

## **APPENDIX C**

Police Station  
John Street  
Brighton  
BN2 0LA

Tel: **REDACTED TEXT**

Email: **REDACTED TEXT**

14<sup>th</sup> April 2021

The Licensing Technical Support Officers  
Environmental Health, Brighton & Hove City Council  
Bartholomew House, Bartholomew Square  
Brighton, East Sussex  
BNI IJP

### **DML CON ENDS 19.04.21 VALID PCD, PPN & PCH (A)**

Dear **REDACTED TEXT**

#### **RE: APPLICATION FOR A NEW PREMISES LICENCE FOR 66 LEWES ROAD, BRIGHTON, EAST SUSSEX, BN2 3HZ UNDER THE LICENSING ACT 2003. 1445/3/2021/00754/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, the protection of children from harm and public nuisance. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy (revised January 2021) and the Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018).

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 the premises)**

**Everyday:** 09:00 – 23:30

#### **Late Night Refreshment (Indoors)**

**Monday - Saturday:** 23:00 – 00:00

**Sunday:** 23:00 – 23:30

## Opening hours

**Everyday:** 09:00 – 02:00

Paragraph 3.2.1 of the Brighton and Hove City Council 2021 Statement of Licensing Policy describes the Special Stress area as:

*“...the area of the city centre which borders the Cumulative Impact zone at 3.1.3 and which is deemed an area of special concern in terms of the levels of crime and disorder and public nuisance experienced within it. The area recommended for further monitoring and detailed guidance within the Special Policy...”*

This premises lies within St. Peter’s and North Laine Ward which, as evidenced by the Brighton & Hove Public Health Framework for Assessing Alcohol Licensing (published January 2019), is ranked number 1 for Police recorded alcohol related incidents and criminal damage. This ward is also ranked number 2 for All violence against the person and All injury violence, demonstrating the higher risk to the Licensing Objective of the Prevention of Crime and Disorder in this area.

The licensing decision matrix on page 16 of the Council Statement of Licensing Policy (SoLP) suggests that new premises or premises licence variations asking for these licensable activities and hours are a ‘No’. While Paragraph 3.2.2 states that within the SSA “*applications will not be subject to the presumption of refusal*” it goes on to state that “*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*”. While the applicant has made reference to the BHCC Statement of Licensing Policy (SoLP) within their application and recognised that their premises is located within an area of the city that is subject to Special Policy, they have not gone on to address any of the local concerns or offered particular reasoning as to why their application would be an exception to policy or why the SoLP matrix should be departed from.

Sussex Police acknowledge that the application has been revised during the consultation period and the hours being applied for reduced however, there are additional concerns around the gap between the cessation of licensable activities and closing time. There are questions around how staff will manage the risk of confrontation if alcohol sales cease at 23:30 but the shop remains open until 02:00. Further, what measures will be put in place to support staff in explaining to customers and refusing sales for this 2.5 hour period into the early hours of the morning? On a practical note, will alcohol be removed from the shop floor at 23:30 or covered for the remaining hours? None of these concerns have been addressed within the application as it stands.

There is also some confusion around the business model of this premises as Late Night refreshment is being applied for every day but only until 00:00 Monday to Saturday and 23:30 on Sunday. Again, this leaves a large gap between cessation of licensable activity and closing time. Sussex Police are aware that offering hot food and drink into the early hours encourages persons who may be under the influence of alcohol or drugs to remain in the area, which is heavily residential. This increases the risk of crime and disorder, anti-social behaviour and public nuisance.

Paragraph 14.40 of the Secretary of State's Guidance to the Licensing Act 2003 (April 2018) provides:

*'In publishing a CIA a licensing authority is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the area described... Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives.'*

The applicant has offered limited information under Section 18 of their application with minimal workable conditions and Sussex Police do not believe these go far enough to help mitigate any potential risk in this area of the City. The conditions offered fall far short of the current city wide expected standard and there is no mention of any crime prevention measures such as SIA risk assessment/provision or indeed staff training around the sale of alcohol or a Challenge 25 policy. Sussex Police do not believe at this time the application in its current form addresses the concerns raised and therefore is at risk of undermining the prevention of crime & disorder, the protection of children from harm and public nuisance Licensing Objectives. Sussex Police additionally 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 licensed premises.

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

Yours sincerely,

**REDACTED TEXT**

REDACTED  
Licensing Authority  
Brighton & Hove City Council  
Bartholomew House  
Bartholomew Square  
Brighton  
BNI IJP

Date: 19<sup>th</sup> April 2021  
Our Ref: REDACTED  
Phone: REDACTED  
e-mail: REDACTED

## **DML CON ENDS 19.04.21 VALID PCD & PPN (B)**

Dear REDACTED,

**Licensing Act 2003 – Licensing Authority representation against the application for a Premises Licence (Ref: 2021/00754/LAPREN)**  
**Re: 66 Lewes Road, Brighton, BN2 3HZ**

I refer to the application made by Ms Esra Baser for a new Premises Licence for 66 Lewes Road, Brighton, BN2 3HZ.

The amended application states; *'The premises includes a section as highlighted on the plan shows the allocation of the alcohol will be held at a sectioned area of the premises where the till will be situated so the supervisors can assist everyone with selecting/buying alcohol if necessary. As having previous history of selling alcohol at the premises with a valid license that has been lapsed due to acceptance of family commitments (health issue) we are fully aware of the statement of licensing policy within the designated Special Stress Area, we understand and willing to commit to all the set outcomes. As we are aware that the bounded area will be kept under review and we are keen to work with the third parties in the future if necessary to provide appropriate operation within the SSA.'*

The application now seeks the licensable activity of the Sale of Alcohol 'Off' the premises from 07.30-23.30 hrs Friday and Saturday and 07.30 – 23.00 hrs Sunday – Thursdays, with the same opening hours.

I have concerns about this application and make a representation on the grounds of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and that this application falls within our Special Stress Area (SSA) and is contrary to our Statement of Licensing policy (SoLP).

As mentioned above, this premises sits within the Special Stress Area, which, as stated in our SoLP on pages 15-17, is deemed an area of special concern in terms of the levels of crime and disorder and nuisance experienced within it. 3.2.3 of our SoLP states that new and variation applications for premises 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.

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. The SoLP 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. Each application is still considered on its individual merit and there is discretion to depart from the Matrix approach policy in exceptional circumstances.

The decision-making Matrix on page 18 of the Council's Statement of Licensing Policy states 'No' to Off-Licences' in the Special Stress Area.

The premises is in the Special Stress Area and is located in the electoral ward of St. Peter's and North Laine, which according to our Public Health Framework for Assessing Alcohol Licensing (5th edition- January 2019) is ranked the worst out of 21 wards under Crime and Disorder data for Police recorded alcohol related incidents and Criminal Damage and second worst for; All violence against the person, All injury violence, Non-injury assault and Sexual offences.

Under the Health data St. Peter's and North Laine ward ranks worst for Increasing Risk or higher risk drinking and Alcohol suspected ambulance call outs and third worst for A&E attendances with a record of alcohol.

I am making this representation as a guardian of our policy which this application is contrary to, so that the panel may determine the outcome of the application.

Yours sincerely

REDACTED

