

LICENSING PANEL	Agenda Item
(Licensing Act 2003 Functions)	Brighton & Hove City Council

Subject:	Application to transfer the premises licence for Karen's Diner, Unit 3B Boardwalk Level, Waterfront, Brighton Marina, BN2 5WA under the Licensing Act 2003.		
Applicant: PLH	Callum Vella		
Address:	REDACTED		
Date of Meeting:	5th March 2024		
Report of:	Executive Director for Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Sarah Cornell	Tel: (01273) 295801
	Email:	sarah.cornell@brighton-hove.gov.uk	
Ward(s) affected:	Whitehawk & Marina		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 To consider the police objection notice to this application to transfer the premises licence to Callum Vella and to determine whether it is appropriate to reject the application on the basis that granting it would undermine the crime prevention objective.

2. RECOMMENDATIONS:

2.1 That the Panel determine the application by Callum Vella to transfer the premises licence under the Licensing Act 2003.

3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

3.1.1 On 28th February 2024 an application was received from Callum Vella to transfer the premises licence.

3.2 In accordance with section 42 of the Licensing Act 2003 the licensing authority gave notice to Sussex Police on 28th Feb 2024.

3.3 Sussex Police gave notice on the 1st March that they considered that granting the licenses would undermine the crime prevention objective (see Appendix B). Sussex Police have concerns that if Callum Vella, a current member of management is transferred into the responsible position of Premises Licence Holder that the above will continue and undermine the crime prevention Objective.

It is contended that the above constitutes exceptional circumstances and therefore Sussex Police invite the committee to refuse the application.

4. COMMENTARY ON THE LICENSING POLICY

- 4.1 The holder of the premises licence must give notice of his application to the chief of police.
- 4.2 Where a notice is given by the police under section 42 (6) the authority must hold a hearing and having regard to the notice, reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so.
- 4.3 Either party has the right of appeal to the Magistrates Court if their argument is rejected.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

Finance Officer Consulted Michael Bentley

Date: 01/03/24

Legal Implications:

- 5.2 The 2003 Act provides for any person who may apply for a premises licence, which includes a business, to apply for a premises licence to be transferred to them. Notice of the application must be given to the chief officer of police for the police area in which the premises are situated. Where a chief officer of police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reasons why he is so satisfied.
- 5.3 Where a notice has been given, and not withdrawn, the licensing authority must hold a hearing, and having regard to the notice, reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so. Where an application is granted or rejected, the relevant licensing authority must give a notice to that effect to the applicant, the proposed individual, and the chief officer of police. The notice must state the authority's reasons for granting or rejecting the application.
- 5.4 Either party has the right of appeal to the Magistrates Court if their argument is rejected.

Lawyer Consulted: Rebecca Sidell

Date: 01/03/24

Equalities Implications:

- 5.5 Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

Sustainability Implications:

- 5.4 Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

SUPPORTING DOCUMENTATION

Appendices

1. Appendix A – Transfer Application Form
2. Appendix A2 – Transfer Consent Form
3. Appendix B – Sussex Police Objection Notice

