

Appendix D

REPA

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1st March 2023

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

CH CON ENDS 21.03.2023 VALID PCD, PPN, PS and CIZ (A)

Dear Corinne Hardcastle,

**RE: APPLICATION FOR A VARIATION OF THE PREMISES LICENCE FOR FREE HAUS LTD,
73-75 KINGS ROAD ARCHES, BRIGHTON, EAST SUSSEX, BN1 2LN UNDER THE
LICENSING ACT 2003. 1445/3/2023/00570/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, prevention of public nuisance and public safety. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy (revised January 2021) and the Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2022).

This is a proposed 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 to amend the conditions that were placed on the licence by a Licensing Panel at the grant of the licence in February 2022.

Sussex Police carried out a full licensing check at the premises on 8th October 2022 as is common within 6 months of the grant of a new licence. A number of breaches of the premises licence conditions were identified and a warning letter was issued. The PLH was responsive and emailed the same evening to assure Police Licensing that all issues were being rectified.

Paragraph 3.1.3 of the Brighton and Hove City Council 2021 Statement of Licensing Policy states that:

'The licensing authority, after careful consideration, has determined that the concentration of licensed premises in an area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to 'Cumulative Impact' is necessary as part of its statement of licensing policy.'

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 the off sale of alcohol are a 'No' in this area and the types of premises that can provide 'On' sales are very limited and are a 'No' for venues where alcohol is served without a food offering.

The 'Cumulative Impact Zone' is covered by special policy and paragraph 3.1.6 provides that:

'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.'

Paragraph 14.40 of the Secretary of State's Guidance to the Licensing Act 2003 (December 2022) 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.'

Additionally, this premises lies within Regency 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 1 for All violence against the person, All injury violence, Non-injury and Sexual offences. This ward is also ranked number 2 for Police recorded alcohol related

incidents and number 3 for Criminal damage, demonstrating the higher risk to the Licensing Objective of the Prevention of Crime and Disorder in this area.

The applicant did pre consult with Sussex Police but due to the fact that this premises licence was originally heard by a Licensing Panel to determine the exceptional circumstances and conditions, it is felt that this is appropriate again in the light of the changes that are being applied for. While the applicant has included a large amount of extra information and additional conditions within their paperwork, due to the premises location within the City, Sussex Police do not believe that this goes far enough to help mitigate the potential risk. The local concerns and issues that the area of the West Pier and the beach attracts, particularly in the warmer months, remain. Questions have been asked around how the operator will prevent persons leaving the venue with open vessels to drink on the beach, especially as that is the expectation at other venues in the vicinity (many of whom have licences granted prior to the Special Policy being adopted).

The application is consequently at risk of undermining the prevention of crime & disorder, prevention of public nuisance and public safety Licensing Objectives. Furthermore, Sussex Police contend that the carrying on of additional licensable activity by amending the licence to remove certain restrictions on both on and off sales, previously defined at a Licensing hearing, 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 Mark Redbourn
Ops Planning and Events (inc. Licensing) Inspector
Brighton & Hove Division
Sussex Police**

REP B

Corinne Hardcastle
Licensing Team, BHCC
Bartholomew House
Bartholomew Square
Brighton

Date: 15th March 2023
Our Ref: 2023/00424/LICREP/EH
Phone: 01273 295801
Email: Sarah.cornell@brighton-hove.gov.uk

CH CON ENDS 21.03.2023 VALID PCD, PPN and CIZ (B)

Dear Mrs Hardcastle,

RE: Licensing Act 2003 - Representation against the application for variation of premises license (Ref. 2023/00570/LAPREV) for Free Haus Limited, 73 - 75 Kings Road Arches, Brighton, BN1 2FN

I wish to make a representation in relation to the application for variation of the premises licence (ref. 2023/00570/LAPREV) for Free Haus Limited, Kings Road Arches, Brighton submitted by Free Haus Limited. The representation is based on the grounds of prevention of crime and disorder, public nuisance and makes reference to our Special Policy contained within our Statement of Licensing Policy.

I have looked carefully at this application, paying particular attention to the Matrix and any exceptional circumstances provided for departing from the Matrix and our Special Policy. The applicant did pre-consult prior to submitting their application and have provided lots of information within the application regarding the proposed variation. However, in light of the fact that this premises falls within the Licensing Authority's Cumulative Impact area (CIZ) and the fact that the initial application went to a licensing panel hearing in Feb 2022, I feel that this is an appropriate step.

Currently the premises is licensed for On and Off sales of Brighton Bier branded products with no deliveries and on sales for ticketed events which are limited in capacity and number per year. The applicant is wanting to relax these conditions & restrictions to allow a bigger selection of ON and Off sales products, less restrictions

for on sales and to include an outside area amongst other minor changes to the licence.

As mentioned, the 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 centre. 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 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 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 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.

