

BRIGHTON & HOVE CITY COUNCIL
LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

10.00am 9 JULY 2025

VIRTUAL

DECISION LIST

Part One

THE LORD OF WINE LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

Contact Officer: *Corinne Hardcastle* *Tel: 0127329*
Ward Affected: *Brunswick & Adelaide*

Licensing Act 2003 – Licensing Panel Hearing Notification of the Determination

Licensing panel hearing held virtually via Teams on Wednesday 9th July 2025 in respect of the application for a variation of a premises licence in respect of premises known as The Lord of Wine, 33 Western Road, Brighton, BN3 1AF

The panel has considered the report of the Corporate Director of City Operations with the relevant representations and the addendum submissions from the applicant. It has listened carefully to all the points and submissions made. In reaching its decision, it has had due regard to the Council's Statement of Licensing Policy (SOLP) and section 182 guidance.

The application is for a variation of a premises licence currently authorising the sale of alcohol off the premises every day, 08:00 to 23:00 hours. The application is for an extension of these hours for off sales as follows: Sunday – Thursday 07:00 – 03:00; Friday – Saturday 07:00 – 04:00, with opening hours to match these times. The premises is within the Cumulative Impact Zone (CIZ) and therefore subject to the special policy on cumulative impact as set out in the Statement of Licensing Policy.

Our policy states that applications for variations of premises licences which are likely to add to the existing cumulative impact, will be refused following relevant representations unless the applicant has demonstrated that their application will have no negative cumulative impact. The special policy will only be overridden in exceptional circumstances.

However, the policy is not absolute. Upon receipt of a relevant representation,

the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the cumulative impact of an area, it may be granted. The impact can be expected to be different for premises with different styles and characteristics. A matrix approach has also been adopted in the policy which indicates that an off-licence in the CIZ would not be granted, subject to the special policy.

Representations were received from Sussex Police, and the Licensing Authority. The representations raised the licensing objectives of the prevention of crime and disorder, prevention of public nuisance, the protection of children from harm and cumulative impact.

The police are concerned about further increasing the availability of alcohol in an area already suffering from relatively high levels of crime and disorder, and many existing licensed premises. They cited crime statistics which illustrated this with a peak crime rate from midnight to 1:00 am. They are concerned that an additional licence will thus add to negative cumulative impact. The applicant has not addressed the location in the CIZ and there are no exceptional circumstances demonstrated.

The licensing authority is concerned about breaches of the current conditions found upon inspection, notably CCTV issues, inadequate staff training records, missing or incomplete refusals book. There is a lack of awareness of obligations and conditions under the licence. Furthermore, the application is contrary to policy, likely to add to negative cumulative impact and no exceptional circumstances have been shown.

The applicant addressed the panel. He was applying for the extension in hours due to economic hardship and competition from nearby shops with later licences. The issues around the CCTV and refusal book were due to a personal emergency and the need to visit Turkey. Everything was in order now. He was willing to hire a security guard and comply with all conditions. He would be willing to compromise on the hours to 1 or 2 am but no earlier. He operated responsibly with no incidents.

The panel has carefully considered this application on its merits and in light of the concerns raised by the Responsible Authorities and submissions by the applicant. The panel is mindful of the location of these premises in the CIZ and that the police have provided evidence of crime and disorder in the area and that they strongly believe granting this variation or any extension in hours would add to negative cumulative impact. The licensing authority shares these concerns. The panel appreciate the economic reasons for this application but do not consider that any exceptional circumstances to depart from the special policy have been shown. The previous breaches of conditions do not give the panel confidence that the applicant could manage the risk involved in granting such an extension and does not consider a security condition would be adequate or able to deal with risk in the CIZ especially once customers had left the premises. Overall, the panel consider that granting this variation is very likely

to add to the cumulative impact of problems already in the area and thus undermine the licensing objectives. As already stated, the panel does not consider that exceptional circumstances have been shown in this case. The application is therefore refused.