

## **APPENDIX C**

Police Station  
John Street  
Brighton  
BN2 0LA

Tel: **REDACTED TEXT**

Email: **REDACTED TEXT**

03<sup>rd</sup> March 2021

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

### **SC CON ENDS 24.03.21 VALID PCD & PPN (A)**

Dear Sarah Cornell,

**RE: APPLICATION FOR TO VARY THE PREMISES LICENCE FOR FISH & CHIPS, 86-87  
PRESTON STREET, BRIGHTON, BN1 2HG UNDER THE LICENSING ACT 2003.  
1445/3/2021/00425/LAPREV.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the application to vary the premises licence held at the above location on the grounds that it will undermine the licensing objectives 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 2021 and the Public Health Framework report for Assessing Alcohol Licensing 2019 edition.

This is an application to extend late night refreshment hours in an area of the City which is subject to a Special Policy adopted by Brighton & Hove City Council. The premises is in the heart of Cumulative Impact Zone (CIZ) (as defined in the BHCC Statement of Licensing Policy 2021) and is an area covered by Sussex Police night time economy policing operation – Op Marble.

The applicant seeks to extend licensable activities and trading hours as follows:

**Sunday – Thursday 00:00-03:00**  
**Friday – Saturday 00:00-05:00**

The extended hours is to service take away and delivery only.

The location of the business is along Preston Street which is mostly a mix of restaurants, fast food outlets and bars including late night venues. There is also a handful of office space units, personal care and retail shops. Along the road on both sides are residential flats including Astra House next door and a hotel across the road.

Paragraph 1.1.37 (Pages 15-17) of the Brighton and Hove City Council 2021 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”.*

Paragraph 3.3 (Page 13) of the Brighton and Hove City Council 2021 Statement of Licensing Policy refers to the Matrix Approach. Within the Cumulative Impact Area Late Night Takeaways are not supported unless the applicant can show exceptional circumstances and explain how they will have no negative impact which would undermine the licensing objectives.

Sussex Police have concerns granting an extension of hours due to the location of the premises and the close proximity to the main night time economy area.

Preston Street experiences significant footfall from members of the public entering and leaving the central area of Brighton and is in an area saturated with licensed premises. Due to this the area already experiences anti-social behaviour. Sussex Police believe that an additional late night refreshment premises open until 3am/5am would assist in keeping persons in the area longer and in turn increasing the risk of crime and disorder and public nuisance.

Reviewing the Public Health Framework report for assessing alcohol licensing 2019 edition, Regency ward, of which this location is within, is ranked highest out of 21 wards for crime and disorder (excluding criminal damage of which is 3<sup>rd</sup>) and the second highest for Police recorded alcohol related incidents. Due to this the safe dispersal of people as quickly as possible is paramount in keeping incidents to a minimum and protecting persons within the locality.

We note that this application is not to permit the sale of alcohol however, the hours being applied for is highly likely to attract persons that have been consuming alcohol and the report evidences the issues we have within this area already. We have seen first-hand on many occasions how late night take away food outlets within the night time economy suffer from crime and often require police attendance.

With high numbers of person descending on the City during the weekends and the impact this has, Sussex Police operate a standalone night time operation at weekends and other times throughout the year. This involves dedicated Police resources patrolling the main night time economy area. Having a visible police presence, especially during the weekend evenings, goes some way to assist in reducing criminal incidents occurring, but unfortunately does not stop them in their entirety. We deal with a mix of incidents with people becoming drunk and disorderly, violent and a high number of incidents involving persons who have become a victim of crime due to their own vulnerability after consuming alcohol.

The application is for food and drink after midnight to be taken away. As mentioned we have concerns over dispersal which can be delayed due to late night food outlets being open. Although most nights end positively, there are some that don't and people become victims purely down to their intoxication levels. With this location being across the road from the beach and between green space areas such as Regency and Bedford Square, we believe persons would be attracted to these areas to sit and consume the food rather than heading to the safety of their homes after leaving the bars and clubs. In addition to the public safety issue there is also a public nuisance one especially for local residents with noise and litter. There is the possibility of further noise being caused with additional vehicle movement within the area due to the provision of delivery also being an option if this variation is granted.

The applicant has offered a number of conditions and state there will be no negative cumulative impact however, we don't believe this has been evidenced within their application or via the offered conditions.

As the extended hours are for take away it would be very hard to control their customer's behaviour once they have left the premises. They offer to collect litter from outside the venue however it's more likely that persons will head to the beach and local parks to consume rather than stand or sit on Preston Street outside the premises. See images below taken at Regency Square on Sunday 28<sup>th</sup> February at 09:45. We are not suggesting this litter is from Fish & Chips on Preston Street but to offer as evidence that persons do use this area to consume takeaways. All other conditions offered relate to inside the premises so again, of little use when persons are taking items to consume away from the location.

