

Appendix C

REP A

Police Station
John Street
Brighton
BN2 0LA
Tel: 01273 404535 – ext. REDACTED
Email: brighton.licensing@sussex.police.uk

Date: 02 February 2023

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

EF CON ENDS 07.02.2023 VALID PCD, PCH, PPN and CIA

**RE: PREMISES LICENCE APPLICATION FOR THE BOTANIST, UNIT MSU 7-3, CHURCHILL SQUARE SHOPPING CENTRE, RUSSELL PLACE, BRIGHTON, EAST SUSSEX, BN1 2RG UNDER THE LICENSING ACT 2003.
1445/3/2023/00086/LAPREN.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the above licence application on the grounds of the prevention of crime and disorder, protection of children from harm and prevention of public nuisance. We also refer to the 2021 Brighton & Hove City Council (BHCC) Statement of Licensing Policy and the Public Health Framework for Assessing Alcohol Licensing.

This is an application for a new premises licence located at Unit MSU 7-3, Churchill Square Shopping Centre, Brighton. The unit was previously occupied by Topshop and an identical application was submitted by the same applicant in 2022 of which was withdrawn after requesting adjournments to panel hearings following representations.

The surrounding area is mostly retail outlets with a high number of licensed venues within easy walking distance including traditional pubs, bars and clubs with late night licenses. There is also a high number of licensed restaurants, cafes, off licences and late-night food outlets due to this being a central area of the city center. Chartwell Court which is a residential block of flats also sits within the Churchill Square footprint.

The application seeks the following licensable activities and timings:

Provision of live music / recorded music - indoors

Sunday through to and including Wednesday: 09:00 – 01:00

Thursday through to and including Saturday: 09:00 – 02:00

Late night refreshments – indoors & outdoors

Sunday through to and including Wednesday: 23:00 – 01:00

Thursday through to and including Saturday: 23:00 – 02:00

Supply of alcohol – on and off sales

Sunday through to and including Wednesday: 09:00 – 01:00

Thursday through to and including Saturday: 09:00 – 02:00

Hours premises are open to the public

Sunday through to and including Wednesday: 09:00 – 01:30

Thursday through to and including Saturday: 09:00 – 02:30

For all the above licensable activities and opening hours, an application has also been made to allow for an hour extension when British Summer Time commences and to permit trading from end of permitted hours on New Years Eve through to permitted hours of opening on New Years Day (all night).

Sussex Police first became aware of this proposal in November 2021 when approached by the applicant's agent. An online meeting was held with us, the applicant, and Brighton & Hove City Council Licensing. During this we were given a presentation on the brand and their proposal regarding what licensable activities would be required and trading hours. During this meeting we raised our concerns and advised that if the application was submitted as stated, we would be unable to support it.

On 10th May 2022 an email was received to notify us that an application had been submitted online and providing us with additional documentation to support their application. Although within the email they stated they had taken on board our comments from the November 2021 meeting, we saw nothing within the application that addressed our concerns or gave exceptional

circumstances to go against the Brighton & Hove City Council (BHCC) Statement of Licensing Policy of which we fully support. Due to the times and licensable activities being applied for along with the conditions offered that would not prohibit the venue operating as a late-night bar, we submitted a representation against the application. A hearing was scheduled for 29th June 2022 however the applicant withdrew their application prior to it going before the panel.

When considering this new application, the position of Sussex Police has not changed, and we are unable to support it as applied for. During the whole process we have always been open to a restaurant or café style application with the appropriate timings and conditions, but this has been declined by the applicant as not being a viable option.

We are all aware that eating food with alcohol reduces the effects alcohol has on an individual. Although the applicant states they have a food offering, the only food condition is that a food menu shall be available subject to a wind-down period. No mention of the food being substantial and when requesting more information regarding the wind-down period we are informed this will depend on the commercial need so the food offering could be removed at any time day or night. Table service is only being made available rather than it being a condition. Capacity we understand is just under 480 with only 70% of the public area being given for seating. This means that around 30% (144 persons) of the public area will or could be made available for vertical drinking.

During our original pre consultation call in November 2021 we were advised that from around 23:00hrs the venue would operate more as a bar due to the average person's eating habits. Its unlikely people will arrive after 23:00hrs wishing to partake in food. To further evidence this, there is no condition being offered that alcohol is ancillary to a table meal and within the supporting documentation it is advised that they wish to have a bar so that customers can attend for a drink only. This bar area is due to accommodate 96 customers.

