

Appendix C

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

Date: 9 September 2024

Our Ref: REDACTED

Phone: REDACTED

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Dear Sarah

SC CON ENDS 27.09.2024 VALID PCD, PPN & CIZ (A)

Licensing Act 2003 Tesco Express, 194 Western Road, Brighton.

I wish to make a representation against a new application for a premises licence for Tesco Express, 194 Western Road, Brighton The application is for the sale of alcohol from 08:00 to 22:00 every day off the premises.

The grounds for the representation are that it is contrary to the Council's Statement of Licensing Policy as the premises falls within the cumulative impact area and may undermine the Licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

The Licensing Authority's Cumulative Impact area (CIZ) 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 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 premises falls within cumulative impact area as defined in the Matrix Model. Applications for off licences in the CIZ are not generally considered favorably.

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

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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, the CIZ 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.

While the applicant has put some proposals in the operating schedule such as staff training and challenge 25, they have not mentioned their location in the CIZ 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 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.

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