

### Appendix C

Sarah Cornell Licensing Officer Bartholomew House Bartholomew Square Brighton	Date:	9 <sup>th</sup> May 2022
	Our Ref:	ELG/2022/00977/EPLIC/EH
	Phone:	01273 292381
	Email:	Emma.grant@brighton-hove.gov.uk

Dear Sarah

#### **SC CON ENDS 10.05.22 VALID PPN (A)**

**Go Sip, Unit E 5C, Knoll Business Centre, 325 - 327 Old Shoreham Road, Hove, BN3 7GS**

I refer to the application for a premises licence for Go Sip, Unit E 5C, Knoll Business Centre, 325 - 327 Old Shoreham Road, Hove. The application is for a 24 hour online delivery business selling alcohol.

The applicant has proposed the following condition -

**-Deliveries to customers who have placed orders via the company website will be limited to the hours of 10:00h and 04:00h the following morning on any day.**

Knoll Business Estate is surrounded by residential premises in Bellingham Crescent and Old Shoreham Road. Noise from the use of the premises and delivery vehicles until 4am are likely to cause complaints and may result in a statutory noise nuisance. I have suggested to the applicant that deliveries until 10pm would be more acceptable to residents. This allows 12 hours to deliver products and I have asked the applicant if he agrees to the following amendment to the proposed condition to

**Deliveries to customers who have placed orders via the company website will be limited to the hours of 10:00h and 22:00h on any day.**

The applicant is unable to agree to this condition. I am therefore making a representation on the grounds of the prevention of public nuisance. I am happy to discuss this with the applicant

Yours sincerely

Emma Grant  
Environmental Protection Officer

Sarah Cornell  
Licensing Officer  
BHCC  
Bartholomew House  
Bartholomew Square  
Brighton  
BN11JP

Date: 9<sup>th</sup> May 2022  
Our Ref: 2022/01226/LAPREN  
Phone: 01273 292143  
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Dear Sarah Cornell,

**SC CON ENDS 10.05.22 VALID PPN & PCD (B)**

**Re: Licensing Act 2003 - Representation regarding the application for a new Premises Licence for: Go Sip, Unit E 5C Knoll Business Centre, 325 - 327 Old Shoreham Road, Hove BN3 7GS**

I refer to the application made by Go Sip, 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 and Disorder, the Prevention of Public Nuisance and to uphold our Statement of Licensing Policy (SoLP).

The applicant has applied for a Premises Licence for 'Off' sales of alcohol via their website Monday - Sunday, 24 hours a day. Deliveries of alcohol will be limited to 10:00hrs – 04:00hrs every day from a locally based home delivery grocery centre that is not open to the public.

It is recognised that this premises is not in either the Cumulative Impact Zone (CIZ) or Special Stress Area (SSA). However, this representation is submitted as there are concerns that the application does not meet the requirements of the Council's SoLP, with regards to applications made for off sales of alcohol.

The Council's SoLP includes a Matrix Model approach for licensing decisions, that 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 all other areas outside of CIZ and SSA, new applications for off licences (which includes premises with off sales) shall be granted up to 11pm, but if in densely residential areas this terminal hour may be earlier. 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.

Guidance issued under S182 of the Licensing Act 2003 states in paragraph 8.41 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 8.43 that applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply, 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.

I have looked carefully at this application, paying particular attention to the Matrix and any exceptional circumstances provided for departing from the Matrix. I acknowledge that the applicant has offered up positive proposals attached with their operating schedule including Challenge 25 Scheme, staff training and documentation, customer records including an age declaration and delivery procedure. However their application has not explained exceptional circumstances to allow us to depart from the Matrix.

Referring to Section 3.5 of the Council's SoLP, and in particular 3.5.4, The Licensing Authority and Sussex Police already have specific concerns around the delivery of alcohol off the premises due to issues around the end location of delivery, not limited to age verification checks. There are concerns that increased levels of alcohol would be delivered into the CIZ and SSA from other areas, as well as concerns over the personal safety of drivers when having to refuse a delivery at the end destination.

I quote 3.5.7 from the SoLP in my representation, that states that 'new applications..... to include the delivery of alcohol off the premises will be subject to increased scrutiny'. I am concerned that allowing alcohol sales until 04:00 will impact on the Licensing Objectives of The Prevention of Crime and Disorder and The Prevention of Public Nuisance.

I maintain that the Matrix Model states that off-licence applications should only be granted until 11pm in the location that this premises sits within and note that no exceptional circumstance evidence has been provided by the applicant to warrant departure from this part of the policy.

The Licensing Team act as guardians of the Council's SoLP and I make this representation as I believe the application made is contrary to our policy and will impact on Licensing Objectives. I therefore invite a Sub-Committee Panel to decide the outcome of this application on behalf of the Licensing Authority.