The night-time economy within Brighton & Hove can at times be challenging for all the emergency services. Within Brighton & Hove we are unique in that we have a high number of licensed venues all of which are in very close proximity to each other, and this includes within Churchill Square itself with alcohol permissions within the food court area.

We find it concerning that within the submitted evidence there does seem to be a lack of local knowledge especially regarding licensed venues close by. Their submission states there is a lack of licensed premises surrounding Churchill Square. Additionally, it states the area is not populated by off licences and late-night takeaways. The map the applicant has provided displaying licensed premises does not include outlets such as off licences, cafes, restaurants and late-night eat in and takeaway food outlets, some of which with alcohol licences. The area along the seafront which is home to several late-night venues has also been omitted. This is all very concerning and shows little knowledge of the local area and the challenges this has for the emergency services and partner agencies.

Due to the risks associated with intoxication, the city has several initiatives that support Police and other emergency services in safeguarding the public. These include Beach Patrol, Safe Space, Good Night Owls and Street Pastors. More recently alongside the Council, Police have jointly assisted in funding Night Wardens who are SIA registered security staff with numerous training under their belts to be able to deal with the challenges they might come across patrolling on foot within the night-time economy at the weekends between 8pm and 4am with the focus on vulnerability. Additionally taxi marshals have also been employed to assist with reducing issues occurring at taxi ranks in the early hours. Many of these organisations and persons involved with them are volunteers and operate in their spare time. The fact these safeguarding services are needed and exist goes a long way to prove the negative impact alcohol has within the night-time economy.

With high numbers of persons descending on the city especially at the weekends Sussex Police operate a standalone night-time operation each weekend and at other various peak times throughout the year. This involves dedicated Police resources patrolling the main night-time economy area to free up our night duty officers so they can manage the rest of the city and the demands it has on our service. Having a visible police presence in the area goes some way to assist in reducing criminal incidents occurring, but unfortunately does not stop them in their entirety. Most incidents dealt with have an element of alcohol and drugs linked to them. This is a mix of persons becoming drunk and disorderly, violent and a high number of incidents involve persons who have become a victim of crime such as sexual assaults and robberies due to their own vulnerability after consuming alcohol. Staff at venues and

emergency services are also far too often at the end of a drunk person's aggression.

Reviewing the online Public Health Framework report for Assessing Alcohol Licensing, copy attached to this letter, Regency ward of which this location is within and is listed as having 272 licensed premises, is ranked highest out of 21 wards for sexual offences and violence against a person. It's also second highest for police recorded alcohol related incidents. It's worth noting that it's also highest for alcohol suspected ambulance call outs. On reviewing incidents reported to police between 01st Feb 2022 and 31st Jan 2023 within a 0.25-mile radius of the proposed premises, amongst all various crime types we dealt with 977 involving violent crime, 464 anti-social behaviour, 267 public order and 232 criminal damage. There was also a very high number of theft incidents, but we do acknowledge with this being a retail area that a number of these will be related to shoplifting however a number will be linked to persons that have become intoxicated and then targeted due to their vulnerability.

Although not all these incidents are going to be linked to licensed premises or occur after someone has been consuming alcohol, when looking at the incident types listed above (excluding theft), we have a peak during the hours of 21:00 – 04:00 Friday through to Sunday and midnight to 01:00 Monday through to Thursday, times when persons are highly likely to have been consuming alcohol or being targeted due to their intoxicated vulnerability. Granting an additional late-night licence, especially one that under their own admission will operate more as a bar after 23:00hrs we believe will add further to issues currently experienced within the city and so have a negative impact on the surrounding area.

The Brighton & Hove City Council Statement of Licensing Policy is produced using data from several agencies including police. The most recent policy was updated in 2021 and is one that we fully support. The location is in the center of our nighttime economy and within the Cumulative Impact Zone. The supporting documents go into detail as to how they operate in a responsible way. We have had no dealings with this operator within Brighton & Hove and so are not disputing this however it is not a reason to depart from the policy. A good operator with policies in place to promote the licensing objectives should be standard. We have read through the supporting documents but at this time we haven't been able to establish any exceptional circumstances to depart from the Brighton & Hove City Council Statement of Licensing Policy.

Just as the applicant has, we have also reviewed all the hearings that took place between 2019 – 2022 for applications within the CIZ and SSA and out of 50 hearings conducted, we would say just 3 were granted which did not have exceptional circumstances to go against policy but the panel felt they would have no negative impact. Two of these did not have an element of alcohol within the application. All other applications that were granted at a hearing had clear exceptional circumstance to depart from policy such as restricted products, being work and/or events spaces, hotels, and the Christmas market. It also included late night drinking venues that had re-applied due to old licences lapsing so like for like but with more robust updated conditions.

