

APPENDIX C

8th September 2020

The Licensing Technical Support Officers
Environmental Health, Brighton & Hove City Council
Bartholomew House, Bartholomew Square
Brighton, East Sussex
BNI IJP

EG CON ENDS 14.09.20 VALID PPN, PCD & SSA (A)

Dear Emma Grant,

RE: APPLICATION FOR A NEW PREMISES LICENCE FOR SUBWAY, 68 LEWES ROAD, BRIGHTON, EAST SUSSEX, BN2 3HZ UNDER THE LICENSING ACT 2003. 1445/3/2020/02607/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 and public nuisance. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy 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)

Sunday - Thursday: 23:00 – 02:00

Friday - Saturday: 23:00 – 03:00

Opening hours

Sunday - Thursday: 23:00 – 02:00

Friday - Saturday: 23:00 – 03:00

Paragraph 3.2.1 of the Brighton and Hove City Council 2016 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 (published January 2019), 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 is heavily residential. This increases the risk of crime and disorder, anti-social behaviour and public nuisance.

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 these licensable activities and hours are a 'No'. While Paragraph 3.2.2 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 limited 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 there is no mention of any crime prevention measures such as CCTV or SIA risk assessment or provision. Sussex Police did make contact with the applicant to ask for clarification on a number of matters, however we do not believe at this time the application in its current form addresses the concerns raised and therefore is at risk of undermining the prevention of crime & disorder and public nuisance Licensing Objectives. 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,

Licensing Inspector

Local Policing Support Team

Sussex Police