Sussex Police believe that by granting this application it will add to negative impact within an area saturated with late night licensed premises and the challenges this brings for emergency services. Additionally we do not believe that the applicant has offered any reasoning why the application would be an exception to policy or why it should be departed from. Therefore, Sussex Police invite the Licensing Authority to seriously consider refusing this application.

Yours sincerely,

**REDACTED TEXT**

**REDACTED TEXT**

Force Licensing  
Sussex Police



Dear Sussex Police,

Thank you for your letter dated 3rd March 2021.

I would like to address the following points in your letter -

1) I disagree with the statement "in an area saturated with licenced premises" because the majority of the shops in area close at around midnight and no alcohol is sold after that time. There is already some late night trade in Preston Street, but it is not saturated. Our application wishes to provide an additional venue for customers (and staff from the casino) to purchase food for takeaway. However, I feel that we need to operate on the basis of being fair and reasonable as there are some other shops that are entitled to stay open late such as:

A) Pizza Xtra (84 Preston Street) - 23:00 - 03:00 everyday

B) Genting Casino (6-8 Preston Street) - 23:00 - 05:00 everyday

C) Efes Kebab (53 Preston Street) - 23:00 - 03:00 Sunday to Thursday and 23:00 - 04:00 Friday and Saturday

D) Pizza King (56 Preston Street) - 23:00 - 05:00 everyday

Therefore, considering that these 4 premise have the right to stay open late then shouldn't we also have the right to make it fair?

2) I disagree with the statement that there is "significant footfall of the public" in Preston Street because **before** the pandemic there were a significant number of restaurant that had to close down, which indicates that there is insufficient footfall to allow those restaurants to cover their expenses.

3) Since Preston Street was made in a one-way direction (which was more than 15 years ago) there has been no footfall especially at night after 10PM (even in the weekends). You are more likely to see one person every 2 hours rather anything more. Preston Street is the most dead street in the town after 10PM and numerous shops were closing down there **before** COVID-19.

4) I have checked online prior to submitting my application and found that the number of anti-social behaviour in the last 12 months is significantly lower than the national average (according to UK crime stats) for Preston Street.

5) There are very few people walking in Preston Street at night, so I struggle to understand how can there be trouble. It is of my understanding from the owners of other takeaway outlets that operate at night in Preston Street that Sussex Police have only recorded less than 2 incidents in the last 20 years. I invite you to check the police records regarding this.

6) Only fast and efficient service will operate at the premise at all times. This will mean a quick dispersal of customers from the area and delivery drivers never wait more than 2 minutes to collect the orders.

Many thanks in advance.

I look forward to hearing from you.

Kindest Regards,

Abbanoub Salama

Ms S Cornell  
Licensing Authority  
Brighton & Hove City Council  
Bartholomew House  
Bartholomew Square  
Brighton  
BNI IJP

Date: 10 March 2021  
Our Ref: 2021/58779/LICREP/EH  
Phone: **REDACTED TEXT**  
e-mail: **REDACTED TEXT**

**SC CON ENDS 24.03.21 VALID PCD, PPN & CIZ (B)**

Dear Ms S Cornell

**Licensing Act 2003  
Representation in regard to the application to vary a Premises Licence under the  
Licensing Act 2003 (Ref: 2021/00425/LAPREV)  
Fish & Chips, 86-87 Preston Street, Brighton BNI 2HG**

I write to make a representation on behalf of the Council's Licensing Team, in their capacity as a responsible authority, in relation to the above application for a variation to the existing license to extend 'Late Night Refreshment' activities. All other licensable activities will remain as stated on the existing license. The applicant has applied for 'Late Night Refreshment' licensable activities and trading hours as follows:

Sunday-Thursday 00:00-03:00  
Friday-Saturday 00:00-05:00

This representation is made as the Licensing Team have concerns that the application could have a negative impact on the licensing objectives of prevention of crime and disorder and public nuisance. I also refer to the Special Policy on Cumulative Impact (SPCI) contained within the Council's Statement of Licensing Policy (SoLP).

This premises falls within the Licensing Authority's Cumulative Impact Area (CIZ), which was adopted to give greater power to control the number of licensed premises within the city's centre. The SPCI was introduced 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 effect of the SPCI is that applications for variations of premises licences, which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. The applicant can rebut this presumption of refusal if they can show that their variation application will have no negative cumulative impact on licensing objectives, including prevention of crime and disorder and public nuisance.

