

APPENDIX C

Police Station
John Street
Brighton
BN2 0LA

30th May 2018

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

MSB CON ENDS 15.06.18 VALID PCD & PPN (A)

Dear Mark Savage-Brookes,

**RE: APPLICATION FOR NEW PREMISES LICENCE, YUN FENG ORIENTAL, 25
LONDON ROAD, BRIGHTON, EAST SUSSEX, BN1 4JB UNDER THE LICENSING ACT
2003. 1445/3/2018/02982/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 Special Stress Area (SSA) (as defined in the BHCC Statement of Licensing Policy) and seeks the following hours and licensable activities:

Sale by Retail of Alcohol – Off Premises

Monday - Saturday:	11:00 – 20:00
Sunday:	11:00 – 19:00
Seasonal variation between May – October:	11:00 – 21:00
Christmas:	No times given or actual dates.

Paragraphs 3.2.1-3 of the Brighton and Hove City Council 2016 Statement of Licensing Policy 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 of the Council Statement of Licensing Policy (SoLP) states that no new premises or premises licence variations asking for the "Off Sales" of retail alcohol will be granted in the SSA, except in exceptional circumstances.

The applicant has not referred to the Special Stress Area or the BHCC Statement of Licensing Policy (SoLP) in their application nor did they pre consult with Sussex Police prior to submission. We do not believe that the applicant has offered any reasoning why this new licence application would be an exception to policy or why the SoLP should be departed from.

Further, the applicant has not offered any comprehensive enforceable conditions to help mitigate potential risk in a busy and central area of the City. Sussex Police contend that without suitable conditions the carrying on of a licensable activity 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 Di Lewis
Licensing and Response Inspector
Local Policing Support Team
Sussex Police

**Mr M Savage-Brookes
Licensing Officer
Licensing Team
BHCC
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP**

Date: 1st June 2018
Our Ref: 2018/03824/LICREP/EH
Phone:
Email:

MSB CON ENDS 15.06.18 VALID PCD & PNN (B)

Dear Mr Savage-Brookes,

Re: Licensing Act 2003 - Representation regarding the application for a New Application for a Premise Licence For: Yun Feng Oriental Foodstore, 25 London Road, Brighton, BN1 4JB. Reference no. 2018/02982/LAPREN

I refer to the application made by Yun Feng Foods Limited, 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 I am submitting this representation on the grounds of the prevention of crime & disorder and the protection of children from harm and to uphold our Statement of Licensing Policy (SoLP).

The applicant has applied for a Premises Licence for alcohol for consumption off the premises Mon-Sat 11am-8pm and Sun 11am-7pm.

This representation is submitted as there are concerns that the application does not meet the requirements of the Council's 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 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 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 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 and a decision making matrix, 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.

On looking at the application form, particularly Part M (licensing objectives), there are no proposals put forward by the applicant at all and therefore they have little understanding of these points and have not demonstrated a potential exception to our 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.

We maintain that the Matrix Model states that no new off-licence applications should be granted in the Special Stress Area and note that no exceptional circumstance evidence has been provided by the applicant to warrant departure from this part of the policy.

The Licensing Team act as guardians of the Council's SoLP and I make this representation on behalf the Licensing Authority as I believe the application made is contrary to our policy and therefore invite the panel to refuse the application.

Yours sincerely

Sarah Cornell
Senior Licensing Officer
Licensing Team
Regulatory Services