXT sold a test purchaser one pack of 'Marlboro Gold' cigarettes for £7.00 from under the counter. These were fully branded with Polish health warnings and tax stamps and not in the required UK standardised packaging.

The cigarettes purchased were sealed in an evidence bag No M2100932 and have been retained. I produce this pack as REDACTED TEXT

First Floor
Police Station
John Street
Brighton
BN2 0LA

Tel: 101 ext 550829

Email: **Redacted Text**

21st October 2020

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

BP CON ENDS 27.10.20 VALID PPN, PCD & PCH (E)

Dear Becky Pratley,

**RE: APPLICATION FOR A NEW PREMISES LICENCE FOR 17 PRESTON ROAD, BRIGHTON, BN1 4QE
UNDER THE LICENSING ACT 2003.**

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 of the prevention of crime and disorder, public nuisance and the protection of children from harm. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy (SoLP).

This is a proposed new licence application for a premises that is located on Preston Road in an area defined as 'Other Areas' under the decision making matrix in the SoLP. The application asks for the following licensable activities and timings:

Supply of alcohol (Off Sales)

Every Day - 09:00 – 23:00

Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Boxing Day and Brighton Pride 09.00 – 01.00

Opening hours

Every Day - 06:00 – 23:00

Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Boxing Day and Brighton Pride 09.00 – 01.00

On considering the application alongside the licensing decision matrix on page 16 of the Council Statement of Licensing Policy (SoLP). We would like to point to the "Off Licence" section which recommends 23:00hrs as a terminal hour for off licence in 'other areas', although within a densely residential area, may be earlier

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 Preston Road, while being largely a parade of shops, is also densely residentially populated with flats and other dwellings therefore a terminal hour of 23:00 may not be suitable due to potential nuisance this could cause to residents.

The extended terminal area for the seasonal dates and Brighton Pride is a concern as this would likely cause an increase to the negative impact in the local area.

Sussex Police also has serious concerns over the crime and disorder in this area. Sussex Police are aware that the area suffers largely from Theft, violent crime public space and crime public order. These types of crimes form the majority of the crimes committed in 2019 and 2020 in the local area surrounding Preston Road.

We are also aware that alcohol and drugs are believed to be a contributing factor to a percentage of these crimes. In 2020, there has been a large number of reported incidents, of which the majority were reported as ASB nuisance.

Sussex Police have further concerns as in 2017 this premises had its premises licence revoked following a review launched by Sussex Police. This was following a failed test purchase, no confidence in the management or landlord having tried to follow the stepped approach, and a number of crimes and breaches.

We note the applicant of this new premises application is the landlord of the premises in 2017.

Sussex Police consider that this is an important application that must be brought before a council licensing committee for full scrutiny and a considered decision.

Yours sincerely,

Redacted Text

Redacted Text

Licensing & Response Inspector

Local Policing Support Team

Sussex Police

From: REDACTED TEXT

Sent: 23 October 2020 08:26

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Alcohol Licence application objection

BP CON ENDS 27.10.20 VALID PPN, PCD & PCH (F)

Hello,

I am emailing regarding the licence application 1445/3/2020/03091/LAPREN

I would like to object to the application as this store has previously been the subject of interest regarding the sale of alcohol to underage persons. The late opening hours of this shop has always attracted antisocial behaviour, street drinking in the early hours and unfortunately drugs seem to go along with these customers. Since the Nifty store, or Moonlight as it was previously, has been closed, there is noticeably less vomit to clean up in the morning, urine in mine and my neighbour's porch which is down to me and my staff to wash away.

My **REDACTED TEXT** has been broken into on 3 occasions, one so violent, the 100+ year old door was severed. My upstairs (disabled) neighbour was disturbed by the horrendous noise. This has increased my insurance costs by 50% and at great expense have had to have shutters fitted to my frontage, as has many others in the road now. We feel that a later alcohol licence than already exists at several places in the road would be excessive.

We already have several shops where you can purchase alcohol in the area, one opposite, one about 10 doors down towards Preston Park, then another past the viaduct, not to mention all the places up London Road and round the corner at Clyde News.

Many thanks,

REDACTED TEXT

From: REDACTED TEXT

Sent: 23 October 2020 14:17

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Licensing Objection

Please find attached the licensing objection letter for 17 Preston Road

Kind Regards

BP CON ENDS 27.10.20 VALID PPN, PCD & PCH (G)

I am writing to object the licensing application made by 17 Preston Road.

Currently there are four off license shops directly opposite 17 Preston Road one of which is already open until 3am. In addition, there are a number of restaurants, cafes, bars and pubs in the vicinity where you can drink and purchase alcohol, therefore we certainly do not need another. Having such premises open until such a late hour attracts unwanted characters from outside our residential street allowing for more crime and disorder.

The previous off license which was in the same premises and with the same proposed late opening hours caused a lot of public nuisance and antisocial behaviour. Most late nights and weekends there would be lots of shouting, swearing and fighting with shops being broken into **REDACTED TEXT**. This not only disrupts the residential neighbourhood but also attracts youths and the homeless sitting outside on our doorstep whilst leaving their rubbish and vomit behind.

