

Dear Licensing Panel members, Sarah Cornell, Emily Fountain, Hannah Staplehurst and Insp Daniel Eagle,

Thank you so much for your kind emails,

## **Section A:**

I am writing to you in response to your email and letter dated on 17/10/2024 (REP A, EOC 25.10.2024 Valid EF PCD, PPN & CIZ),

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

We would like to address the concerns raised by the Licensing Team and provide further clarity on how Station Grill will operate in a way that aligns with the licensing objectives and meets the criteria for exceptional circumstances under the Statement of Licensing Policy (SoLP). Here are the key points in your letter (in black), and my clarifications in (Blue and red)

A- 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.

Regarding Brighton and Hove, the Statement of Licensing Policy (SoLP), it outlines the circumstances under which a late-night refreshment license can be granted, even within a Cumulative Impact Zone (CIZ). Exceptional circumstances might include the following which we will do and aim to do them if required by the relevant Authorities and the Licencing Panel Members.

1- strong, enforceable measures to manage customer behaviour, such as limiting late-night customers to delivery & collection -only services, effective use of CCTV, no eat in services after midnight and having dedicated security personnel when required.

2- Strong Operational Management and Security Measures:

- Such as comprehensive staff training, strict controls on customer interaction after certain hours, and ensuring no loitering outside the premises.

3- Low-Risk Nature of the Premises: this is a small restaurant that function without attracting large crowds late at night compared to traditional late-night venues like bars and pubs.

4- High Demand for the Service from: night shift workers, hospital staff, night bus drivers, travellers coming from and travelling to London, Worthing & Eastbourne through Brighton railway station, tourists, hotels guests and staff in front of the shop who rely on late-night food options.

5- Contribution to the Local Economy, this will have positive economic contribution to the area, such as creating jobs and supporting local suppliers.

B-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).

We are willing to do the following:

1. Preventing Crime and Disorder:

- Strong Security Measures: the restaurant will install a comprehensive CCTV system covering all critical areas inside and outside the premises, which will be monitored throughout operating hours. This will deter potential criminal activities and provide evidence if any incidents occur. For example, similar establishments that implemented such systems in the CIZ have seen a significant reduction in incidents, which contributes to maintaining a safer environment. Although these incidents were related to alcohol consumption and sales and not related to late night food services.
- Well-Trained Staff: Our staff members have undergone training in conflict resolution, responsible service, and dealing with intoxicated individuals. This ensures that they can effectively manage any issues that might arise, thus preventing potential crime and disorder.

2. Preventing Public Nuisance:

- Focus on Delivery & collection After Midnight: We emphasize that our operation after 11:59 pm is primarily collection & delivery-focused, with no eat-in customers accepted. Signage will be clearly displayed to inform potential customers of this, and only collections and deliveries will be allowed. This reduces the risk of loitering, noise, and anti-social behaviour. Other businesses that have adopted this model have been able to maintain late-night operations without increasing public nuisance, as evidenced by their continued license renewals and no license reconsiderations have been made.
- Noise Control Measures: Delivery vehicles will be required to adhere to a "quiet zone" policy, ensuring that engines are turned off while waiting, and minimizing the use of horns or loud conversations. Staff will be instructed to be mindful of noise when handling deliveries. We will also install soundproofing measures to prevent noise from within the premises from disturbing the surrounding area.

3. Exceptional Circumstances:

- Local Needs: Station Grill aims to provide a service that meets a genuine need within the community, offering high-quality, freshly

prepared meals for late-night workers, tourists, and residents. Many local businesses, including hotels, have expressed support for having reliable late-night food collection and delivery options available for their guests. In a similar case within the city, a restaurant was granted an exception due to the demand for services that catered to shift workers.

- Economic Contribution: As a local business, we are committed to creating job opportunities and contributing to the local economy. We plan to employ local residents, including delivery staff, chefs, and customer service personnel, thereby helping to stimulate the area's economy. This aligns with the council's objective of supporting local businesses that enhance the community.
  - **No objection has been made by any resident or business in the area.**
4. Mitigating Potential Negative Cumulative Impact:
- Operational Adjustments: we have adjusted our business model to better align with the council's SoLP. Collection and delivery model after midnight is specifically designed to prevent eat in, and ensure we do not contribute to public disorder or nuisance. Other establishments in similar cumulative impact zones have successfully implemented these changes, showing that such adjustments can be effective.
  - Commitment to Responsible Management: We are willing to accept conditions such as earlier closing hours for dine-in services at midnight, limiting services to collections and delivery only, and implementing strict controls on delivery operations. This flexibility demonstrates our commitment to responsible management and our willingness to work with the council to address any concerns.
5. Examples of Precedent:
- Other Cases in CIZ: We understand that the SoLP's Matrix approach generally does not favour new late-night licenses within the CIZ. However, there have been exceptions where businesses could demonstrate how they would operate responsibly without impacting the local area negatively. For example, Zafron a restaurant in CIZ was granted an exception after proving that their late-night operations would primarily be for collection and delivery and by implementing robust security measures. Station Grill proposes a similar model with additional commitments to security, noise control, and public order.

