

APPENDIX D

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

Date: 7th November 2016
Our Ref: 2016/08728/LICREP/EH
Phone:
Fax
e-mail:

SC CON ENDS 11.11.16 VALID PPN,PS,PCD & CIZ (A)

Dear Sirs,

Licensing Act 2003 – Licensing Authority representation against the variation application of Premises Licence: Jurys Inn Waterfront Hotel, 21 – 30 Kings Road, Brighton

I wish to make representation against the application submitted by Jurys Hotel Management Ltd for the Jurys Inn Waterfront Hotel on the grounds that it will undermine the licensing objectives of prevention of public nuisance, public safety and crime and disorder, along with the application being in the heart of the Cumulative Area within the City.

This application is proposing the sale of alcohol until 02:00am Monday to Saturday. I have looked at this application on behalf of Brighton and Hove City Council's Licensing Team and I raise these concerns:

Although the timings are for pre-booked functions and events, having events until 2:00am will add to the amount of people within the city when leaving the premises. This may have an impact on noise late at night and cause a disturbance to other residents in the area.

This premises is also situated within the cumulative impact area and the Council introduced a special policy to address cumulative impact on the 13th March 2008 (and following further consultation the cumulative impact zone was expanded in December 2011). 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 special policy will only be overridden in exceptional circumstances.

The Councils Statement of Licensing Policy states: Variation applications which are likely to add to the existing Cumulative Impact should be refused following relevant representations. This presumption of refusal can be rebutted by the applicant if they can show that their application will have no

negative cumulative impact on licensing objectives including prevention of crime and disorder and public nuisance. 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.

The premises being in the heart of Cumulative Impact Area, and Regency Ward means that their customers could also be at risk of falling victim to crime. The Regency Ward is ranked highest within the Public health Framework for assessing Alcohol Licensing, where Crime and Disorder is ranked highest for violence against a person, all injury violence, assaults and sexual offences, and ranked 2nd for police recorded alcohol related incidents. It is also ranked 1st for alcohol suspected ambulance call outs and A&E attendances with a record of alcohol.

Therefore the Licensing team write this representation to uphold the Councils Statement of Licensing Policy and to raise concerns regarding the prevention of public nuisance, public safety and crime and disorder.

Yours sincerely



Sarah-Jane McNaught
Licensing Officer
Licensing Team, Environmental Health and Licensing, Regulatory Services

Mr J Whitelegg
The Licensing Technical Support Officers
Environmental Health
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

SC CON ENDS 11.11.16 VALID PS, PPN, CIZ, PCD (B)

Dear Mr Whitelegg,

RE: APPLICATION FOR VARIATION OF THE PREMISIES LICENCE FOR JURY'S INN BRIGHTON WATERFRONT HOTEL, 21 – 30 KINGS ROAD, BRIGHTON, BN1 2GS, UNDER THE LICENSING ACT 2003. 1445/3/2016/05652/LAPREV.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation in respect of this variation application on the grounds of the prevention of crime and

disorder, public safety, public nuisance and with reference to the Council Statement of Licensing Policy.

The basis for Sussex Police's opposition to this application is that the granting of the variation application for these premises will not promote the licensing objectives, particularly the prevention of crime and disorder and the prevention of public nuisance, but will give rise to negative cumulative impact.

The concentration of licensed premises within this area of the City causes problems of anti-social behaviour, crime and disorder and public nuisance. Consequently, after due consultation and consideration, on 13th March 2008 the Licensing authority resolved that it was both appropriate and necessary to adopt a special policy in relation to cumulative impact.

Paragraph 3.1.4 of the Council 2016 Statement of Licensing policy states that "the special policy will only be overridden in exceptional circumstances. The effect of this special policy is that application for new premises licence or club premises certificate within the area, or variations which are likely to add to the existing cumulative impact, will be refused following relevant representation. This presumption can be rebutted by the applicant if they can show that their application will have no negative cumulative impact".

On the existing licence the hotel the supply of alcohol (on sales) is 10:00 to 23:00 on the premises, with the exception of the Ballroom and Waterbar areas where the supply of alcohol is until 02:00. We understand that the Waterbar has now been demolished, but the Ballroom which is situated in the basement is being retained.

Our principal concern is with the new open plan lounge bar and restaurant. We were advised during a site visit to the premises in September that capacity of this room will be 250. The variation application proposes to extend the hours for the supply of alcohol in this room from 23:00 to 02:00 in the morning.

The application states does address cumulative impact and states that the variation will not adversely affect cumulative impact. The application then offers a condition that the supply of alcohol between 23:00 and 02:00 will be restricted to persons attending bona fide pre-booked functions or events.

Sussex police contend that a three hours per night extension of alcohol in a bar and function area with a capacity of 250 in the heart of the cumulative impact area will lead to cumulative impact. The applicant's condition being offered to restrict attendance to people attending bona fide pre-booked functions and events will, with respect to the applicant, have no actual value. This is because most functions and events are "pre-booked", and whilst the event may have been organized in advance, there is still absolutely nothing to stop the public coming in off the street to attend the function whether they are just passing by or coming into the City centre to attend this specific premises. Furthermore, when an event finishes at 02:00, there will still potentially be 250 people dispersing from this premises out onto the streets in the heart of the cumulative impact area, having consumed alcohol, and inevitably adding to cumulative impact, regardless of whether the event was pre booked or not.

The premises already has performance of dance, performance of live music, performance of recorded music (and anything of a similar description) recorded music or performance of dance until 02:00.

The variation application will permit the ground floor of the premises to be a “pub” as well as a “night club” with vertical drinking of alcohol for an extra three hours a night. The decision making matrix on page 18 of the current Statement of Licensing Policy gives a clear no to pubs or night clubs in the cumulative impact area. Accordingly this variation application to extend unrestricted consumption of alcohol by three hours per night in the heart of the cumulative impact area is contrary to the policy.

There have been a number of incidents at the hotel requiring police attendance due to intoxicated patrons, the details of which will be provided at the licensing committee.

It is the view of Sussex Police that the applicant fails to demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Sussex Police contend that nothing in the application or the operating schedule either rebuts the presumption of refusal contained within paragraph 3.1.4 of the Licensing Authority’s statement of licensing policy, or provides any reason for the Licensing Authority to depart from its special policy.

Accordingly the Committee is invited to refuse this application.

Yours faithfully,

Nev Kemp
Chief Superintendent
Divisional Commander
Brighton & Hove Division