

Appendix C

REP A

EOC 25.10.2024 Valid EF PCD, PPN & CIZ



Regulatory Services
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Licensing Team
Brighton & Hove City Council
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Date: 17th October 2024
Our Ref: 2024/03795/LAPREN
Phone: REDACTED
Email: REDACTED

Dear Emily Fountain,

RE: Licensing Act 2003 - Representation against the application for a new Premises Licence application for Station Grill, 62 Queens Road, Brighton, BN1 3XD

I refer to the application made by London Export and Import Ltd, for a new Premises Licence at Station Grill, 62 Queens Road, Brighton. The proposed hours are for Late Night Refreshment, Sunday - Thursday from 23:00hrs to 02:00hrs, Friday - Saturday from 23:00hrs to 03:00hrs and opening from 08:00 every day.

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 and that this application is contrary to our Statement of Licensing Policy (SoLP).

The council has a special policy to address cumulative impact which is reviewed every 3 years, most recently in February 2024. 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 special policy will only be overridden in exceptional circumstances. New applications and variations to existing licences should normally be refused following relevant representations. This presumption of refusal can be rebutted by the applicant if they can show that their application will have no negative cumulative impact on licensing objectives including the prevention of crime and disorder and public nuisance. 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.

This special policy applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments and 62 Queens Road falls within the cumulative impact area (CIZ).

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, 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.

On looking at the application form, the applicant has not mentioned its location within the CIZ but has completed the 'licensing objectives' section in some detail.

The Council's Statement of Licensing Policy (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. Each application is still considered on its individual merit and there is discretion to depart from the Matrix approach policy in exceptional circumstances. The Matrix table clearly shows that late night takeaways in the CIZ should not be granted.

The applicant has stated in their application that the premises is a restaurant and burger shop, the layout includes a customer service area at the front, offering counter service for both dine-in and takeaway options, providing hot food after 23:00 will be indoor in some cases, and mostly for delivery and collection to be consumed at the customer home address not outside the restaurant.

We have received additional correspondence from both our Planning Department and the Fire Authority regarding this application, both are Responsible Authorities under the Licensing Act 2003 and are consulted on applications. Planning have said that the premises does not have planning permission to be a take-away, it must operate mainly as a restaurant and after a telephone conversation between the applicant and the Planning Officer, he confirmed he was definitely going to be a restaurant. However, in a written response to the Fire Authority, the applicant states that 'the business will stop serving customers dining in on the premises at 11:59 pm, and Signs on the doors would confirm that the business is closed to "walk-in" customers after 11:59 pm. The restaurant would offer deliveries only from 11:59 pm using either our own staff or a delivery service. *Also, will offer collection services for customers already exciting in the centre, like taxi drivers who will be able to use the designated loading bays which are immediately outside the restaurant.*' I presume the sentence in italics means that customers will still be able to enter the premises to order take-aways after 11.59pm. Bringing this application before the panel will enable them to establish exactly how the applicant wishes to operate and will clear up any confusion.

Granting this application is likely to add to additional burdens and problems to the already challenging area and although the applicant has put a number of provisions in their operating schedule, there is no mention of the Statement of Licensing Policy or Cumulative Impact area. I therefore wish to bring the application to the attention of the panel so that they can question the applicant further and decide whether this application constitutes exceptional circumstances to depart from the policy.

Yours sincerely

REDACTED

Sarah Cornell

Senior Licensing Officer

Licensing Team

Environmental Health and Licensing

Regulatory Services

REP B



Sussex Police
Serving Sussex

www.sussex.police.uk

Brighton & Hove Licensing Unit

Police Station
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Brighton
BN2 0LA

Email: brighton.licensing@sussex.police.uk

23rd October 2024

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

Dear Emily Fountain,

RE: APPLICATION FOR A NEW PREMISES LICENCE FOR STATION GRILL, 62 QUEENS ROAD, BRIGHTON, BN13XD 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 and public nuisance. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy.

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 (Both)

Sunday – Thursday: 23:00 – 02:00
Friday – Saturday: 23:00 – 03:00

Opening hours

Sunday – Thursday: 23:00 – 02:00
Friday – Saturday: 23:00 – 03:00

Paragraph 3.1.2 of the Brighton and Hove City Council 2021 Statement of Licensing Policy states:

“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.”

In accordance with the Statement of licensing policy this application would be a “NO”

This premises lies within what was the Regency Ward which within the Brighton & Hove Public Health Framework for Assessing Alcohol Licensing and is ranked number 1 for All injury Violence, All violence against the person and Sexual Offences. Additionally, it’s ranked number 2 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 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, anti-social behaviour and public nuisance in an area that is already evidenced to be problematic.

Recent incident & crime states indicate that during the period of 23rd October 2023 and 23rd October 2024 there were 271 incidents linked to Queens Road and surrounding close by side roads. The majority of these incidents were recorded as violent crime in a public place and thefts.