By taking these measures, we believe Station Grill has effectively mitigated the potential negative impacts cited in the representation and should be considered an exception to the policy. We are dedicated to operating in a manner that aligns with the licensing objectives of preventing crime and disorder, preventing public nuisance, and ensuring public safety. We respectfully request the Licensing Panel to approve our late-night refreshment license.

C-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.

1- Just I want to clarify something please,

Firstly, the absence of an explicit mention of the CIZ does not necessarily indicate oversight or negligence. I have thoroughly completed the 'licensing objectives' section, which shows an awareness and consideration of the factors that are vital to the licensing process. This detailed approach demonstrates an understanding of the broader implications and responsibilities associated with obtaining a license.

Moreover, the 'licensing objectives' themselves inherently align with addressing the concerns associated with operating within a CIZ, such as the prevention of crime and disorder, public safety, and the prevention of public nuisance. The detailed responses in this section may imply that I have taken these matters into account, even if not explicitly stated in reference to the CIZ. And I am going now to mention it in details:

### Statement of Licensing Policy on council website

1- The city receives 9.5 million tourism day trips and 1.5 million staying visitors per year. The cultural and tourism offer in Brighton & Hove is crucial to the ongoing economic success of the city; it brings both money and jobs.

2- Brighton & Hove has created a Cumulative Impact Zone (CIZ) and adjacent Special Stress Area (SSA), designed to restrict the number of licensable premises in the city centre and promote good practices to minimise the adverse impact from alcohol-use, *(the main purpose is related to alcohol-use and not late night food services with no alcohol service at all)*. The Council have also adopted a matrix approach to decision making to encourage the right type of alcohol establishment across the city. Enforcement policies focus on reducing irresponsible promotions and underage sales. In addition, the APB also supports various initiatives: such as the council-led "Sensible on Strength" scheme to reduce the availability of cheap super strength beers and ciders. *Again, all are about alcohol use not night food services establishments.*

As you can see from SoLP, this section is related to alcohol consumption and sales, we are a restaurant that will NOT sell alcohol on or off the premises.

3- The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, *always recognising that if no representations are received, the application must be granted*, in our case the licensing authority submitted a representation on 17/10/2024 when at that date there were no representations submitted by any other party and

they should willing to grant the license until they receive a formal representation from any other party, it is unlawful for a local authority to act in a way that is incompatible with a Convention right, and the police representation was submitted on 23/10/2024. However, we are willing to accept the license conditions provided by the Police to include delivery and collection only after midnight and no eat in services after midnight as explained in my letter replying to the Police REP B.

4- Nothing in this policy shall undermine the right of any individual to apply under the terms of the act for a variety of permissions and to have any such application considered on its individual merits

5- The local visitor economy is characterised by three sectors: conferences, leisure and English language education. In 2018 the city welcomed 9.5 million tourism day trips and 1.5 million staying visitors, this translated to just under 5 million bed nights used in the City for that year. Tourism generates £850m of direct income for local businesses and supports in excess of 21,000 jobs which equates to approximately 16% of the total number of employed in jobs in Brighton & Hove.

6- Licensing policy supports entrepreneurial activity, promoting the city's businesses, supporting growth of creative industries sector, extending the business improvement district. The cultural and tourism offer in Brighton & Hove is crucial to the ongoing economic success of the city; it brings both money and jobs. This range of work also provides solutions to some of the problems of inequality in the city.

7- The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention right. The licensing authority will have particular regard to the following relevant provisions of the European Convention on Human Rights: -

- Article 1 of the First Protocol that everyone is entitled to the peaceful enjoyment of his possessions (including for example possession of a licence).

8- Cumulative impact

The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for the market to decide; need therefore does not form part of this licensing policy statement. and need therefore does not form part of this CIA. in our case there is a high demand for late night fresh food and meals as explained below.

09- 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. And I explained this above.

10- If there are no representations, the licensing authority must grant the application in terms consistent with the operating schedule submitted. As we mentioned that we are willing to accept the licence conditions provided by the Police including preventing eat in service after midnight and only operate collection and delivery only after midnight.

11- Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, 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. If an application is unlikely to add to the cumulative impact of the area, it may be granted. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant, theatre or live music venue (where alcohol is not the primary activity) may be considered exceptional circumstances, and this is our case as we are small restaurant where alcohol is not the primary activity.

12- If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved. in our case we are going to apply very strict conditions to ensure that all the licensing objectives are meet.

13- New and varied applications for premises and club premises certificates within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. Appendix A of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.

D-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.

#### 14- The Matrix Approach

The Licensing Authority will support:

Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the



number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore supports: mixed use venues encouraging a wider age balance.

