

APPENDIX C

Head of Planning & Public Protection
Health & Safety and Licensing
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton BN1 1JP

4 March 2018

MSB CON ENDS 16.03.18 VALID PPN, PCD & CIZ (A)

Dear Sir/Madam

1445/3/2018/00649/LAPREN 66 Queens Road, Grill 66 **Application to extend opening hours to 1.30am Sun-Thurs; 3.30am Fri-Sat**

We write on behalf of the North Laine Community Association in respect of the above application.

We object to this application on the grounds of Prevention of Public Nuisance, and Crime and Disorder.

Queens Road is within a CIZ, connected to North Laine which is also classed as a CIZ. We feel that the proposed opening hours would exacerbate the problems that the North Laine suffers from. North Laine Conservation Area is a densely residential area that suffers specifically from anti-social behaviour and crime and disorder which affects our community and the environment

We acknowledge that there is a high degree of activity – and associated noise and disturbance – in Queens Road and the surrounding area, but there are residents in Queens Road, and North Laine streets are primarily residential in character.

Importantly, we consider that it is crucial to maintain the principle of the matrix as set out in the SoLP which clearly states that no new licences for Takeaways in a CIZ will be granted. Granting this application would add to Cumulative Impact.

We therefore ask that you reject this application.

Yours faithfully

Sandy Crowhurst and Roy Skam

Police Station
John Street
Brighton
BN2 0LA

5th March 2018

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

MSB CON ENDS 16.03.18 PCD, PS, CIZ & PNN (B)

Dear Mark Savage-Brookes,

RE: APPLICATION FOR A NEW PREMISES LICENCE FOR GRILL 66, 66 QUEENS ROAD, BRIGHTON, EAST SUSSEX, BN1 3XD UNDER THE LICENSING ACT 2003. 1445/3/2018/00649/LAPREN.

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, public nuisance and public safety. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy.

This is a proposed new 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 (CIZ) (as defined in the BHCC Statement of Licensing Policy) and seeks the following hours and licensable activities:

Late Night Refreshment (Indoors)

Sunday - Thursday: 23:00 – 01:30
Friday - Saturday: 23:00 – 03:30

(although listed as 10:00 start in the application, late night refreshment

Opening hours

Sunday - Thursday: 10:00 – 01:30
Friday - Saturday: 10:00 – 03:30

Paragraph 3.1.4 of the Brighton and Hove City Council 2016 Statement of Licensing Policy states:

“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 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”.

The licensing decision matrix on page 16 of the Council Statement of Licensing Policy (SoLP) states that no new premises or premises licence variations asking for these licensable activities e.g. late night refreshment and hours will be granted in the CIZ, except in exceptional circumstances.

Paragraph 14.30 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 the grant or variation of premises licences...which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives”.

The applicant has not referred to the Cumulative Impact Zone or the BHCC Statement of Licensing Policy (SoLP) in their application, nor did they consult with Sussex Police prior to submission. Sussex Police do not believe that the applicant has offered any reasoning why the application would be an exception to policy or why the SoLP should be departed from.

Further, the applicant has not offered comprehensive enforceable conditions to help mitigate any potential risk in a busy and central area of the City. 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 late opening licensed premises.

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

Yours sincerely,

Lisa Bell
Chief Superintendent
Divisional Commander
Brighton & Hove Division

From: Lizzie Deane
Sent: 12 March 2018 15:20
To: EHL Safety
Subject: 1445/3/2018/00649/LAPREN Grill 6. 66 Queens Road

MSB CON ENDS 16.03.18 VALID PNN & PCD (C)

Dear EHL Team,

I write in my capacity of ward councillor in support of local residents and the North Laine Community Association in their objection to the above application.

The premises is located within the Cumulative Impact Zone, and is on the public thoroughfare that runs from the busiest concentration of the city's night time economy in West Street to Brighton Station. Sussex Police frequently report that their resources are overly stretched, particularly with reference to Operation Marble, and the challenges presented by problems of dispersal late at night and the early hours.

I am concerned that selling late night refreshments until the hours proposed will exacerbate the challenges of late night dispersal, and will add to the unacceptable levels of noise and disruption already suffered by residents in the flats above and overlooking the commercial properties along Queens Road.

Like the NLCA, I consider that it is crucial to maintain the principle of the matrix as set out in the council's Statement of Licensing Policy, which clearly states that no new licences for late night takeaways within the CIZ will be granted, unless the applicant can prove exceptional circumstances. I can see no such exceptional circumstances that might predicate the granting of this licence, and to do so would not in any way promote the city's licensing objectives.

I therefore urge the licensing authority to reject this application on the grounds of prevention of public nuisance, and crime and disorder.

Yours sincerely,
Lizzie Deane

Cllr Lizzie Deane
Green Party member for St Peter's and North Laine Ward
01273 291138
Deputy Convenor of the Green Group of Councillors
Member of: Licensing Committee (party spokes)
Health Overview and Scrutiny Committee
East Sussex Fire and Rescue Authority
Trustee of The Brighton Fund

Mr Mark Savage-Brookes
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Date: 13th March 2018
Our Ref: 2018/01329/LICREP/EH
Phone:
e-mail:

MSB CON ENDS 16.03.18 VALID PNN & PCD (D)

Dear Mr Savage-Brookes,

**Licensing Act 2003 – Licensing Authority representation against the application for a Premises Licence (ref: 2018/00649/LAPREN)
Re: Grill 66, 66 Queens Road, Brighton, BN1 3XD**

I refer to the application made by Fadi Bedewi, for Premises Licence for Grill 66.