Within the application there are plans to have an outside terrace area and as mentioned, there is a residential block within the footprint of Churchill Square of which could be impacted by this, in regard to possible noise pollution.

Off sales is being applied for to permit customers to be able to leave with unfinished drinks. This could result in people leaving with glass bottles, drinking in public spaces or change their mind and discard it meaning a young person or someone with alcohol dependency could find it and consume it. Worse still, it could be used as a weapon if a fight breaks out.

We have reviewed and attached the advertised opening hours for The Botanists other 25 locations that are currently open and compared to the Brighton proposal, none of them are advertised as being open beyond 01:00am in the week and neither do any open until 02:00am at the weekend. Majority of them don't open until 12:00 noon weekdays with several of opening at 10:00am on Saturday and Sundays. If there are no plans to operate until the hours being applied for, we are unsure why the application does not match the actual planned trading hours.

Finally, as already mentioned we have offered and would fully support a restaurant style operation with alcohol ancillary to a table meal, table service and no vertical drinking until midnight or a café style operation with substantial food being made available, table service and no vertical drinking until 22:00hrs. We also suggested that as either of these options would reduce risk, we would work with them regarding proportionate conditions. Unfortunately, this offer has been declined with the applicant stating they wish to proceed as applied for. We kindly ask that the panel take this into consideration and if it is the case that the applicant wishes to revisit the

restaurant or café option, then this can be done by way of a new consultation and application being submitted

