

Appendix C



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Brighton & Hove Licensing Unit

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4th May 2022

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

SC CON ENDS 05.05.2022 VALID PCD (A)

Dear Sarah Cornell,

RE: APPLICATION FOR A NEW PREMISES LICENCE FOR SURF 'N' FRIES, 14 LONDON ROAD, BRIGHTON, EAST SUSSEX, BN1 4JA UNDER THE LICENSING ACT 2003. 1445/3/2022/01181/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. 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:

Late Night Refreshment (Indoors)

Everyday: 23:00 – 02:00

Opening hours

Everyday: 12:00 – 02:00

Paragraph 3.2.2 of the Brighton and Hove City Council 2021 Statement of Licensing Policy states:

“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.”

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 (accessed at <https://public.tableau.com/app/profile/brightonhovepublichealthintelligence/viz/PublicHealthFrameworkforAssessingAlcoholLicensing/NavigationPage>) 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.

While Sussex Police acknowledge that the premises application is not asking for the sale of alcohol, 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 has a number of residential flats and properties. This increases the risk of crime and disorder, anti-social behaviour and public nuisance in an area that is already evidenced to be problematic.

The licensing decision matrix on page 18 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 3.2.3 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”*. The applicant has not referred to the Special Policy or the BHCC Statement of Licensing Policy (SoLP) in their application, nor did they consult with Sussex Police prior to submission. The applicant has not acknowledged any 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.

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 some information under Section M 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 while there is some mention of crime prevention measures such as CCTV and SIA, these have not been elaborated on. 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,



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.



Safer Communities - Licensing Team
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Ms Cornell
Licensing Authority
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Date: 4 May 2022
Our Ref: 2022/00964/LICREP/EH
Phone: 01273 292494 / 07717 303114
Email: donna.lynsdale@brighton-hove.gov.uk

Dear Ms Cornell

SC CON ENDS 05.05.2022 VALID PCD, PPN (B)

**Licensing Act 2003 - Representation regarding the application for a New Application for: Surf 'N' Fries, 14 London Road, Brighton BN1 4JA
Premises Licence Application Reference - 1445/3/2022/01181/LAPREN**

I refer to the application made by Carmarthenshire Services Ltd, for a new Late Night Refreshment 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 and Disorder and Prevention of Public Nuisance and to uphold our Statement of Licensing Policy (SoLP).

The applicant has applied for a Late-Night Refreshment Licence every day until 02:00.

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 approach for licensing decisions. 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.

Guidance issued under S182 of the Licensing Act 2003 states in paragraph 8.33 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 8²⁵₂₈ 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 (in this instance the matrix approach to decision making policy and the

special stress area) applicants are 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 premise's location within the SSA. They also have not demonstrated exceptional circumstances to depart from our policy or how the grant of a late-night refreshment licence would not impact on the existing issues of the area.

We maintain that the Matrix Model states that no new late night refreshment 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

A handwritten signature in black ink that reads "Donna Lynsdale". The signature is written in a cursive, flowing style.

Donna Lynsdale
Licensing Officer
Licensing Team