When considering whether representations should be submitted, the Licensing Team have regard to the 'Public Health Framework for assessing Alcohol Licensing' – (accessed at <https://public.tableau.com/app/profile/brightonhovepublichealthintelligence/viz/PublicHealthFrameworkforAssessingAlcoholLicensing/NavigationPage>) document. The premises sits within the electoral ward of Regency, which the document states under 'Crime and Disorder data' is worst out of 21 wards for all violence against the person, all injury violence, non-injury assault and sexual offences. It is also second worst for police recorded alcohol related incidents. Within the recorded 'Health data', the premises sits in the second worst ward for alcohol suspected ambulance call outs.

The Licensing Team make this representation to uphold our Statement of licensing policy. The Policy is predicated on too much alcohol being available and applications for variations to premises licences 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 decide whether they are satisfied that this application will not impact negatively on the CIZ.

Yours sincerely,

REDACTED

Sarah Cornell
Senior Licensing Officer
Safer Communities
Licensing Team
Environmental Health & Licensing

S1

Sent: 21 March 2023 14:53
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Cc: REDACTED
Subject: Support for application ref: 1445/3/2023/00570/LAPREV

CH CON ENDS 21.03.2023 VALID PCD, PPN (S1)

To whom it may concern,

I'd like to offer my support for the license change for application ref:
1445/3/2023/00570/LAPREV.

I REDACTED. We are happy to support the change of license. Last summer when Brighton Bier was in-situ, we found that we had far fewer issues with anti-social behaviour in that area, whereas in previous years we have had large groups of people gathering in front of the arches and smoking, drinking, playing loud music and skating, which we believe puts off people from visiting us, particularly as many of our visitors are families.

The proposed change will continue to discourage this anti-social behaviour and we hope will further enhance the area, bringing in more customers and footfall that will benefit all the surrounding businesses.

Do let me know if you need any further information from me.

Best wishes,
REDACTED

S2

From: REDACTED
Sent: 21 March 2023 18:38
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Cc: REDACTED
Subject: Brighton Bier

CH CON ENDS 21.03.2023 VALID PCD, PPN (S2)

Good evening,

Please find attached letter of support.

Kind Regards

REDACTED

To whom it may concern

We understand that Brighton Bier wish to change their current license to include an on-sales offering. This is great news indeed! **REDACTED** feel that this change of license would be very positive and as such we would like to take the opportunity to communicate our support in their new proposal.

Since handing over our former storage arches to Brighton Bier we have had a great relationship with the team and management, we have even started to stock their products

within the **REDACTED** various **REDACTED**. This has proven very popular with our customers and staff.

As the summer months passed last year, we noticed a very different feel to the area that was once an unused and often abused public area. The regular groups of individuals that frequented the area causing a nuisance to passing members of the public started to be less visible as it was becoming clear to all that this area directly in-front of the Brighton Bier arches was quickly becoming a nice place to be with a very modern and trendy feel about the new occupants.

To our knowledge we didn't see or hear of any anti-social behaviour taking place over the peak months whilst they had their shop open for business. This was a great improvement on previous years.

We fully support Brighton Bier with their application for on-sales and we are confident that they will continue to improve the look and feel of the area. This will be a positive step forward for this section of the seafront and could mean that we see a higher footfall to all businesses ultimately driving revenues for all and making the seafront enjoyable for all.

We believe that the proposed new use of the arches will attract a different clientele than can be found further along the seafront to the east., the offering the Brighton bier have will be attractive to a great range of people and will give those that want to enjoy a drink whether it be alcoholic or not a calmer more peaceful area to relax by the beautiful seaside that will appeal to many.

Yours Sincerely

REDACTED

S3

From: REDACTED

Sent: 17 March 2023 15:52

To: REDACTED

Subject: Re: FREE HAUS LIMITED - ARCHES LICENSE CHANGE - LETTER OF SUPPORT

CH CON ENDS 21.03.2023 VALID PCD, PPN (S3)

To Whom it May Concern,

We **REDACTED** would like to register our support for our **REDACTED** Brighton Bier in their aim to lift certain licence restrictions to help their business grow and be a more pro-active part of our **REDACTED** community.

We would like it noted that:

- We support the change of licensing to allow Brighton Bier to have on-sales
- When Brighton Bier were open last summer they helped improve the area outside their business, which is a known 'difficult' spot and helped reduce some of the behavioural issues that section of the seafront faces

- That we had no previous problems from any of their customers and the limited drinking outside did not cause us any nuisance or involve any anti-social behaviour
- That their proposed change to the operation of the Brighton Bier arches should enhance the area, bring more footfall that will hopefully benefit all the surrounding businesses
- It is also of value to the city to have an independent company producing locally and promoting Brighton

Therefore we support their proposals as it will hopefully serve to enhance the local area and enable us to all work positively together.

Regards

REDACTED

