

APPENDIX C

Police Station
John Street
Brighton
BN2 0LA

13th March 2018

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

MSB CON ENDS 27.03.18 VALID PNN & PCD (A)

Dear Mark Savage-Brookes,

**RE: APPLICATION TO VARY PREMISES LICENCE FOR ISTANBUL TURKISH CUISINE,
86-87 PRESTON STREET, BRIGHTON, EAST SUSSEX, BN1 2HG UNDER THE
LICENSING ACT 2003. 1445/3/2018/000791/LAPREV.**

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, public nuisance and public safety. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy.

This is a proposed licence variation 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 Premises

Monday - Tuesday:	10:00 – 00:00
Wednesday – Saturday:	10:00 – 01:00
Sunday / Christmas Day / Good Friday:	12:00 – 23:30
New Year's Eve:	10:00 – (12:00 if a
Sunday) – 00:00	
New Year's Day:	00:00 – 00:00 (23:30 if a
Sunday)	
East Sunday / May Bank Holiday Sunday / August Bank Holiday Sunday:	12:00 – 01:00

Late Night Refreshment - Indoors

Wednesday – Saturday:	23:00 – 01:00
East Sunday / May Bank Holiday Sunday / August Bank Holiday Sunday:	12:00 – 01:00

Performance of Recorded Music - Indoors

Wednesday – Saturday: **21:30 – 01:00**
East Sunday / May Bank Holiday Sunday / August Bank Holiday Sunday: **12:00 – 01:00**

Paragraph 3.1.4 of the Brighton and Hove City Council 2016 Statement of Licensing Policy states:

“The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licenses 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 licensing decision matrix on page 16 of the Council Statement of Licensing Policy (SoLP) states that no new premises or premises licence variations asking for these licensable activities e.g. recorded music, supply of alcohol, late night refreshment etc. and hours will be granted in the CIZ, except in exceptional circumstances past the hour of midnight under a Restaurant led establishment.

Paragraph 14.30 of the Secretary of State’s Guidance to the Licensing Act 2003 provides:

“The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences...which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives”.

The applicant has not referred to the Cumulative Impact Zone or the BHCC Statement of Licensing Policy (SoLP) in their application. Sussex Police do not believe that the applicant has offered any further reasoning why additional hours would be an exception to policy or why the SoLP should be departed from.

Further, the applicant has not offered comprehensive enforceable conditions to help mitigate any potential risk in a busy and central area of the City. Sussex Police contend that without suitable conditions and with the additional hours applied for in the early hours, the carrying on of additional licensable activity and hours at these premises will add to the existing negative cumulative effect in an area already saturated with late opening licensed premises.

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

Yours sincerely,

Insp Diane Lewis
Licensing and Response Inspector
Brighton & Hove Division

Mr M Savage-Brookes
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BNI IJP

Date: 15 March 2018
Our Ref: 2018/01540/LICREP/EH
Phone:
Email:

MSB CON ENDS 27.03.18 VALID PNN & PCD (B)

Dear Mr Savage-Brookes

Licensing Act 2003

Representation in regard to the application to vary a Premises Licence under the Licensing Act 2003 (Ref: 2017/00777/LAPRET)

Re: Istanbul, 86-87 Preston Street, Brighton BNI 2HG

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 variation to the existing licence to extend the opening hours, sale of alcohol, music and late night refreshment as follows:

- Wednesday to Saturday from 10am until 1am.

The existing premises licence allows alcohol to be sold for the consumption on the Premises

Monday to Saturday from 10am until midnight, Sunday from 12.00 until 23.30hrs.

I have concerns about this application and make a representation on the grounds of the Prevention of Crime and Disorder and Prevention of Public Nuisance and that this application is contrary to our Statement of Licensing Policy (SoLP).

The Council introduced a special policy to address cumulative impact on the 13th March 2008 and following further consultation the cumulative impact area (CIA) 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. New applications and variations to existing licences should normally 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 the 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 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. This premises is predominantly a Restaurant and the Matrix indicates that Restaurants within the CIZ should only be granted until midnight. 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 8.38 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 8.40 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, a matrix-decision making policy), 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. On looking at the application form, particularly section 16 (licensing objectives), it seems to me that the applicant has little understanding of these points and has not demonstrated a potential exception to our policy.

Extending the permitted hours and adding extra licensable activities is likely to add additional burdens and problems to the already challenging Preston Street area and I do not believe that the applicant has demonstrated that there are exceptional circumstances to justify departing from the Policy. I therefore request this application is refused in line with our Statement of Licensing Policy and the Matrix approach.

Yours sincerely

Donna Lynsdale
Licensing Officer
Licensing Team
Regulatory Services

Agreement of conditions:

From: Audrey Sharma

Sent: 28 February 2018 14:36

To: Mark Savage-Brookes

Cc: EHL Safety

Subject: FW: Application to extend hours 87 Preston St protect

We have agreed that these conditions can be added:

- 1 Provide signage at all exits and outdoor areas used for smoking by staff and patrons 'Please respect the needs of local residents, including leaving quietly and do not disturb neighbours';
- 2 All windows and doors (front and rear) should be kept closed after 11pm and during regulated entertainment, except for access and egress;
- 3 During regulated entertainment regular monitoring of noise levels at the nearest noise sensitive locations shall take place. A record shall be kept, including date, time, location and the action taken. This record shall be made available for inspection by council officers on request;
- 4 Staff shall not allow smokers to take drinks outside and shall monitor customers smoking outside on a regular basis to ensure there is no public nuisance;
- 5 Outdoor furniture (tables, chairs, heaters) shall be rendered unusable after 11pm;
- 6 Keep the premises and immediate vicinity free from litter at all times, including at close of trading;
- 7 Deliveries, recycling and rubbish should not be dropped off, collected or placed outside except between the hours of 7am and 7pm.

Kind Regards,

Audrey Sharma PG Cert BSc (Hons) MCIEH
Environmental health officer

*Brighton and Hove City Council
2nd Floor Bartholomew's House
Bartholomew's Square
Brighton BN1 1JP*

From: info@istanbulturkishcuisine.co.uk

Sent: 28 February 2018 2:31 PM

To: Audrey Sharma

Subject: Re: Application to extend hours 87 Preston St protect

Hi thanks for your email. All acceptable for us if you need more info please contact us.
Thanks.