The application is asking for the Licensable activity of the supply of Late Night Refreshment until 3.30am Friday and Saturdays and until 1.30am on all other days of the week. The opening hours listed are 10am-3.30am on Friday and Saturdays and 10am until 1.30am Sunday to Thursdays.

I 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) and falls within our Cumulative Impact Area.

An officer from the Licensing Team, Emma Bullen wrote to the premises twice in December last year (13th and 20th) following a query from Police Licensing asking if the premises had a licence for Late Night Refreshment, this was received on 12th December. At that time the premises was advertising its opening times online and on the premises as Tuesday to Thursday from 5:00pm until 12am and Friday and Saturday from 5:00pm until 2:00am. Letters of advice were written and the venue was monitored by Police licensing on several occasions and was not found to be trading after 11pm so the case was closed.

I have attached the two letters Emma Bullen sent at the end of this letter for information.

The Council introduced a special policy to address cumulative impact on the 13th March 2008 and following further consultation the cumulative impact area (CIA) 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.

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. The application describes the venue as a 'small restaurant that sells hot food to eat in and takeaway'. Essentially part of this application is for a Late Night Takeaway in the CIA and the Matrix clearly states that applications for Late Night Takeaways within the CIA should be refused following relevant representations. Restaurants are permitted but until midnight only, this application seeks later hours than midnight every day of the week. Each application is still considered on its individual merit and there is discretion to depart from the Matrix approach policy in exceptional circumstances.

Guidance issued under S182 of the Licensing Act 2003 states in paragraph 8.38 that in completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. The guidance goes on to say in paragraph 8.40 that applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a matrix-decision making 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. There is no mention of the Statement of Licensing Policy or the Cumulative Impact Area on this application. The applicant has not demonstrated exceptional circumstances to depart from our policy or how they will not add to the existing cumulative impact of the area.

Granting this licence is likely to add additional burdens and problems in the cumulative impact area and I 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 our Statement of Licensing Policy and the Matrix approach.

Yours sincerely

Becky Pratley
Licensing Officer
Licensing Team, Environmental Health and Licensing
Regulatory Services
Please note my working days are Monday, Tuesday and Wednesday.

Attached: copy of letters sent by Licensing Officer Emma Bullen on 13.12.17 and 20.12.17.

Grill 66,
66 Queens Road,
Brighton
BN1 3XD

Date: 13 December 2017
Your Ref: ELB/ 10615
Contact: Emma Bullen

Licensing Officer

Tel: 01273 292381
Email: Emma.bullen@brighton-hove.gcsx.gov.uk

Dear Sir/Madam

Licensing Act 2003
Grill 66, 66 Queens Road, Brighton

I am writing to you as you are advertising that you are opening beyond 11:00pm and selling food at 66 Queens Road, Brighton. Under the Licensing Act 2003 a premises licence is required for licensable activities which includes the sale of hot food & drink between 11:00pm – 5:00am (this is known as the licensable activity of 'late night refreshment'. Details of how to apply for a premises licence can be found at the following link:-
<http://www.brighton-hove.gov.uk/content/business-and-trade/licensing-and-gambling/apply-a-premises-license>.

It is an offence under the Licensing Act 2003, Section 136(1) and (4) to carry on unauthorised licensable activities. The legislation states that:-

(1) A person commits an offence if—

(a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or

(b) he knowingly allows a licensable activity to be so carried on.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Please be aware that the Council Licensing and Police Licensing teams have enforcement officers monitoring the city both day and night and we will be monitoring the premises. If you are witnessed carrying out unauthorised licensable activities then enforcement action will be taken.

Please contact me at the above office if you would like to discuss the contents of this letter. I am usually available between 9:30am and 2:30pm Monday to Wednesday.

Yours Sincerely
Emma Bullen
Licensing Officer
Cc Police Licensing Unit, John Street, Brighton

Mr F Bedewi
Grill 66,
66 Queens Road,
Brighton
BN1 3XD

Date: 20 December 2017
Your Ref: ELB/ 10615

Contact: Emma Bullen
Licensing Officer

Tel: 01273 292381
Email: Emma.bullen@brighton-

Dear Mr Bedewi

Licensing Act 2003

Grill 66, 66 Queens Road, Brighton

I refer to our conversation on 19 December 2017 regarding the trading hours at Grill 66, 66 Queens Road, Brighton. You advised me that you were not trading after 11:00pm however you are advertising the hours of opening online and on the shop door as Tuesday to Thursday from 5:00pm until 12am and Friday and Saturday from 5:00pm until 2:00am.

As I advised you in my letter of 13 December 2017 a premises licence is required for licensable activities under the Licensing Act 2003. This includes the sale of hot food & drink between 11:00pm – 5:00am. I have enclosed a copy of my previous letter for your information

May I also remind you that the Council Licensing and Police Licensing teams have enforcement officers monitoring the city both day and night and we will be monitoring the premises. If you are witnessed carrying out unauthorised licensable activities then enforcement action will be taken.

Please contact me at the above office if you would like to discuss the contents of this letter. I am usually available between 9:30am and 2:30pm Monday to Wednesday.

Yours Sincerely

Emma Bullen
Licensing Officer

Cc Police Licensing Unit, John Street, Brighton