

APPENDIX C

From: Dick Page

Sent: 26 February 2018 10:46

To: EHL Safety

Cc: David Gibson

Subject: Objection to another off-licence: A&A Newsagent 143 Islingword Rd 2018/00720/LAPREN

SC CON ENDS 22.03.18 VALID PCD, PNN & PCH (A)

Dear Licensing Authority,

I must make a representation against another off-licence from 7am to 10pm every day in this neighbourhood of my ward.

There are others already in this residential street; more significantly there are a concentration at the south end of the Lewes road, within 1-200 metres.

All these lie within our policy's Special Stress area, and I feel this is an over-concentration which will encourage alcohol-related nuisance, possibly also crime and alcohol harm, especially to the large young adult/ student resident population. Lewes Road is "university corridor", so many more young students will pass through as well.

Furthermore it is c.100 metres from one of the worst wards in the city for alcohol-related crime and health problems (St Peters & North Laine), as well as being very near The Level, a longstanding problem area for street/ antisocial drinking and drug-dealing.

Yours,

Dick (Page),

Councillor, Hanover & Elm Grove.

Green Spokesperson, Health & Wellbeing

Member of Licensing Committee & Personnel Appeals Sub-Committee.

Police Station
John Street
Brighton
BN2 0LA

9th March 2018

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

SC CON ENDS 22.03.18 VALID PCD & PNN (B)

Dear Sarah Cornell,

RE: APPLICATION FOR A NEW PREMISES LICENCE FOR A&A NEWSAGENT, 143 ISLINGWORD ROAD, BRIGHTON, EAST SUSSEX, BN2 9SH UNDER THE LICENSING ACT 2003. 1445/3/2017/05192/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 of the prevention of crime and disorder and public nuisance. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy.

This is a proposed new licence application in the City's Special Stress Area (SSA) which seeks the following hours and licensable activities:

Supply of alcohol (Off Sales)

Every Day: 07:00 – 20:00

Opening hours

Every Day: 07:00 – 20:00

Paragraphs 3.2.1-3 of the Brighton and Hove City Council 2016 Statement of Licensing Policy (SoLP) states:

3.2.1 - This Special Stress Area (SSA) is of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it. The area will be kept under review.

3.2.2 - New and varied applications for premises and club premises certificates within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. Appendix A of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.

3.2.3 On receipt of any application in the SSA, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in Appendix A, Licensing Best Practice Measures. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.

The licensing decision matrix on page 16-17 of the Council Statement of Licensing Policy (SoLP) states that new premises applications or premises licence variations asking solely for the 'off' sale of alcohol in the SSA are indicated as a 'No' under the matrix.

The applicant has not made specific reference to the Special Stress Area in their application. However, the applicant has offered some reasoning about how their offered conditions will "ensure that the operation of these premises will promote the four licensing objectives". In the circumstances, Sussex Police are making a representation as the hours applied for fall outside the BHCC decision making matrix and even though the applicant has offered some enforceable conditions, this will also enable a Council Licensing Sub Committee to properly scrutinise the application as described in 3.2.3 above.

We now invite the Licensing Sub Committee to consider the application, along with any other representations that may be submitted, and to make a decision in due course. Sussex Police can provide Police worded conditions should the Committee require.

Yours sincerely,

Inspector Di Lewis,
Licensing and Reponse
Local Policing Support Team
Brighton & Hove Division

**Miss S Cornell
Licensing Officer
Licensing Team
BHCC
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP**

Date: 19th March 2018
Our Ref: 2018/01821/LICREP/EH
Phone:
Email:

SC CON ENDS 22.03.18 VALID PCD & PPN (C)

Dear Miss Cornell,

**Re: Licensing Act 2003 - Representation regarding the application for a New Application for a Premise Licence
For: A&A Newsagent, 143 Islingword Road, Brighton, BN2 9SH
Reference no. 2015/05652/LAPREN**

I refer to the application made by Martha Lewis, for a new Premises Licence to be issued for the above premises. The Licensing Team, in its role as a Responsible Authority, has concerns about this application and therefore submits this representation, which I write on its behalf.

This representation is submitted as there are concerns that the application does not meet the requirements of the Council's Statement of Licensing Policy (SoLP), with regard to applications made within the Special Stress Area of the city. The Special Stress Area is of concern to the Licensing Authority because of the relatively high levels of crime and disorder and nuisance experienced within it and we believe that the granting of this application could lead to increased associated issues with regard to crime, disorder and public nuisance in the nearby surrounding area.

The applicant has applied for an off-licence Premises Licence, to compliment an already established convenience store. The applicant would like off sales of alcohol between the hours of 07:00 hours and 20:00 every day.

The Council's SoLP includes a Matrix Model approach for licensing decisions, which 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 Matrix Model, on page 17 of the Council's SoLP, states that in the Special Stress Area, there should be no new off-licence Premises Licence applications granted. The policy does state that each application is still considered on its individual merit and there is discretion to depart from the policy where justified. However, departure from the Matrix Model is only expected 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, such as the special policy for the Special Stress Area, 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.

Further, in relation to the Special Stress Area, the SoLP states the following:

3.2.2 - New and varied applications for premises and club premises certificates within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these area. Appendix A of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.

3.2.3 - On receipt of any application in the SSA, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in Appendix A, Licensing Best Practice Measures. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.

I have looked carefully at this application, paying particular attention to the Matrix, any exceptional circumstances provided for departing from the Matrix and the control measures the applicant has submitted for the Operating Schedule.

We maintain that the Matrix Model states that no new off-licence applications should be granted and note that no exceptional circumstance evidence has been provided by the applicant to warrant departure from this part of the policy. Further, we contend that the control measures submitted do not fully include those measures listed in Appendix A of the SoLP which would be relevant to this application and premises.

The Licensing Team act as guardians of the council's SoLP and we make this representation as we believe the application made is contrary to our policy. We therefore invite a Sub-Committee Panel to decide the outcome of this application on behalf of the Licensing Authority, as specified in paragraph 3.2.3 of the SoLP, as detailed above.

Yours sincerely,

Mark Savage-Brookes
Licensing Officer
Licensing Team
Environmental Health and Licensing
Regulatory Services

