

Appendix C

REP A

Police Station

John Street

Brighton

BN2 0LA

Tel: 01273 404535 ext. **REDACTED**

Email: brighton.licensing@sussex.police.uk

Date: 23rd November 2023

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

SC CON ENDS 13.12.2023 VALID PCD, PPN and PCH (A)

Dear Sarah Cornell,

RE: APPLICATION FOR A PREMISES LICENCE FOR SPM LOCAL, 55 LEWES ROAD, BRIGHTON, EAST SUSSEX, BN2 3HW UNDER THE LICENSING ACT 2003.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the above licence application on the grounds of the prevention of crime and disorder, prevention of public nuisance and protection of children from harm. We also refer to the Brighton & Hove City Council Statement of Licensing Policy.

This is a proposed licence 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 Special Stress Area (as defined in the Brighton & Hove City Council Statement of Licensing Policy) and seeks the following hours and licensable activities:

Supply of Alcohol (off sales)

Monday – Sunday: 08:00 – 23:00

Opening hours

Monday – Sunday: 06:00 – 23:00

The applicant has described the premises as being a convenience store and within plans submitted shows a large area of the premises being set aside for alcoholic products including beers, wines and spirits.

Paragraph 3.2.2 of the Brighton and Hove City Council 2021 Statement of Licensing Policy states:

“This Special Stress Area (SSA) is of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it.”

When considering the application, we refer to the matrix within the Statement of Licensing Policy which sets out the expectations for new and varied applications for the City.

Special Stress Area

Restaurant Yes (midnight) / **Cafe** Yes (10.00pm) / **Pub** Yes (11:00pm) / **Off-licence** No

The location of the premises is along Lewes Road, Brighton. A busy artery road in and out of the city and main route to and from the universities. This is a very busy area and is highly residential but also has a variety of premises including Café, Off licences, Pubs, Restaurants and Late-Night take-aways. There was or is a licence already at the location for on sales only under restaurant style conditions in that alcohol consumption is only available with food.

Regarding Off Licences within this area, it's worth noting how saturated the area is with such premises. Along the main stretch of Lewes Road there are a total of 9 off licences with various opening times.

The licensing decision matrix within the Council Statement of Licensing Policy suggests that new premises or premises licence variations asking for these licensable activities and hours is a 'No'. While Paragraph 3.2.3 states that within the SSA *“applications will not be subject to the presumption of refusal”* it goes on to state that *“operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas”*.

The applicant has not referred to the Brighton & Hove City Council Statement of Licensing Policy in their application nor has there been any contact with Sussex Police prior to submitting this application to gain our feedback and advice. Within the application 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 it should be departed from.

Looking at incidents that Sussex Police have dealt with within 160-metre radius of the venue between 22nd November 2022 and 21st November 2023 amongst other incidents, 62 were for violent crime, 38 anti-social behaviour, 19 criminal damage and 14 public order. We have concerns that permitting a further off licence within this area and so increasing the availability of alcohol could have a further negative impact within an area that already suffers from crime and disorder. There is also the risk of alcohol being consumed within open spaces increasing anti-social behaviour and proxy sales to children.

The night-time economy can at times be challenging for all the emergency services. Within Brighton & Hove we are unique in that we have a high number of licensed venues all of which are in very close proximity to each other. Due to the risks associated with intoxication, the city has several initiatives that support Police and other emergency services in safeguarding the public such as Street Marshals, Beach Patrol, Safe Space, and Street Pastors. Most of these organisations and persons involved with them are volunteers and operate in their spare time. The fact these services exist goes some way to prove the negative impact alcohol has.

Taking our comments in to consideration along with the crime data for the local area, Sussex Police invite the Licensing Authority to seriously consider refusing this application. Although we are unable to support it and are seeking refusal, we wish to do all we can to mitigate any potential risk should this application go before a panel, and it be granted and so attached to our representation is a list of conditions which we kindly asked are adopted.

Yours sincerely,

REDACTED

Insp Mark Redbourn

Operations (inc. Licensing) Chief Inspector

Brighton & Hove Division

Sussex Police

REP A (Proposed Conditions)

SPM Local – Police Proposed Conditions

General:

1. 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 to ensure the promotion of the licensing objectives.
2. 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.
3. All beer and cider cans excluding premium and craft brands, will only be sold in multipacks of 4 or more cans.
4. No more than 20% of the store will be used for displaying alcoholic products.
5. At all times alcohol is available to purchase, a Personal Licence Holder will be on duty at the store. When this condition cannot be complied with, all alcohol will be covered so as not to be seen.
6. When the store is open outside of licensable activity permitted hours, all alcohol will be covered so as not to be seen.
7. All spirits will be displayed behind the serving counter only and out of arms reach from customers.
8. There will be no advertising of promotions/deals on any alcoholic product that can be seen from outside the premises including window posters.
9. There will be no advertising of alcohol placed on the outside footpath such as A boards.
10. There will be no deliveries of alcoholic products.