Yours sincerely,



Emily Fountain  
Licensing Officer  
Licensing Team  
Safer Communities



**Sussex Police**  
Serving Sussex  
www.sussex.police.uk

## Brighton & Hove Licensing Unit

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10<sup>th</sup> May 2022

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

Dear Sarah Cornell,

### **SC CON ENDS 10.05.22 VALID PCH & PCD (C)**

**RE: APPLICATION FOR A NEW PREMISES LICENCE FOR GO-SIP, UNIT 5C,  
KNOLL BUSINESS CENTRE, 325-327 OLD SHOREHAM ROAD, BRIGHTON,  
EAST SUSSEX, BN3 7GS UNDER THE LICENSING ACT 2003.  
1445/3/2022/01226/LAPREN.**

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 and the protection of children from harm. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy (revised January 2021).

This is a proposed new licence application in an area of the City classed as 'Other Areas' under the Brighton & Hove City Council Statement of Licensing Policy. The applicant seeks to sell alcohol for delivery off the premises alongside some other snack/vaping/novelty items with the following hours:

## Sale by Retail of Alcohol (Off the premises)

**Everyday:** 00:00 – 00:00

### Opening hours

**The premises will not be open to the general public – delivery only.**

Paragraph 3.3 of the Brighton and Hove City Council 2021 Statement of Licensing Policy sets out the ‘matrix’ approach to licensing decisions in the City.

The licensing decision matrix on page 18 of the Council Statement of Licensing Policy (SoLP) suggests that new premises or premises licence variations asking for these licensable activities and hours are a ‘No’. The suggested terminal hour for the licensable activity of the off sales of alcohol is 23:00 in ‘Other areas’ with the suggestion this could be earlier in residential areas. Knoll Business Centre is located in a largely residential area with houses and flats completely surrounding it.

The nature of this type of alcohol delivery service leads to concerns around alcohol being delivered in the early hours to persons who are already intoxicated, to persons continuing to drink after having been for a night out, or to extend drinking at a party. This is particularly relevant even when a premises licence is being applied for outside the city centre, as the alcohol can be ordered, via delivery driver, back into more problematic areas such as the Cumulative Impact Area (CIA) and the Special Stress Area (SSA) where high levels of crime & disorder are already recorded.

Sussex Police additionally have concerns around this style of operation and the higher possibility of proxy sales. Underage persons could use a credit/debit card to purchase alcohol for delivery, as could persons who are alcohol dependant. This could lead to confrontations for delivery drivers if they then have to refuse a delivery on the doorstep in the early hours.

Notes on the matrix at 3.3.2 of the BHCC SoLP state that, ‘3) *Departure from the matrix policy is expected only in exceptional circumstances*’. The applicant has not referred to the BHCC Statement of Licensing Policy (SoLP) in their application, nor did they consult with Sussex Police prior to submission. The applicant has not acknowledged any local concerns or offered any reasoning as to why their application would be an exception to policy or why the SoLP matrix should be departed from.

Sussex Police are aware that some discussions have been had by the applicant’s solicitor regarding a revised terminal hour for delivery of 03:00 with the following condition proposed:

**“Deliveries to customers who have placed orders via the company website will be limited to the hours of 10:00h and 03:00h the following morning on any day”.**

This has not been formally offered at this point and even with the reduction from 24 hours a day, 7 days a week, Sussex Police’s concerns remain if alcohol is to be delivered off the premises until 03:00. Crime data held for the city shows high levels of violent crime into the early hours of the morning, especially at the weekends. Therefore, any additional

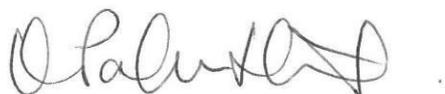
outlets making alcohol available until 03:00 could add to already existing issues in problem areas.

Sussex Police have had some contact with the applicant and acknowledge that there are two aspects to the business – sales that come through Amazon and local orders. However, our concerns surrounding local deliveries have not been mitigated and the real risk that this poses to the City in terms of the potential of increased crime & disorder and protection of children from harm remain with the timings proposed.

The applicant has offered additional information as an addendum to their application with some proposed conditions however Sussex Police do not believe these go far enough to help mitigate any potential risk deliveries pose to all areas of the City. The conditions offered fall short of the current city wide expected standard and there is no mention of crime prevention measures such as CCTV or restrictions to ensure that alcohol will only be delivered to a registered home or business address (no public parks, spaces e.g beaches etc). Sussex Police additionally contend that the carrying on of additional licensable activity and the hours applied for at these premises could add to the existing negative cumulative effect in other problematic areas of the City.

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

Yours sincerely,



**Insp Michelle Palmer-Harris**  
**Ops Planning and Events (inc. Licensing)**  
**Inspector Brighton & Hove Division**  
**Sussex Police**

Please address all future correspondence to Brighton & Hove Licensing Unit, Police Station, John Street, Brighton, BN2 0LA.