There is also 11 Sexual Assaults reported along Queens Road in this 12 month period.

With the area already experiencing high number of incidents which occur throughout the day and night, permitting a premises to be open into the night time economy is likely to increase incidents in the locality, which is already a busy thoroughfare road to and from the city centre and the train station and is populated with many Licensed premises all varying from Pubs, off licences and Late Night Refreshment venues.

I have attempted to work with the applicant throughout the consultation period. Please find attached to this letter the proposed conditions that were sent to the applicant. Sussex Police offered a condition that would allow the applicant to trade as a restaurant until Midnight but then lock their door and trade for deliveries only. Unfortunately, this condition has not been agreed, along with Conditions 5, 6, 7.

Conditions number 1, 3, 4, 8, 9 and 10 have been agreed.

However, a further concern which was highlighted following a phone conversation with Police Licensing Officer Hannah Staplehurst is, the applicant had no knowledge of the BHCC Statement of licensing policy and wasn't aware the premises is located in the CIZ. They haven't traded along Queens Road, nor in Brighton and seemed to have little understanding of the crime and disorder associated with this area.

Although we are now unable to support this application due to the conditions not being agreed and the concern the applicant lacks knowledge of trading in Brighton and are now seeking refusal, if the Licensing Panel are minded to grant this application at the hearing, Sussex Police have attached the conditions proposed to the applicant and ask that these conditions are added to the Premises Licence, taking into account the request that the premises trades only for deliveries from Midnight. The conditions being offered unfortunately do not mitigate fully the risks should this premises trade until 02:00/03:00am. They go some way to reduce incidents occurring within the premises itself but there are no conditions that can address the risks once customers have departed. The risks of them becoming a victim of crime or them partaking in criminal activity is one that will need to be dealt with by the emergency services. Or if public nuisance issues occur, then this will be for the environmental officers to pick up.

Therefore, Sussex Police invite the Licensing Authority to seriously consider refusing this application.

- Attached proposed conditions.

Yours sincerely,

REDACTED

Insp Daniel Eagle
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 – Police Licensing – Proposed Conditions

Station Grill, 62 Queens Road, Brighton Proposed Conditions

General

1. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.
2. The premises will operate as a restaurant until 23:59pm. From Midnight (00:00) until close the premises will be closed to customers (there will be no takeaways or eating in after that time), The premises door will be locked during these times and opened only to allow delivery persons to collect orders. and only deliveries will take place. Clear signage will be placed on the door to advising potential passing customers that the premises is closed.
3. All delivery orders shall be to a registered residential or business address. There shall be no deliveries to public/communal areas or open spaces.

Prevention of crime & disorder

4. Subject to GDPR guidance and legislation:
 - (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrances/exits to the premises as well as any outside space. The system shall be on and recording at all times the premises licence is in operation.
 - (b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
 - (c) CCTV footage will be stored for a minimum of 31 days
 - (d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
 - (e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
 - (f) The management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Police e.g. USB) or provide footage via an online link as initiated by Police, without difficulty or delay and without charge.
 - (g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable - brighton.licensing@sussex.police.uk.

(h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Police or for any other reason, the premises will be expected to install a replacement hard drive, or a temporary replacement drive as soon as practicable.

5. SIA licensed door supervisors shall be employed on any other occasions when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Events e.g. Football, Pride, Music Events. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.
6. At all times the premises is open to the public, the management will contract the back up services of an approved mobile support unit (MSU) that operates at all times the premises is open to the public, with a minimum of 2 SIA registered Door Supervisors operating from it. A copy of the MSU contract will be retained at the premises and made available for immediate inspection upon request by Sussex Police or Council Officials. The MSU will be accredited by the Brighton Crime Reduction Partnership (BCRP) or other similar organisation approved by Sussex Police should the BCRP not be in existence.
7. The premises will become a member of the Brighton Crime Reduction Partnership or similar scheme approved by the Licensing Authority. The scheme must operate, subject to local coverage, radios and additionally an exclusion/banning scheme of named individuals within both the day and nighttime economy.
8. (a) An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by a manager at least once a month.
(b) The logbook should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.

Any additional conditions offered up within the original application or agreed with any other responsible authority.

Public safety

Any additional conditions offered up within the original application or agreed with any other responsible authority.

Prevention of public nuisance

9. The management will ensure that delivery vehicles waiting or arriving to collect orders will be parked/waiting legally and not causing a public nuisance by way of obstructing the highway or footpaths.

Any additional conditions offered up within the original application or agreed with any other responsible authority.

Protection of children from harm

10. All staff will be trained in:

- Identifying persons who are vulnerable which could include but not limited to, their age or due to intoxication and or drugs as well as identifying potential perpetrators.
- Conflict management.

The operator will have a policy in place assisting staff in how to deal with such situations.

All training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.

Any additional conditions offered up within the original application or agreed with any other responsible authority.