Yours sincerely,

REDACTED

Inspector Michelle Palmer-Harris

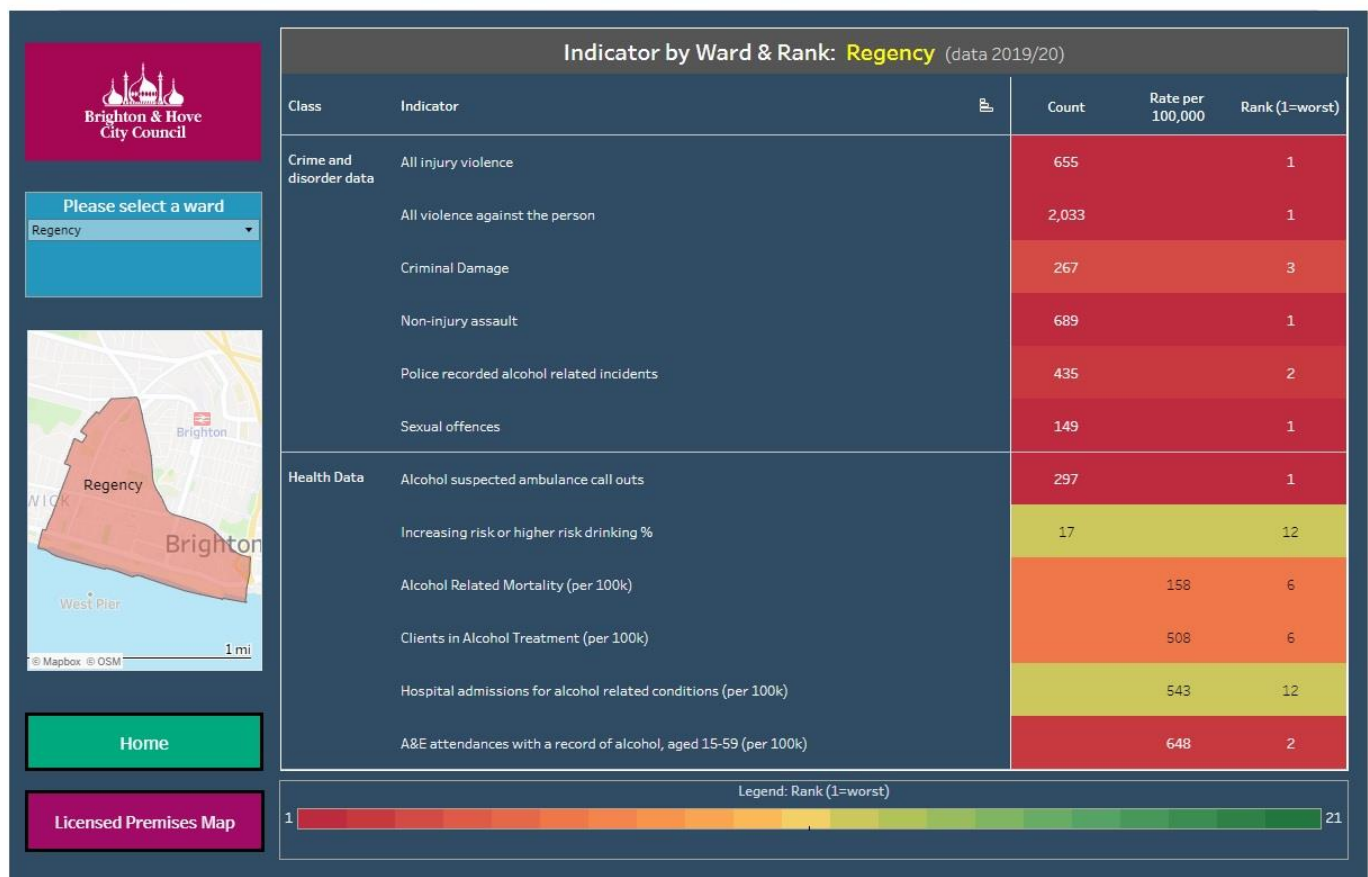
Licensing – Brighton & Hove Division

Sussex Police

Sussex Police Supporting Documents

The Botanist Opening Hours as per thebotanist.uk.com - 25 Jan 2023

Location	Mon	Tue	Wed	Thur	Fri	Sat	Sun
Brighton	09:00 - 01:30	09:00 - 01:30	09:00 - 01:30	09:00 - 02:30	09:00 - 02:30	09:00 - 02:30	09:00 - 01:30
Alderley Edge	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 01:00	12:00 - 01:00	12:00 - 22:00
Barnsley	12:00 - 23:00	12:00 - 23:00	12:00 - 23:00	12:00 - 23:00	12:00 - 01:00	12:00 - 01:00	12:00 - 23:00
Bath	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 23:00	12:00 - 00:00	10:00 - 00:00	10:00 - 22:00
Birmingham	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 23:00	12:00 - 00:00	10:00 - 01:00	10:00 - 22:00
Cardiff	10:00 - 22:00	10:00 - 22:00	10:00 - 22:00	10:00 - 23:00	10:00 - 22:00	10:00 - 01:00	10:00 - 22:00
Cheltenham	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 23:00	12:00 - 00:00	10:00 - 01:00	10:00 - 22:00
Chester	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 23:00	12:00 - 01:00	10:00 - 01:00	10:00 - 22:00
Coventry	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 23:00	12:00 - 00:00	10:00 - 01:00	10:00 - 22:00
Deansgate Manchester	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 23:00	12:00 - 01:00	12:00 - 01:00	12:00 - 22:00
Didsbury Manchester	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 23:00	12:00 - 00:00	12:00 - 00:00	12:00 - 22:00
Edinburgh	TBC	TBC	TBC	TBC	TBC	TBC	TBC
Exeter	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 23:00	12:00 - 00:00	12:00 - 01:00	12:00 - 22:00
Farnham	12:00 - 00:00	12:00 - 00:00	12:00 - 00:00	12:00 - 23:00	12:00 - 00:00	12:00 - 01:00	12:00 - 21:00
Ipswich	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 23:00	12:00 - 00:00	10:00 - 01:00	10:00 - 22:00
Knutsford	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 23:00	12:00 - 00:00	12:00 - 00:00	12:00 - 22:00
Lincoln	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 23:00	12:00 - 00:00	10:00 - 00:00	10:00 - 01:00
Marlow	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 23:00	12:00 - 00:00	10:00 - 01:00	10:00 - 22:00
Salford	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 23:00	12:00 - 00:00	12:00 - 00:00	12:00 - 22:00
Newcastle	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 23:00	12:00 - 01:00	11:00 - 01:00	11:00 - 22:00
Reading	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 23:00	12:00 - 00:00	12:00 - 00:00	12:00 - 21:00
Sheffield	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 23:00	12:00 - 00:00	12:00 - 00:00	12:00 - 22:00
Trinity Leeds	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 23:00	12:00 - 01:00	11:00 - 01:00	12:00 - 22:00
Warrington	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 23:00	12:00 - 00:00	12:00 - 00:00	12:00 - 22:00
West Bridgford	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 23:00	12:00 - 00:00	12:00 - 01:00	12:00 - 22:00
Worcester	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 23:00	12:00 - 00:00	10:00 - 01:00	10:00 - 22:00
York	12:00 - 22:00	12:00 - 22:00	12:00 - 22:00	12:00 - 23:00	12:00 - 00:00	12:00 - 00:00	12:00 - 22:00



REP B

Emily Fountain
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN11JP

Date: 3 February 2023
Our Ref: 01273 292494
Phone: 2023/00265/LICREP/EH
Email: donna.lynsdale@brighton-hove.gov.uk

