

Appendix C.1

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EG CON ENDS 20.01.22 VALID PCD, PN, PS & CIZ (A)

17th January 2022

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

Dear Emma Grant,

RE: APPLICATION FOR A NEW PREMISES LICENCE FOR FREE HAUS LTD, 73-75 KINGS ROAD ARCHES, BRIGHTON, EAST SUSSEX, BN1 2LN UNDER THE LICENSING ACT 2003. 1445/3/2021/04451/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, prevention of public nuisance and public safety. 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 Cumulative Impact Zone (CIZ) (as defined in the BHCC Statement of Licensing Policy) and seeks the following hours and licensable activities:

Sale by Retail of Alcohol (On and Off the premises)

Everyday: 11:00 – 20:00

Opening hours

Everyday: 11:00 – 20:00

Paragraph 3.1.3 of the Brighton and Hove City Council 2021 Statement of Licensing Policy states that:

‘The licensing authority, after careful consideration, has determined that the concentration of licensed premises in an area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to ‘Cumulative Impact’ is necessary as part of its statement of licensing policy.’

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 the off sale of alcohol are a ‘No’ in this area and the types of premises that can provide ‘On’ sales are very limited.

The ‘Cumulative Impact Zone’ is covered by special policy and paragraph 3.1.6 provides that:

‘The special policy will only be overridden in exceptional circumstances. 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.’

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.’

Additionally, this premises lies within Regency Ward which, as evidenced by the Brighton & Hove Public Health Framework for Assessing Alcohol Licensing (published January 2019), is ranked number 1 for All violence against the person, All injury violence, Non-injury and Sexual offences. This ward is also ranked number 2 for Police recorded alcohol related incidents and number 3 for Criminal damage, demonstrating the higher risk to the Licensing Objective of the Prevention of Crime and Disorder in this area.

The applicant did not pre consult with Sussex Police and in the initial paperwork had not addressed 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. The information under Section

M of their application offered minimal conditions which fell far short of the current city wide expected standard. There was also no mention of any crime prevention measures such as CCTV provision, SIA risk assessment/provision or regular, time specific (e.g. every 8 weeks) staff training around the sale of alcohol besides Challenge 25.

Sussex Police have made contact with the applicant during the consultation period and have since received a more comprehensive document around how the business is to operate. Despite this, Sussex Police still do not believe the application addresses the local concerns and issues that the area of the i360 and the beach attracts, particularly in the warmer months. Further conditions have been offered but Sussex Police do not believe these go far enough to help mitigate any potential risk in this particular area of the City. Therefore, the application is at risk of undermining the prevention of crime & disorder, prevention of public nuisance and public safety Licensing Objectives. Furthermore, 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 licensed premises.

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

Yours sincerely,



Insp Michelle Palmer-Harris

Ops Planning and Events (inc. Licensing) Inspector

Brighton & Hove Division

Sussex Police

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

Mrs Grant	Date:	19 January 2022
Licensing Authority	Our Ref:	2022/00015/LICREP/EH
Brighton & Hove City Council	Phone:	01273 292494
Bartholomew House	e-mail:	donna.lynsdale@brighton-hove.gov.uk
Bartholomew Square		
Brighton		
BNI IJP		

EG CON ENDS 20.01.22 VALID PCD, PN & CIZ (B)

Dear Mrs Grant

Licensing Act 2003 - Reference: 2021/04451/LAPREN

Representation regarding to the New Premises Licence application for Free Haus Limited, 73-75 Kings Road Arches, Brighton BNI 2FN

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 new Premises Licence submitted by Free Haus Ltd.

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.

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.

I have looked carefully at this application, paying particular attention to the Matrix and any exceptional circumstances provided for departing from the Matrix. The applicant did pre-consulted prior to submitting their application and have provided a very comprehensive document around how the business is to operate.

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.

The Licensing Team make this representation to uphold our Statement of Licensing Policy. The SPCI is predicated on too much alcohol being available and, as previously stated, applications for new premises licences will be refused unless the applicant can demonstrate exceptional circumstances. The onus is on the applicant to demonstrate this and we would invite them to explain their exceptional circumstance to the Panel, so that the Panel can decide whether they are satisfied that this application will not impact negatively on the CIZ.

Yours sincerely



Donna Lynsdale
Licensing Officer
Licensing Team

