

Appendix D

REP A

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4th October 2023

EF CON ENDS 24.10.2023 VALID PCD, CIZ & PS (A)

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

Dear Emily Fountain,

RE: APPLICATION FOR A VARIATION OF THE PREMISES LICENCE FOR CUT YOUR WOLF LOOSE, 23 TRAFALGAR STREET BRIGHTON, EAST SUSSEX, BN1 4EG UNDER THE LICENSING ACT 2003. 1445/3/2023/03738/LAPREV.

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 public safety. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy (revised January 2021) and the Revised Guidance issued under section 182 of the Licensing Act 2003 (August 2023).

This is a proposed variation 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 (CIZ) (as defined in the BHCC Statement of Licensing Policy) and seeks to amend conditions and timings that were placed on the licence during a hearing of the Licensing committee in May 2020.

The 'Cumulative Impact Zone' is covered by special policy and paragraph 3.1.6 provides that:

'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.'

Paragraph 14.40 of the Secretary of State's Guidance to the Licensing Act 2003 (August 2023) provides:

'In publishing a CIA a licensing authority is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the area described....Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives.'

The applicant did not pre consult with Sussex Police prior to the submission of this variation application and no specific reference to potential cumulative impact issues has been made. Local concerns and issues that the area of Trafalgar Street attracts as a main thoroughfare to the train station remain and no alternative provisions or conditions have been offered to mitigate that potential harm.

Additionally, this premises lies within St Peter's & North Laine Ward which, as evidenced by the Brighton & Hove Public Health Framework for Assessing Alcohol Licensing (accessed at <https://public.tableau.com/app/profile/brightonhovepublichealthintelligence/viz/PublicHealthFrameworkforAssessingAlcoholLicensing/NavigationPage>), is ranked number 1 for Criminal damage and Police recorded alcohol related incidents and number 2 for All injury violence, All violence against the person, Non-injury assault and Sexual offences. This demonstrates the higher risk to the Licensing Objective of the Prevention of Crime and Disorder in this area.

The application is consequently at risk of undermining the prevention of crime & disorder and public safety Licensing Objectives. Furthermore, Sussex Police contend that the carrying on of additional licensable activity by amending the licence to remove certain restrictions and requirements, previously defined at a Licensing hearing, will add to the existing negative cumulative effect in an area already saturated with licensed premises.

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

Yours sincerely,

Insp Mark Redbourn
Operations (inc. Licensing) Chief Inspector
Brighton & Hove Division
Sussex Police

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

REP B

Emily Fountain
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Date: 19 October 2023
Our Ref: 2023/02411/LICREP/EH
Phone: 01273 292494
e-mail: **REDACTED**

EF CON ENDS 24.10.2023 VALID PCD, PPN & CIZ (B)

Dear Emily Fountain

Licensing Act 2003

Representation to the application for a new Premises Licence - 2023/03738/LAPREV

Cut Your Wolf Loose, 23 Trafalgar Street. Brighton BN1 4EG

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 variation of a Premises Licence submitted by Cut Your Wolf Loose.

This representation is made as the Licensing Team have 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 Cumulative Impact Zone (CIZ) and is contrary to our Statement of Licensing Policy (SoLP).

As mentioned above, this premises sits within the CIZ, which, as stated in our SoLP on pages 12-15, is deemed an area of special concern in terms of the levels of crime and disorder and nuisance experienced within it. 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 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.

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 SoLP suggests that any new premises or premises licence variations asking for these licensable activities and hours are a 'No' in the CIZ.

On looking at the application form, particularly section 16 (licensing objectives), the applicant has acknowledged that the premises would be located within the CIZ area. They have not demonstrated exceptional circumstances to depart from our policy or how they will not add to the existing cumulative impact of the area.

The Licensing Authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its SPCI in the light of the individual circumstances of the case.

The Council's Statement of Licensing Policy also 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 a 'Pub' in the CIZ is a 'No' within the Cumulative Impact Area. 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 newly named electoral ward of West Hill & North Laine, which in the Framework document is under the old Ward name of St Peter's & North Laine. Under 'Crime and Disorder data' it is second worst out of 21 wards for all violence against the person, all injury violence, non-injury assault and sexual offences. It is also worst for police recorded alcohol related incidents and criminal damage. Within the recorded 'Health data', the premises sits in the second worst ward for alcohol suspected ambulance call outs.

The Licensing Team make this representation to uphold our Statement of Licensing Policy. The SPCI is predicated on too much alcohol being available and, as previously stated, applications to vary a premises licence will be refused unless the applicant can demonstrate exceptional circumstances. I do not believe that the applicant has demonstrated that there are exceptional circumstances to justify departing from the Policy. I therefore invite the Licensing Panel to refuse this application.

Yours sincerely

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Donna Lynsdale

Licensing Officer

Licensing Team

