

Appendix C

REP A

Police Station

John Street

Brighton

BN2 0LA

Tel: 01273 404535 ext 550809

Email: brighton.licensing@sussex.police.uk

30th November 2022

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

SC CON ENDS 07.12.2022 VALID PCD, CIZ (A)

Dear Sarah Cornell,

RE: APPLICATION FOR A NEW PREMISES LICENCE FOR CHICKEN CLUB, 70-73 WESTERN ROAD, BRIGHTON, BN1 2HA 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 Cumulative Impact Area (CIZ) (as defined in the BHCC Statement of Licensing Policy) and seeks the following hours and licensable activities:

Late Night Refreshment (Indoors)

Everyday: 23:00 – 05:00

Opening hours – Unknown

Sussex Police licensing visited this premises on the 8th of August at 00:15hrs having received reports that this premises was trading into the early hours without a premises licence.

We found the premises to be open and serving hot food, with several customers sat inside eating. We informed the members of staff they were trading without a licence and would need to close immediately. Once they are finished serving the customers who had paid, within 30 minutes of our arrival they began to close.

It should be noted they also had a small group of school age males (16 years old) inside, who two uniformed officers escorted home for their safety.

This premises lies within the Regency 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 worst out of 21 wards for Police recorded alcohol related incidents. All injury Violence and All violence against the person 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. This increases the risk of crime and disorder and anti-social behaviour in an area that is evidenced to be problematic.

Western Road is also a busy transport hub and is at risk of persons staying in this area should this premises be granted a Late Night refreshment licence until 05:00.

Sussex Police Crime statistics show that in the last year, within 0.1mile radius of this premises there has been 162 thefts, 151 Violent crimes and 141 reports of Anti- Social Behaviour.

However, these statistics are within the total 1,500 reported incidents in this year, of which 280 incidents were reported between 23:00 – 05:00.

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 3.1.6 of the 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 licences 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 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 and offers no explanation for any exceptional circumstances. The conditions offered do not include

security measures or a mobile support unit contract, or no further conditions offering an incident log, BCRP or training for staff.

There are also no conditions offered regarding delivery drivers, ensuring that delivery drivers will park legally and not obstruct highways or footpaths.

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 and experiencing high levels of crime.

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

Ms Cornell

Date: 7 December 2022

Licensing Authority

Our Ref: 2022/03061/LICREP/EH

Brighton & Hove City Council

Phone: 01273 292494

Bartholomew House

Bartholomew Square

Brighton

BN11JP

e-mail: donna.lynsdale@brighton-hove.gov.uk

Dear Ms Cornell

SC CON ENDS 07.12.2022 VALID PCD, PPN and CIZ (B)

Licensing Act 2003

Representation to the application for a new Premises Licence - 2022/03814/LAPREN

The Chicken Club, 72 Western Road, Brighton BN1 2HA

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 new Premises Licence submitted by Lasani Traders Ltd.

This representation is made as the Licensing Team have concerns that the application could have a negative impact on the licensing objectives of prevention of crime and disorder and public nuisance. I also refer to the Special Policy on Cumulative Impact (SPCI) contained within the Council's Statement of Licensing Policy (SoLP).

This premises falls within the Licensing Authority's Cumulative Impact Area (CIZ), which was adopted to give greater power to control the number of licensed premises within the city's centre. The SPCI was introduced 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 effect of the SPCI is that applications for new premises licences, which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. The applicant can rebut this presumption of refusal 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.

Guidance issued under S182 of the Licensing Act 2003 (April 2018) states in paragraph 8.41 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 8.43 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, Cumulative Impact Zone (CIZ)), 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), the applicant has not addressed the premise's location within the CIZ. They also have not demonstrated exceptional circumstances to depart from our policy or how they will not add to the existing cumulative impact of the area.

The Licensing Authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its SPCI in the light of the individual circumstances of the case.

The Council's Statement of Licensing Policy also 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.

In regard to the Matrix policy, I can again not see any offered exceptional circumstances for departing from the Matrix policy, where it clearly indicates that 'late night refreshment' should not be granted within the Cumulative Impact Area. The Licensing Team contend that the Matrix policy relates to both new and variation applications. Again, the Matrix policy can be departed from where exceptional circumstances are demonstrated, but the applicant has failed to address this.

As well as being located in the CIZ, the premises is situated in the electoral ward of Regency, which according to our Public Health Framework report for Assessing Alcohol Licensing also includes 'crime and disorder data', within this ward. Regency is ranked (out of 21 wards) worst for 'all violence against the person', 'all injury violence', 'non-injury assault', 'sexual offences', and second worst 'police recorded alcohol related incidents'. Which further highlights the impact that licensed premises in the area can have on crime and disorder and public nuisance.

The Licensing Team make this representation to uphold our Statement of Licensing Policy. As previously stated, applications for late night refreshment licenses will be refused unless the applicant can demonstrate exceptional circumstances. The onus is

on the applicant to demonstrate this, and we would invite them to explain their exceptional circumstance to the Panel, so that the Panel can decided whether they are satisfied that this application will not impact negatively on the CIZ.

Yours sincerely

REDACTED

Donna Lynsdale

Licensing Officer

Licensing Team