EF CON ENDS 07.02.2023 VALID PCD, PPN and CIA (B)

Dear Emily Fountain

Licensing Act 2003 Representation to the application for a new Premises Licence - 2023/00086/LAPREN
The Botanist, Unit MSU 7-3, Churchill Square Shopping Centre, Russell Place, Brighton BN1 2RG

I wish to make a representation against a new application for The Botanist, Unit MSU 7-3, Churchill Square Shopping Centre, Russell Place, Brighton. The application is for a premises licence for the Sale of Alcohol (on and off sales), Live Music / Recorded Music, Sunday to Wednesday: 09:00 - 01:00, Thursday to Saturday: 09:00 - 02:00 and Late-Night Refreshment Sunday to Wednesday: 23:00 - 01:00, Thursday to Saturday: 23:00 - 02:00.

The grounds for the representation are that while this may be considered as a unique proposal, it is contrary to the Statement of Licensing Policy (SoLP) in that the premises falls within the Cumulative Impact Area, and there is the potential for the licensing objectives of Prevention of Crime & Disorder and Public Nuisance to be undermined.

The SoLP recognises the importance and value of the night-time economy, which is crucial in the ongoing economic success of the city, as well as providing a safe and diverse environment for both residents and visitors to enjoy. However, the Council also recognises the impact the night-time economy can have on people's safety, health and wellbeing. The Council's licensing authority has created special policies, including Cumulative Impact and the Matrix Approach and Night-time Economy Safeguarding Initiatives, designed to restrict the number of licensable premises in the city centre and promote good practices to minimise the adverse impact of alcohol-use.

The Licensing Authority's Cumulative Impact area (CIA) 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 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. The special policy is not absolute, and this presumption can be rebutted by the applicant if they can show that their application will

have no negative Cumulative Impact and that there are exception circumstances to depart from the special policy.

The Council's SoLP 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.

The proposal also includes 'off sales', which is not supported in the matrix in the CIZ, stating that "all off sales to be made in sealed containers for consumption away from the premises".

The applicants have consulted with the authorities and proposed conditions to promote the licensing objectives and this development is therefore generally welcomed by the authorities. The application and its supporting documentation seeks to address our cumulative impact policy and sets out the exceptional circumstances to be considered.

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.

When considering whether representations should be submitted, the Licensing Team have regard to the 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'.

The Licensing Team therefore makes this representation to uphold the Council's Statement of Licensing Policy and we wish to bring the application to the attention of the panel so that they can consider the application in its entirety and decide whether it constitutes exceptional circumstances to depart from the policy.

Yours sincerely

REDACTED

Donna Lynsdale
Licensing Officer
Licensing Team

REP C

The Regulatory Services
Manager, Environmental
and Licensing,
Bartholomew House,
Bartholomew Square,
BRIGHTON,
BN1 1UP.

3rd February 2023

EF CON ENDS 07.02.2023 VALID PCD, PS and PPN (C)

Dear Sirs,

Re: Licensing Application for The Botanist, Unit MSU7-3, Churchill Square Shopping Centre, Russell Place, Brighton, BN1 7RG

I am the **REDACTED** at the **REDACTED**, having a **REDACTED**. Our support is predominantly **REDACTED** shopping centre and at night time from residents of the locality and passing trade towards **REDACTED**.

At the time of application for licensing hours some years ago, we were refused **REDACTED** as it was believed that the resultant increase in revelry and inevitable disturbance would impair the then peaceful neighbourhood. Our application was rejected and we are **REDACTED**.

I am surprised that a license application for the Botanist until 2am is under consideration since the potential of public disturbance at the closing time of a Nightclub at 2am is far more likely than was likely when we applied. **REDACTED**

I also believe that policing of the area will be put to further strain as the public will be encouraged to spread from the present Nightclub area around West Street to the Shopping Centre 'piazza', which presently is relatively peaceful at night.

Continued, page 2

REDACTED

To: Regulatory Service Manager
Environmental and Licensing.

Page 2.

There are presently 3 licensed outlets on the square and a number of Snack Bars and Restaurants in the immediate vicinity which are more than able to service the public requirement and I believe that another Bar/Restaurant on the 'piazza' would be superfluous.

It has always been understood that the Centre would not agree to licensed premises within the confines of Churchill Square for public safety, only allowing acceptance of limited applications within the Food Hall on the top floor. This application seems to contradict this policy.

On these grounds I wish to lodge my objection to this application.

Yours\faithfully,
REDACTED