

APPENDIX C

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Date: 4th August 2021
Our Ref: REDACTED
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EG CON ENDS 05.08.21 VALID PCD, PPN & SSA (A)

Dear REDACTED

Re: Licensing Act 2003 - Representation regarding the application for a New Application for a Premise Licence For: Seven Cellars, Unit 6 Brighton Station, Queens Road, Brighton, BN1 3ZE

I refer to the application made by Seven Cellars Ltd, for a new Premises Licence to be issued for the above premises. The Licensing Team, in its role as a Responsible Authority, has concerns about this application and therefore I am submitting this representation on the grounds of the prevention of crime & disorder and public nuisance and to uphold our Statement of Licensing Policy (SoLP).

The applicant has applied for a Premises Licence for alcohol for consumption off the premises every day 10am – 9pm for a small high end wine shop with craft beers and craft spirits which will be open to the public in the main concourse at Brighton Station.

This representation is submitted as there are concerns that the application does not meet the requirements of the Council's SoLP, with regard to applications made within the Special Stress Area of the city. The Special Stress Area is of concern to the Licensing Authority because of the relatively high levels of crime and disorder and nuisance experienced within it and we believe that the granting of this application could lead to increased associated issues with regard to crime & disorder and public nuisance in the nearby surrounding area.

The Council's SoLP includes a Matrix Model approach for licensing decisions, which 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.

The Matrix Model, on page 18 of the Council's SoLP, states that in the Special Stress Area, there should be no new off-licence Premises Licence applications granted. The policy does state that each application is still considered on its individual merit and there is discretion to depart from the policy where justified. However, departure from the Matrix Model is only expected in exceptional circumstances. Whilst I appreciate that the applicant pre-consulted with us and the Police in relation to this application and has since agreed conditions with the Police, I would like the panel to question the applicant further to see why they feel they are an exception to the policy.

The premises is in the Special Stress Area and is located in the electoral ward of St Peter's and North Laine, which according to our Public Health Framework for Assessing Alcohol Licensing (5th edition- January 2019) is ranked the worst out of 21 wards under Crime and Disorder data for Police Recorded Alcohol related incidents and Criminal Damage and

second worst for Sexual Offences, Non-injury assault, All injury violence and All violence against the person. On the Health data St Peter's and North Laine ward ranks the worst for Increasing risk or higher risk drinking and Alcohol suspected ambulance call outs. Third worst for A&E attendances with a record of alcohol and Alcohol specific admissions 2017/18. It ranks 4th worst out of 21 wards for Clients in alcohol treatment.

We maintain that the Matrix Model states that no new off-licence applications should be granted in the Special Stress Area and therefore invite a Sub-Committee Panel to decide the outcome of this application on behalf of the Licensing Authority and whether the applicant has demonstrated whether there are exceptional circumstances to depart from our policy.

Yours sincerely

REDACTED

AGREED POLICE CONDITIONS

Proposed conditions for Seven Cellars, Unit 6 Brighton Railway Station.

General:

1. No beer, lager, cider or perry with an ABV over 6% or above shall be sold at the premises save that this shall not apply to premium beer, lager, cider or perry with an ABV over 6% or above such as craft or speciality brands or brands produced by a micro-brewery, or brands produced to commemorate a national or local event. However, no mainstream branded beers lagers or ciders can be sold in single containers and must be sold in a minimum pack of 4.
2. All spirits in the public area of the shop will be displayed behind the counter and beyond arms reach of customers.
3. No alcoholic products will be sold in open containers.

Prevention of Crime and Disorder:

4. (a) 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. The system shall be on and recording at all times the premises licence is in operation.
(b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
(c) CCTV footage will be stored for a minimum of 31 days
(d) 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.
(e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
(f) Subject to GDPR 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 (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.
(g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
(h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
5. (a) An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week.
(b) The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police.
An incident will be defined as being one which involves an allegation of a criminal offence.

(c) 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 of no less than 4 weeks and feedback given to staff as relevant. This refusals book should be kept on the premises and be available for inspection at all times the premises are open by Sussex Police, officers of the local authority and officers from the Trading Standards team. The log will be kept for a minimum of twenty-four (24) months.

Public Safety:

6. Spillages and any broken glass will be cleaned immediately.

Prevention of Public Nuisance- None

Protection of Children from Harm:

7. 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 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.
8. Signage advertising the "Challenge 25" policy will be displayed in prominent locations inside the premises.
9. (a) 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
 - *Refusing the sale of alcohol for consumption off the premises to people who may have alcohol dependency issues.(b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.
(c) 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.