Guidance issued under S182 of the Licensing Act 2003 (April 2018) states in paragraph 8.41 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 8.43 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, Cumulative Impact Zone (CIZ)), 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 section 16 (licensing objectives), the applicant has not addressed the premises location within the CIZ, has not offered any mitigation or explanation regarding the potential impact the increased hours might have and has not demonstrated how the application is an exception to our policy.

The Licensing Authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its SPCI in the light of the individual circumstances of the case.

The Council's Statement of Licensing Policy also 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.

In regard to the Matrix policy, I can again not see any offered exceptional circumstances for departing from the Matrix policy, where it clearly indicates that 'late night refreshment' in the CIZ should not be granted within the Cumulative Impact Area. The Licensing Team contend that the Matrix policy relates to both new and variation applications, so this also means that later hours would not be granted to existing 'late night refreshment' licence. Again, the Matrix policy can be departed from where exceptional circumstances are demonstrated, but the applicant has failed to address this.

As well as being located in the CIZ, the premises is situated in the electoral ward of Regency, which according to our Public Health Framework for Assessing Alcohol Licensing 2019 also includes 'crime and disorder data', within this ward. Regency is ranked (out of 21 wards) worst for 'all violence against the person', 'all injury violence', 'non-injury assault', 'sexual offences', and second worst 'police recorded alcohol related incidents', which further highlight the impact that a late night refreshment licensed premises in the area can have on crime and disorder and public nuisance.

The Licensing Team make this representation to uphold our Statement of Licensing Policy. Extending the current permitted hours is likely to add additional burdens and problems to the already challenging 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 faithfully

**REDACTED TEXT**

**REDACTED TEXT**

Licensing Officer

Licensing Team

**REDACTED TEXT**

Tel – **REDACTED TEXT**

Email – **REDACTED TEXT**

22<sup>nd</sup> March 2021

Ms Sarah Cornell

Licencing Authority

Brighton & Hove City Council

Bartholomew House

Bartholomew Square

Brighton

BN1 1JP

**SC CON ENDS 24.03.21 VALID PCD (SI)**

Dear Ms Sarah Cornell,

**Representation to Support the Application to vary the Premises Licence for Fish & Chips, 86-87 Preston Street, Brighton, BN1 2HG under the Licencing Act 2003 (Ref – 1445/3/2021/00425/LAPREV)**

I write on behalf of **REDACTED TEXT** at **REDACTED TEXT** to confirm that the following representation is made on the basis of supporting the application for the above premise.

In connection to this representation for the consultation period ending 24/3/21, I make the following points to you:

- For the last two decades Preston Street as a whole has been largely deserted at night. Because of this there has been a negative effect for the economy of Preston Street. There is a police camera above Sainsbury's in Western Road facing Preston Street. This CCTV footage for Preston Street will reveal that each night in Preston Street the area is dead, and you will barely see one person every couple of hours. I feel



that this application for the above premise will help revitalise the economy for Preston Street.

- There is some night-time trade going on in Preston Street and I feel that it would be unfair that the above premise would not be able to contribute to strengthening the night economy of this area. The pandemic has had a devastating impact across the UK not just in this part of Brighton and I do believe it is vital to encourage economic growth in the area by granting this extension of opening hours.
- With regards to the licensing objectives of crime and disorder and public safety I wish to make it clear that Preston Street is very quiet. Having been in operation since **REDACTED TEXT** it is astonishingly rare for the need of police attendance. Since opening in **REDACTED TEXT** there have been nearly zero incidents at our premise, and this underscores the low level of crime in the area. I reiterate that the number of people coming into the street at night-time is insignificant and has been for last two decades.
- Furthermore, there is no other licensed premise that serves alcohol after 11pm. The only exception to this is the Genting Casino. This coupled with the fact that there are very few people in Preston Street at night satisfies the licensing objectives.
- I also wish to make it clear that shops regularly close down in Preston Street (please see the photo attached below as evidence). This shows the real struggle that businesses in Preston Street are facing whilst simply trying to survive.
- The economy in Brighton is dominated by independent businesses and I trust that the council will always take measures to support them. Trading has already been challenging especially since the double dip recession in 2008 and has been worsened by the ongoing pandemic. To reject this application for the above premise will only serve to harm the economy at a time when businesses across the country are closing down for good.

Overall, I make this representation to strongly support the above application to revitalise the struggling economy in Preston Street. To extend the opening hours for this premise is unlikely to challenge the licensing objectives considering that the road at night has been very quiet for the last two decades. It would also be unfair if this premise would not be encouraged to open at night considering that there are a handful of other takeaway shops that remain open late in Preston Street. As the licensing authority I expect the council to remain neutral and supporting of independent businesses especially during these uncertain times. Therefore, I ask the council to approve and grant this application.

Yours sincerely

**REDACTED TEXT**

**REDACTED TEXT**

Dated: 21/3/21