This premises has a history of selling alcohol to under 18's, selling non-duty paid alcohol and cigarettes, has failed test purchases and breach of conditions which are all due to poor management and poor ownership by Mr. Koluman. We have also seen deliveries received out of trading hours late at night.

I have **REDACTED TEXT** and I believe our community would not gain any positive attributes or behaviours from having another off-license open.

REDACTED TEXT

From: REDACTED TEXT

Sent: 27 October 2020 13:51

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Cc: REDACTED TEXT

Subject: Opposition of Licensing Application, A Nifty Store, Kamber Koluman, 17 Preston Road, Brighton, BN14QE, Licence- 1445/3/2020/03091/LAP REN

BP CON ENDS 27.10.20 VALID PPN & PCD (H)

Opposition of Licensing Application, A Nifty Store, Kamber Koluman, 17 Preston Road, Brighton, BN14QE, Licence- 1445/3/2020/03091/LAP REN

Dear Head of Regulatory Services & EHL Safety Team,

I would like to raise and commit my concerns and objections to the Licence Application of Mr Kamber Koluman:

**A Nifty Store,
Kamber Koluman,
17 Preston Road,
Brighton,
BN14QE,
Licence- 1445/3/2020/03091/LAP REN**

I have several concerns about this application. Although I occasionally use the store and personally find the staff warm inc. Mr Kember and have had many a friendly conversation over the years, I do have significant concerns about the (re) application for extending the licence and effect it will have on our local community.

Crime and Disorder

Personal experience of under priced tobacco products for sale with no receipt offered and rejected when asked for, recent and historical.

I have heard similar recent stories from local business's and residents on our family street, of of subtle intimidation and not so subtle bullying, although not experienced myself, i have know many of these people for a decade or more and can see and trust the fear and desperation in their long running experiences.

Public Safety, Nuisance,

While this shop was shut, and since it has reopened without the licence requested, our street has become a much nicer environment and safer place to be, less noise and underage drinking. many families and people of all ages live in the street, we need to be able to get sleep and walk in safely to our houses at any hour of the day, Long term business who try to make an honest living, but can't due to the prices that they can't compete with. I do understand that it takes a lot of work, energy, worry and risk to run a business, especially in the current climate. so my opposition brings me no pleasure. I do wish Mr Koluman prosperity but not at the expense of our community.

Kind regards,

REDACTED TEXT

From: **REDACTED TEXT**
Sent: 27 October 2020 15:52
To: ehl.safety@brighton-hov.gov.uk
Subject: Objection to alcohol licence application

BP CON ENDS 27.10.20 VALID PPN (I)

To whom it may concern,

With reference to:
1445/3/2020/03091/LAPEEN17 Preston Road
Brighton
BN1 4QE

Application made by:
Mr Kamber Koluman on 30th September 2020 for an alcohol licence.
A Nifty Store
17 Preston Road
Brighton
BN1 4QE

My address:
REDACTED TEXT

Concern:
Public nuisance: Increased noise levels, more footfall on the pavement and along Preston Road, drink individuals with less social distancing

Protect children from harm: I have a **REDACTED TEXT** and am concerned about previous rumours that there has been the selling of drugs from this premises

REDACTED TEXT

From: **REDACTED TEXT**
Sent: 27 October 2020 17:14

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Objection to license application 1445/3/2020/03091/LAPREN

BP CON ENDS 27.10.20 VALID PPN & PCD (J)

Hi,

I'm writing to you today to object to the idea of granting an alcohol sales license to "A Nifty Store" at 17 Preston Road, Brighton, BN1 4QE. I do this as resident of the **REDACTED TEXT** to this shop, at **REDACTED TEXT**

I would like to object on a number of grounds:

- firstly, the area already has a glut of off licenses - walking from **REDACTED TEXT** to Preston Park takes **REDACTED TEXT** past 5 that are already trading, with many others close by on London Road and off Beaconsfield Road
- secondly, I've already witnessed ample issues with drunkenness in the area and another off licence will only add to this problem, especially as this one would be right next to a covered bus stop where I have already witnessed anti-social behaviour caused by excessive drinking and from where drunk people have urinated in to the **REDACTED TEXT**. Having another off licence serving until late right next to sheltered seating will only lead to further anti-social behaviour on Preston Road, right beneath my windows
- finally, I am given to understand that this premise previously held a license but that it was revoked due to the proprietor selling to underage drinkers

It can be noted that these premises have had licenses denied before: <https://present.brighton-hove.gov.uk/mgAi.aspx?ID=64460> and as reported in the Argus the police are against the idea: <https://www.theargus.co.uk/news/17462230.off-licence-served-underage-customers-sold-smuggled-booze/>

I look forward to hearing that this license is not approved.

All the best,

REDACTED TEXT

From: REDACTED TEXT
Sent: 24 October 2020 20:29
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: 17 Preston Road

BP CON ENDS 27.10.20 VALID PPN (S1)

Hello

I would like to give my support to the licence to sell alcohol application made for the Nifty Store, 17 Preston Road. I **REDACTED TEXT** the shop and in no way does it disturb me at all. The shop seems to be well run and I do not feel the granting of the license would cause any additional problems to the area.

REDACTED TEXT