For the Prevention of Crime and Disorder:

11. Subject to GDPR guidance and legislation:
 - 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 to cover all public areas, including the entrances/exits to the premises as well as any outside space. 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) 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 Police e.g., USB) or provide footage via an online link as initiated by Police, without difficulty or delay and without charge.

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 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.

12. a) An incident and refusals log will be maintained by the premises showing a detailed note of incidents and refusals that occur in the premises. The logs will be inspected and signed off by the DPS (or a person with delegated authority) at least once a fortnight.

b) The logbooks should always be kept on the premises and be available for inspection 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) Any refusals made for alcohol service e.g., underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant.

d) The logs will be kept for a minimum of twenty-four (24) months.

13. At all times the premises is open to the public, the management will contract the back up services of an approved mobile support unit (MSU) that operates at all times the premises is open to the public, with a minimum of 2 SIA registered Door Supervisors operating from it. A copy of the MSU contract will be retained at the premises and made available for immediate inspection upon request by Sussex Police or Council Officials. The MSU will be accredited by the Brighton Business Crime Reduction Partnership (BCRP) or other similar organisation approved by Sussex Police should the BCRP not be in existence.

14. The premises will become a member of the Business Crime Reduction Partnership or similar scheme approved by the Licensing Authority. The scheme must operate, subject to local coverage, radios and additionally an exclusion/banning scheme of named individuals within both the day and night time economy.

For Public Safety: -

For the Prevention of Public Nuisance: -

For the Protection of Children from Harm:

15. 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, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex

Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.

16. Signage advertising the “Challenge 25” policy will be displayed in prominent locations in the premises.

17. 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

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.

REP B

Sarah Cornell

Date: 29 November 2023

Licensing Authority

Our Ref: 2023/02799/LICREP/EH

Brighton & Hove City Council

Phone: 01273 292413

Bartholomew House

Bartholomew Square

Brighton

BN11JP

e-mail: REDACTED

Dear Sarah Cornell

SC CON ENDS 13.12.2023 VALID PCD and PPN (B)

Licensing Act 2003

Representation to the application for a New Premises Licence - 2023/04474/LAPREN

SPM Local - 55 Lewes Road, Brighton, BN2 3HW

I refer to the application made by Selvaratnam Pirabaharan for a new Premises Licence to be granted for the above premises. The Licensing Team, in its role as Responsible Authority, has concerns about this application and therefore I am submitting this representation on the grounds of the Prevention of Crime and Disorder and the Prevention of 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 everyday from 08.00 to 23.00. The premises is described in the application form as a convenience store. The plan submitted with the application shows that a part of the shop floor would be used to store and display beer, wine and spirits.

This representation is submitted as there are concerns that the application could have a negative impact on the licensing objectives of Prevention of Crime and Disorder and the Prevention of Public Nuisance and that this application falls within our Special Stress Area (SSA) and is contrary to our Statement of Licensing policy (SoLP).

As mentioned above, this premises sits within the Special Stress Area, which, as stated in our SoLP on pages 15-17, is deemed an area of special concern in terms of the levels of crime and disorder and public nuisance experienced within it. 3.2.3 of our SoLP states that new and variation applications for premises within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas.

The Council's SoLP 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. The SoLP 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 Matrix approach policy in exceptional circumstances.

The decision-making Matrix on page 18 of the Council's Statement of Licensing Policy states 'No' to 'Off-Licences' in the Special Stress Area.

On looking at the application form, particularly section 18 (licensing objectives), the applicant has not addressed the premise's location within the SSA or how their operation will not add to the existing stress in an area already saturated with licensed premises that also experiences high levels of crime and disorder and public nuisance.

I make this representation as a guardian of our Statement of Licensing Policy and maintain that the Matrix Model states no new off-licences should be granted in the SSA. I would therefore ask that the Panel determine the outcome of this application and whether the applicant has demonstrated exceptional circumstances to depart from our policy.

Yours sincerely

REDACTED

Emily Fountain

Licensing Officer

Licensing Team