

Appendix C

REP A



Brighton & Hove Licensing Unit

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Date: 18th December 2023

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

Dear Corinne Hardcastle,

RE: APPLICATION FOR A PREMISES LICENCE FOR MAZAR MARKET, 56 WESTERN ROAD, BRIGHTON, EAST SUSSEX, BN1 2HA 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 and the Public Health Framework for Alcohol Licensing.

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 Cumulative Impact Zone (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: 08:00 – 23:00

The applicant has described the premises as being a grocery store and supermarket with plans submitted showing areas set aside for alcoholic products.

Paragraph 3.1.2 of the Brighton and Hove City Council 2021 Statement of Licensing Policy states:

“Special Policy - Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.”

And further

Paragraph 3.1.3 of the Brighton and Hove City Council 2021 Statement of Licensing Policy states:

“The licensing authority, after careful consideration, has determined that the concentration of licensed premises in an area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to ‘Cumulative Impact’ is necessary as part of its statement of licensing policy.”

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.

Cumulative Impact Zoe

Restaurant Yes (midnight) / **Cafe** Yes (10.00pm) / **Pub** No / **Off-licence** No / **Late Night Takeaways** No

The location of the premises is along Western Road, Brighton. This is a very busy area with a variety of premises including Shops, Cafés, Off licences, Pubs, Restaurants and Late-Night take-aways. Around the corner from the premises is Clarence Square Gardens (an open green space) which is surrounded by residential properties.

Regarding Off Licences within the area, it’s worth noting how saturated the area is with such premises. Between Churchill Square and Norfolk Square along Western Road there are a total of 7 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 3.1.6 and 3.1.7 states

3.1.6 “The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.”

3.1.7 “This special policy also applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments. **Off licences also come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder.**”

The Council Statement of Licensing Policy under Paragraph 3.5 goes into detail regarding Off Licences and the concerns about the negative impact they have. Reviewing the Public Health Framework report for assessing alcohol licensing, Regency ward (of which this location is within) is ranked highest for sexual assaults, all injury violence and alcohol suspected ambulance call outs. It is also ranked 2nd highest for police recorded alcohol related incidents.

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 13th December 2022 and 12th December 2023 amongst other incidents, 143 were for violent crime, 97 anti-social behaviour, 31 criminal damage and 46 public order. We have concerns that permitting a further off licence 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 and alcohol dependant persons.

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, we wish to do all we can to mitigate any potential risk should this application go before a panel and be granted. Attached is a list of conditions which we kindly asked are adopted should the panel be minded approving the application.

Yours sincerely,

REDACTED

Insp Mark Redbourn

Operations (inc. Licensing) Chief Inspector

Brighton & Hove Division - Sussex Police

Mazar Market – 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, larger 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. All spirits will be displayed behind the serving counter only and out of arms reach from customers.
7. There will be no advertising of promotions/deals on any alcoholic product that can be seen from outside the premises including window posters.
8. There will be no advertising of alcohol placed on the outside footpath such as A boards.
9. There will be no deliveries of alcoholic products.

For the Prevention of Crime and Disorder:

10. 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.

11. 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.
12. 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.
 13. 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:

14. 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.
15. Signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
16. 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



Regulatory Services
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Mrs C Hardcastle
Licensing Officer
Licensing Team, BHCC
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Date: 4th January 2024
Our Ref: 2023/04904/LAPREN
Phone: REDACTED
Email: REDACTED

Dear Mrs Hardcastle,

Licensing Act 2003

RE: Representation in regard to the application for a new Premises Licence (Ref. 2023/04904/LAPREN)

For: MAZAR MARKET, 56 WESTERN ROAD, BRIGHTON, BN1 2HA

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 new Premises Licence for Mazar Market, submitted by Masam Haidari.

The applicant is applying for sale of alcohol, off the premises and opening hours from, 08:00 to 23:00 hours as a grocery store and supermarket.

We have concerns about this application and make a representation on the grounds of the Prevention of Crime and Disorder and Prevention of Public Nuisance and that this application is contrary to our Statement of Licensing Policy (SoLP).

The council introduced a special policy to address cumulative impact on the 13th March 2008 and following further consultation the cumulative impact zone (CIZ) was expanded in December 2011. The special policy was set up because the Licensing

Authority determined that the concentration of licensed premises and the subsequent numbers of people drawn into the city centre is causing exceptional problems of crime and disorder and public nuisance. The special policy will only be overridden in exceptional circumstances. New applications and variations to existing licences should normally be refused following relevant representations. This presumption of refusal can be rebutted by the applicant if they can show that their application will have no negative cumulative impact on licensing objectives including the prevention of crime and disorder and public nuisance. The Licensing Authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case.

I note that there is no reference within the application or the Operating Schedule to the premises' location within the city's CIZ. Guidance issued under Section 182 of the above Act suggests that applicants are expected to have regard to the Statement of Licensing Policy for their area (para 8.41) and in paragraph 8.43: 'Where specific policies apply in the area (for example, a cumulative impact 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 18 (licensing objectives), although the applicant has proposed a number of conditions, they have not mentioned the premises location within the CIZ or demonstrated a potential exception to our policy or how they will not add to the existing cumulative impact of the area.

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. 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.

In regard to the Matrix policy, I can again not see any offered exceptional circumstances for departing from the Matrix policy, where it clearly indicates that an 'Off licence' is a 'No' within the CIZ. The Licensing Team contend that the Matrix policy relates to both new and variation applications. Again, the Matrix policy can be departed from where exceptional circumstances are demonstrated, but the applicant has failed to address this.

When considering whether representations should be submitted, the Licensing Team have regard to the 'Public Health Framework for assessing Alcohol Licensing' – (accessed at <https://public.tableau.com/app/profile/brightonhovepublichealthintelligence/viz/PublicHealthFrameworkforAssessingAlcoholLicensing/NavigationPage>) document. The premises sits within the electoral ward of Regency. Under 'Crime and Disorder data' it is the worst out of 21 wards for all violence against the person, all injury violence, non-injury assault and sexual offences. It is also second worst for police recorded alcohol

related incidents. Within the recorded 'Health data', the premises sits in the worst ward for alcohol suspected ambulance call outs.

We make this representation to uphold our Statement of Licensing policy. The Policy is predicated on too much alcohol being available and applications for new premises licences will be refused unless the applicant can demonstrate exceptional circumstances. It is up to the applicant to demonstrate this and satisfy a Licensing Panel that they will not impact negatively on the CIZ.

Granting this application is likely to add additional burdens and problems to the already challenging area and although the applicant has put a number of provisions in their operating schedule, there is no mention of the Statement of Licensing Policy or Cumulative Impact area, I therefore do not believe that the applicant has demonstrated that there are exceptional circumstances to justify departing from the Policy. I therefore request this application is refused in line with 3.1.6 of our Statement of Licensing Policy.

Yours sincerely,

REDACTED

Sarah Cornell
Senior Licensing Officer
Licensing Team, Safer Communities