

REPA – Police Licensing

DL CON ENDS 18.04.2024 VALID PCD, PS and CIZ (REP A)

27th March 2024

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

Dear Donna Lynsdale,

**RE: APPLICATION FOR A VARIATION TO THE PREMISES LICENCE FOR WINE
BARREL, 122-123 WESTERN ROAD, HOVE, EAST SUSSEX, BN3 1DB UNDER THE
LICENSING ACT 2003.
1445/3/2024/01002/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 licence 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 vary the following:

1. Amend the plan of the premises to include an outside area to the front for tables & chairs
2. The addition of the Supply of Alcohol 'On' the Premises (Currently has 'Off' the premises)

Everyday: 08:00 – 23:00

3. To remove the Embedded Restrictions Numbered 1) on page 5 of the current licence
4. To define the opening hours of the premises (currently not written on the premises licence) to 24 hours, 7 days a week

Sussex Police Headquarters
Malling House, Church Lane, Lewes, E. Sussex, BN7 2DZ

Telephone: 101 | 01273 470101

Email: brighton.licensing@sussex.pnn.police.uk

Everyday: 00:00 – 23:59

Paragraph 3.1.3 of the BHCC 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.’

The ‘Cumulative Impact Zone’ is further covered in paragraph 3.1.6 which notes 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 (December 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 contact Sussex Police via email prior to the submission of this application and were advised of police concerns around the proposed variation. Although we acknowledge that the applicant has referenced the Cumulative Impact Policy and given a CIZ Statement, they have not made any specific reference as to how the operator will look to counteract any potential crime & disorder or additional harm. They have also not offered a full rationale as to why this application would be an exception to Policy or shown that the changes will have no negative Cumulative Impact.

Although a number of conditions have been proposed within the application, Sussex Police do not believe these go far enough to help reduce any potential risk in a busy and central area of the City.

As it stands, 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 and the hours applied for at these premises 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 – Licensing Team

DL CON ENDS 18.04.2024 VALID PCD, PPN and CIZ (REP B)

Donna Lynsdale
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN11JP

Date: 15th April 2024
Our Ref: 2024/00667/LICREP/EH
Phone: REDACTED
Email:

Dear Donna Lynsdale

Licensing Act 2003

Representation to the application for a variation of a Premises Licence Wine Barrel, 122 - 123 Western Road, Hove, BN3 1DB - 2024/01002/LAPREV

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 Wine Barrel Brighton & Hove Ltd. The application seeks to add the licensable activity of the sale of alcohol on the premises from 08:00 until 22:00 on Mondays to Saturdays and from 10:00 until 22:00 on Sundays.

This representation is made as the Licensing Team has concerns that the application could have a negative impact on the licensing objectives of the 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 is deemed an area of special concern in terms of the levels of crime and disorder and nuisance experienced within it. 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.

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

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.

On reviewing the application, the applicant has stated that "The operators wish to add on sales of alcohol to the premises licence to cater for wine tasting and similar events, to allow customers to sample drinks before purchase or to enjoy a drink at the premises or at the tables and chairs outside".

However, in the proposed operating schedule there are no conditions offered by the applicant to restrict on sales to these specific type of events which means the premises could operate similar to a pub. I have contacted the applicant to seek clarification on this point but to date have not received a response.

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'. The Licensing Team contend that the Matrix policy relates to both new and variation 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 Licensing Team make this representation to uphold our Statement of Licensing Policy. The CIZ 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 feel that this application should be considered and determined by a Licensing Panel.

Yours faithfully

REDACTED

Corinne Hardcastle
Licensing Officer
Licensing Team

