

## Appendix C

REP A

Police Station

John Street

Brighton

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17<sup>th</sup> November 2022

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

**DML CON ENDS 22.11.2022 VALID PCD (A)**

Dear Donna Lynsdale,

**RE: APPLICATION FOR A NEW PREMISES LICENCE FOR FIREWAY, 91 BLATCHINGROAD, HOVE, BN3 3YG UNDER THE LICENSING ACT 2003.**

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).

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 – 03:00

### Opening hours

**Everyday:** 12:00 – 03:00

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 Central Hove 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 5 out of 21 wards for Police recorded alcohol related incidents 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 and anti-social behaviour in an area that is evidenced to be problematic.

Sussex Police Crime statistics show that in the last year, within 0.1mile radius of this premises there has been 198 thefts and 119 Violent crimes, However, these statistics are within the total 1,471 reported incidents in this year, of which 194 incidents were reported between 23:00 – 03:00.

Sussex Police have concerns that should this application be granted, there will be a rise in these statistics.

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.

The applicant has offered some information under Section M of their application but Sussex Police do not believe these go far enough to help mitigate any potential risk in this area of the City. The conditions offered do not include security measures or a mobile support unit contract.

The conditions offered regarding delivery drivers does not ensure that delivery drivers will park legally and not obstruct highways or footpaths.

Sussex Police also note there is no other licensed premises along Blatchington Road that opens later than Midnight or 1am for deliveries.

Therefore, Sussex Police 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,

REDACTED

**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.

**REP B**

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

Date: 14 November 2022  
Our Ref: ELG/03011 and 03689  
Phone: Emma Grant  
Licensing Officer 01273 292381  
e-mail: Emma.Grant@brighton-hove.gov.uk

Dear Donna

**DML CON ENDS 22.11.2022 VALID PCD & PPN (B)**

**Licensing Act 2003**

I wish to make a representation against a new application for Fireaway Pizza, 91 Blatchington Road, Hove. The application is for late night refreshment from 23:00 to 03:00 Monday to Sunday.

I have concerns about this application and make a representation on the grounds of the prevention of crime and disorder and the prevention of public nuisance. This premises is also situated on Blatchington Road, which sits within the Licensing Authority's Special Stress Area (SSA) which is deemed an area of special concern in terms of the levels of crime and disorder and public nuisance experienced within it.

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.

The Matrix Model, states that in the Special Stress, applications for Late Night Refreshment would be considered favourably until midnight but the applicant has applied for 3am every day. The policy does state that each application is still considered on its individual merit and there is discretion to depart from the policy where justified. However, departure from the Matrix Model is only expected in exceptional circumstances.

Guidance issued under S182 of the Licensing Act 2003 states 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 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, SSA and matrix approach to decision making

policies), 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, it seems to me that although the applicant has put some proposals in there, they have not mentioned their location in the SSA and they have failed to demonstrate how they will not add to the existing 'stress' of the area or how they are a potential exception to our policy.

The Licensing Team therefore makes this representation to uphold the council's Statement of Licensing Policy, which we believe this application contradicts and we wish to bring the application to the attention of the panel so that they can decide whether this application constitutes exceptional circumstances to depart from the policy.

Yours sincerely,

Emma Grant

Licensing Officer

## **Agreed Conditions with the Environmental Protection Team**

**The external courtyard at the rear of the premises will not be used by customers or staff**

**The premises will operate as a restaurant until 11:00pm. After 11:00pm the store will be closed to customers and only deliveries will take place.**

**After 11:00pm only green vehicles will be used and mopeds/motorbikes will not be used.**

**Customers will not be allowed to congregate outside the premises after 11:00pm.**

**and the conditions proposed in Section 18 (d) in the operating schedule as set out below**

A clear and unobstructed view into the premises shall be maintained at all times.

All delivery orders shall be to a registered residential or business address. There shall be no deliveries to public/communal areas or open spaces.

All deliveries to the site shall take place during the normal working day, i.e., 09:00 to 18:00 daily.

A suitable intruder alarm and panic button shall be fitted and maintained.

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

Delivery drivers will not congregate outside after 23:00 and only enter/leave the site to make deliveries and when the deliver item is ready