

Appendix C.1

Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Date: 3 November 2021

Our Ref: ELG/02135

Phone: 07826 951829

e-mail: Emma.grant@brighton-hove.gov.uk

JO CON ENDS 04.11.21 VALID PCD PPN PCH

Dear Sarah

Licensing Act 2003

The Brighton Zip, Daltons Bastion, Madeira Drive, Brighton

I wish to make a representation against a new application for Brighton Zip, Madeira Drive, Brighton. The application is for a premises licence for the sale of alcohol from 12:00 to 23:00 1st April to 30 September (From 1st October to 30 March 12:00 to 22:00 Sun to Wed and 12:00 to 23:00 Thurs to Sat)

The grounds for the representation are that it is contrary to the Council's Statement of Licensing Policy as the premises falls within the cumulative impact area and may undermine the Licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

The Licensing Authority's Cumulative Impact area (CIZ) was adopted to give greater power to control the number of licensed premises within the city centre. The special policy was set up 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 this special policy is that applications for new premises licences 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 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. 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.

There is not a category that fits this premises in Matrix Model however it falls within cumulative impact area

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.

The premises had the benefit of a licence which lapsed and under annex A of the application the applicant has included conditions to comply with the Licensing Objectives

When considering whether representations should be submitted, the Licensing Team have regard to the 'Public Health Framework for assessing Alcohol Licensing' – January 2019 document. The premises sits within the Queens Park electoral ward

The document states that Queens Park ward is recorded as the 3rd worst ward out of 21 for All violence against the person and All injury violence and 3rd worse for Police recorded alcohol related incidents.

The Licensing Team therefore makes this representation to uphold the council's Statement of Licensing Policy, which we believe this application contradicts and we wish to bring the application to the attention of the panel so that they can decide whether this application constitutes exceptional circumstances to depart from the policy.

Yours sincerely,

Emma Grant,
Licensing Officer

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4th November 2021

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

JO CON ENDS 04.11.21 VALID PCD PS

Dear Jo Osborne,

RE: APPLICATION FOR A NEW PREMISES LICENCE FOR BRIGHTON ZIP, MADEIRA DRIVE, BRIGHTON, BN2 1EN UNDER THE LICENSING ACT 2003.

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 and Public safety. We also make reference to the Public Health Framework report for Assessing Alcohol Licensing 2019 edition.

This is an application for a new premises licence located at Zip Wire, Madeira Drive, Brighton and seeks the following licensable activities and timings:

In accordance with the Brighton and Hove Statement of Licensing policy this premises is in the Cumulative Impact Area.

Supply of Alcohol (On the Premises)

Every Day: 12:00 – 23:00

The location of the premises is on the beach prom just East of Brighton Palace Pier.

Within the 2021 Brighton & Hove City Council (BHCC) Statement of Licensing Policy, the Brighton Zip Wire is within the Cumulative Impact Area. This recognises that the location has a significant number of licensed premises concentrated in one area and the potential impact this has upon the licensing objectives. Applications for new premises licenses within this area which are likely to add to existing cumulative impact will be refused following relevant representations. This can be rebutted by the applicant if they can show that their application will have no negative cumulative impact. We are unsure if the applicant had reviewed this document prior to submitting the application however, on reading the application we do not feel anything has been offered to depart from the policy.

The premises held an alcohol licence that was granted in April 2019 and lapsed due to non transfer following the premises licence holder company being dissolved. The alcohol licence granted in 2019 had strict restaurant conditions due to the risks associated with alcohol and especially due to the Zip Wires location on the beach. It was required that the premises only sold alcohol via waiter/waitress service to people seated at tables and ancillary to a meal. By having this condition, it reduces the risk of people becoming intoxicated as they are eating a substantial meal with their drinks. The previous premises licence also only allowed alcohol until 21:00, this current application requests alcohol for an additional 2 hours with café conditions which allow persons to consume alcohol without food until 23:00 in the CIZ.

Sussex Police have seen the negative effect that alcohol has, particularly in areas where there are a high number of licensed premises in a small area e.g. the seafront. It can result in persons being made vulnerable and becoming victims of numerous types of crimes.

With high numbers of people descending on the city Sussex Police operate a standalone nighttime operation each weekend and at other various peak times throughout the year. This involves dedicated Police resources patrolling the main nighttime economy area. Having a visible police presence in the area goes some way to assist in reducing criminal incidents occurring, but unfortunately does not stop them in their entirety. The majority of incidents dealt with have an element of alcohol linked to them. This is a mix of persons becoming drunk and disorderly, violent and a high number of incidents involve persons who have become a victim of crime due to their own vulnerability after consuming alcohol. Staff at venues and from emergency services are far too often also at the end of a drunk person's aggression.

Sussex Police believe by allowing this application to be granted, persons will be consuming alcohol at the Brighton Zip Wire without food will lead to higher levels of intoxication along the beach front and become a further pull on our resources and other services such as beach Patrol. A recent beach Patrol report shows their services are required as early as 23:20.

Throughout August 2021 Police Licensing officers made a number of visits to the Zip Wire site to go through the then licence conditions. Breaches were found relating to the sale of alcohol with food as this had not been taking place. Customers had been able to purchase alcohol at the bar without purchasing food. Current signage surrounding this was also not on display. It was also noted in August 2021 that persons were queuing for alcohol and not food.

A further concern Sussex Police has regarding this premises operating as a café, is the perception of this premises all leads to a bar. The Premises is called Zip Bar and Kitchen, they offer a fully stocked bar (Please see Photo A).

Reviewing the Public Health Framework report for assessing alcohol licensing 2019 edition, Queens Park ward, of which this location is within, is ranked 3rd highest out of 21 wards for police recorded alcohol related incidents. Granting an additional late night cafe licence we believe will add further to issues currently experienced within the city and so have a negative impact on the surrounding area.

Taking in to account our comments on crime and disorder and public safety, the Statement of Licensing policy,

Public Health framework report and the location of the premises, Sussex Police are unable to support such an application and would ask for it to be heard before a licensing panel to be refused.

Yours sincerely,

Inspector Michelle Palmer-Harris
Licensing – Brighton & Hove Division
Sussex Police

Please address all future correspondence to Brighton & Hove Licensing Unit, Police Station, John Street, Brighton, BN2 0LA.



