

APPENDIX F

SC CON END: 19.10.11

Valid ✓ CD, PN,

(A)

Felicity Broder

From: Jason Kitcat [jason@jasonkitcat.com]
Sent: 28 September 2011 00:06
To: EHL Safety
Subject: Objection to application 1445/3/2011/02185/LAPREN Whisky Shop

CI

Dear Licensing Team

I am writing to object to licence application 1445/3/2011/02185/LAPREN for Whisky Shop on East Street, Brighton.

This would be a new licensed venue in a premises which previously have traded as a menswear shop. Granting this licence would be the addition of a new venue providing alcohol in the heart of the cumulative impact zone. There is already a significant problem caused by the density of licensed premises on East Street which has been the subject of multi-agency meetings, additional Police resource being allocated and continual disturbance to local residents.

I am objecting in terms of:

- * Prevention of Crime & Disorder
- * Prevention of Public Nuisance
- * Cumulative Impact

I strongly urge the committee to reject this licence application as the area cannot cope with another licensed venue.

regards,
Cllr Jason Kitcat

--
Cllr Jason Kitcat
Green City Councillor, Regency Ward
Brighton & Hove City Council

<http://www.jasonkitcat.com>
+ 44 (0) 7956 886 508

Cabinet member for Finance & Central Services

Representation to Licensing Application

(B)

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|--|-------------|
| Name and Address of premises subject to application. | |
| Licence number: 1445/3/2011/02185/LAPREN | 19 OCT 2011 |
| The Whisky Shop 64 East Street Brighton BN1 1HQ | |
| Your name and address (residence or business). | |
| Clarendon Mansions Residents Association Khosro Bashi, Chair Flat 6 Clarendon Mansions, 80 East Street, Brighton BN1 1NF | |

Note: Whether or not your representation can be considered depends upon whether your residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on the premises or immediately outside the premises.

Please state the substance of your representation within one (or more) of the following categories (representations outside these categories cannot be considered).

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| <p>Cumulative Impact Policy</p> <p>These premises are situated in the designated Cumulative Impact Area and residents are concerned that this proposal to sell alcohol will give rise to negative cumulative impact. The Cumulative Impact Policy recognises "that the concentration of licensed premises in a small 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 ...". The last thing needed on East St is another outlet for the sale of alcohol in an area which is busy at all times of day and night, with a concentration of licensed premises.</p> <p>A further reason for our objection is that licences are granted to the premises, not the business. Therefore, whatever the current intentions may be, we are concerned for the future and what this premises could evolve into.</p> |
| <p>The Prevention of Crime and Disorder</p> <p>This street has been identified by the police in a recent report as an area of concern. Issues include crime, anti social behaviour and public safety. Further premises, however well run, would only add to the problems caused by the sale of alcohol and contribute to disorderly conduct and noise nuisance which is already an issue for residents in this area.</p> |
| <p>Public Safety</p> <p>Any increase in disorder and public nuisance would impact directly on the safety of residents living in the vicinity of these premises.</p> |
| <p>The Prevention of Public Nuisance</p> |
| <p>The Protection of Children from harm</p> |

Signed: ...Khosro Bashi..... Date: 18th October 2011.....

Name: Khosro Bashi, Chair Clarendon Mansions Residents Association



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Brighton & Hove City Council

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Health, Safety & Environment

Brighton & Hove Licensing Unit
Licensing
4th Floor
Police Station
John Street
BRIGHTON
BN2 0LA

Tel: 0845 60 70 999 ext 50826
Fax: 01273 66 55 96

Email: david.bateup@sussex.pnn.police.uk

18th October 2011

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

Dear Sirs,

SUSSEX POLICE REPRESENTATION AGAINST THE APPLICATION FOR A NEW PREMISES LICENCE FOR WHISKY SHOP, 64 EAST STREET, BRIGHTON, BN1 1HQ.

Sussex Police oppose the application dated 19th September 2011 for a premises licence by Thomas and Thomas Partners LLP on behalf of Glenkeir Whiskies Ltd. The basis for this opposition is that the grant of a new licence for these premises will not promote the licensing objectives, particularly the prevention of crime and disorder and the prevention of public nuisance, but instead, is likely to give rise to potential negative cumulative impact via an increase in public nuisance and crime and disorder.

The application is for the supply of alcohol (off sales only) from 08:00 to 23:00 Monday to Sunday, with corresponding opening times of 08:00 to 23:00 seven days a week.

The premises in respect of which the application is made are situated within the Brighton & Hove City Council cumulative impact area. There are currently

discussions in progress at the City Council to extend the cumulative impact boundary further west towards Boundary Road in Hove, because of the number of complaints about noise nuisance and crime and disorder.

The concentration of licensed premises within an area of the City causes problems of anti social behaviour, crime and disorder and public nuisance. In consequence of this, after due consultation and consideration, on 13th March 2008 the Licensing Authority resolved that it was both appropriate and necessary to adopt a special policy in relation to cumulative impact. The special policy was reviewed as part of the third statement of licensing policy last year, and was adopted by a full Council on 16th December 2010, coming into effect in January of this year.

Paragraph 2.6.4 of the Council 2011 Statement of Licensing Policy states that "The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licenses or club premises certificates with 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 13.29 of the Secretary of State's Guidance to the Licensing Act 2003 provides:

"The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licenses...that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives".

Contrary to the Secretary of State's Guidance, the applicant fails to demonstrate in its operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. The application makes no reference to cumulative impact whatsoever, and nothing in the application or the operating schedule either rebuts the presumption of refusal contained within Paragraph 2.6.4 of the Licensing Authority's statement of licensing Policy, or provides any reason for the Licensing Authority to depart from its special policy.

Sussex Police say that there is nothing in this application which should make it an exception to the cumulative impact policy. In view of the above, the Licensing Authority is invited to refuse the application.

Yours faithfully,



Graham Bartlett
Chief Superintendent
Divisional Commander
Brighton & Hove Division