

APPENDIX C



Regulatory Services
Bartholomew House
Bartholomew Square
Brighton BN1 1JP

Health & Safety and Licensing
Bartholomew House
Bartholomew Square
Brighton.
BN1 1JP

Date: 2 May 2018
Our Ref: ELB/2018/00574/LAPREV
Contact: Emma Bullen
Phone:
Fax:
e-mail:

SC CON ENDS 21.05.18 VALID PCD, PPN & CIZ (A)

Dear Sarah

Licensing Act 2003

Velvet Jacks, 50 Norfolk Square, Brighton, BN1 2PA

I wish to make a representation against the variation to the premises licence at Velvet Jacks, 50 Norfolk Square, Brighton on the grounds that it is contrary to the Council's Statement of Licensing Policy and may undermine the Licensing objectives of Prevention of Crime and Disorder and the prevention of public nuisance.

The application is for a variation of the hours to add an extra 30 minutes to the current operating time. The premises is operating as a café bar. The applicant has requested alcohol sales until midnight which is against the Licensing Framework Matrix which is favourable to café bars until 11:30pm within the cumulative impact area

Norfolk Square falls within the Licensing Authority's Cumulative Impact area. The policy was adopted to give greater power to control the number of licensed premises within the city centre. The Special Policy for Cumulative Impact states that applications for variations which are likely to add to the existing cumulative impact will 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 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 applicant has not considered the cumulative impact of the premises in the application

Norfolk Square is situated in the Regency ward. According to our Public Health Framework for Assessing Alcohol Licensing Regency Ward is ranked 1st worst out of 21 for All Violence against the person, All Injury Violence, Non-Injury Assault, Sexual Offences and Criminal Damage and 2nd worst for Police recorded alcohol related incidents .

I therefore make a representation on the grounds of the Prevention of Crime & Disorder and Prevention of Public Nuisance and to uphold our Statement of Licensing policy so that the panel can determine the application.

Yours sincerely,

Emma Bullen
Licensing Officer

Police Station
John Street
Brighton
BN2 0LA

16th May 2018

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

SC CON ENDS 21.05.18 VALID PCD, PS & CIZ (B)

Dear Sarah Cornell,

RE: APPLICATION FOR A PREMISES LICENCE VARIATION FOR VELVET JACKS, 50 NORFOLK SQUARE, BRIGHTON, EAST SUSSEX, BN1 2PA UNDER THE LICENSING ACT 2003. 1445/3/2018/02204/LAPREV.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above variation 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.

This is a proposed 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 the following additional hours:

Supply of Alcohol (On the premises)

Current Timings

Monday - Saturday: 10:00 – 23:30
Sunday: 12:00 – 23:30

Variation Timings

Monday: Closed
Tuesday – Thursday: 16:00 – 00:00
Friday – Sunday: 13:00 – 00:00

Opening hours

Variation Timings

Monday:	Closed
Tuesday – Thursday:	16:00 – 00:00
Friday – Sunday:	13:00 – 00:00

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 16/17 of the Council Statement of Licensing Policy (SoLP) states that no new premises or premises licence variations asking for these licensable activities e.g. sale by retail of alcohol 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. We 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. Additionally, 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.

Further, Sussex Police have a number of concerns relating to high drugs swab readings at Velvet Jacks and are carrying out work with the Premises Licence Holder and Designated Premises Supervisor to reduce this. Therefore at this time, Sussex Police do not feel confident in the management and running of this premises for any variation to be made to the premises licence until changes have been made to ensure the public are protected from harm and that the licensing objectives are not being undermined.

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

Yours sincerely,

Insp Di Lewis
Licensing & Response Inspector
Local Policing Support Team
Sussex Police