While the Matrix Model provides a structured framework that informs the Licensing Authority's vision and decision-making, it is crucial to recognize that this approach is not absolute. The policy itself clearly states that each application should be considered on its individual merit, allowing for discretion and flexibility in exceptional circumstances.

15-The premise that late-night takeaways in the CIZ should not be granted is a guideline rather than an immutable rule, (and we are operating as a restaurant the whole day, just after midnight we will serve collection and delivery only as per the license conditions). This guideline serves to outline general expectations and risk assessments but should not overshadow the Licensing Authority's duty to assess the specific details and mitigating factors of each unique application. Exceptional circumstances, such as robust measures to promote the licensing objectives, community benefits, or enhanced safety and management plans, could warrant a departure from the Matrix approach. Furthermore, the SoLP's Matrix is intended as a tool to balance the needs of economic growth, investor confidence, and public interest. As such, the outright rejection of late-night takeaway and restaurants applications without full consideration of individual measures proposed by the applicant may not align with the policy's purpose to encourage a diverse and thriving local business environment.

16- The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community-based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre (WHICH IS OUR CASE).

17- **Restaurants** - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following restaurant condition:

- Intoxicating liquor shall not be supplied or sold on the premises otherwise than to persons taking table meals there and for the consumption by such a person as an ancillary to their meal. There will be no vertical drinking.
- Restaurants with outside service - the licensing authority will also consider applications from restaurants that request to serve alcohol to areas adjacent to or immediately outside their premises. In addition to the above conditions for cafes, the licensing authority will require evidence that the applicants have an agreement with the local authority to use the area as defined on a plan provided. The following condition may also apply:
- The sale and supply of alcohol for consumption off the premises shall be restricted to an area licensed by the Local Authority for use of the public highway as shown on the plan deposited and such area shall be defined by a physical barrier acceptable to the licensing authority.

As I confirmed above that the restaurant will not sale any alcohol at any time.

## 18- Public Safety

5.1.3 Conditions may be imposed in accordance with operating schedules to protect public safety including where justified:

requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.

Although we are a small restaurant and cannot host this number of customers, but we are willing to have a door supervisor after midnight if requested by the Licensing Panel members, authorities or the police when required.

## 19- Prevention of Crime and Disorder

The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. However we will not provide any alcohol activity.

## 20- Care, control and supervision of premises:

The BCRP Night Safe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety, Restaurants are not mentioned here. However, we are happy to accept this if ordered by the licensing panel.

21- The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points and lighting. **AGREED**

22- Mobile security units and similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. **AGREED**

## 23- Prevention of Public Nuisance

Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music, we are a restaurant will not provide any music.

24- Installation of sound limiting equipment and sound insulation may be required, we are happy to do that if required.

25- In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers. We are very close to Brighton station, taxi rank and night bus stops to Eastbourne and all Brighton areas.



26- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.

- Use CCTV to manage outside areas.

**6.2.2** Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

- WE WILL Discourage customers remaining outside by removing/disabling tables and chairs or prohibiting their use after 11:00 pm, and removing tables inside to prevent the eat in service after midnight.

### **Appendix A – Licensing Best Practice Measures**

#### **We are happy to do these as well.**

27- the installation of a digital CCTV system by liaison with, and to a standard approved by, Sussex Police

- policies for dispersal of customers which may include signage regarding taxi services' telephone numbers and advice to respect neighbours and minimize noise
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- Staff training – in addition to personal licence holders training, staff must be adequately trained for duties.

28- Police submission

Analysis was also made of the link between crimes and alcohol or drug use and showed that up to **65% of the recorded Serious Violent Crimes across the city were affected by alcohol and/or drugs**. It is important to note however that the data drawn from Police systems relies on the Officer inputting it to flag it as '**alcohol/drug related**' so the true number in incidents involving alcohol and/or drugs may be much higher.

### **Annex 2: CIA Public Health Submission**

29-Wards with the highest rate of adults in alcohol treatment (not crime related to food services).

E-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 takeaways after 11.59pm. Bringing this application before the Licensing Panel will enable them to establish exactly how the applicant wishes to operate and will clear up any confusion.

I would like to address the points raised concerning the application and the correspondence received from both the Planning Department and the Fire Authority.

While it is acknowledged that planning permission stipulates the premises must operate primarily as a restaurant, the interpretation of this requirement should consider the broader context of modern hospitality services. **My statement that the business will serve only collection and deliveries after 11:59 pm aligns with maintaining the premises' primary function as a restaurant while adapting to market demands and late-night customer needs. The use of delivery and collection services as part of restaurant operations is an increasingly common practice that does not inherently conflict with planning stipulations, provided the main operational focus remains dining.**

My written response also clarifies the intended procedure for late-night operations: dining in ends at 11:59 pm, with clear signage indicating the cessation of walk-in services. This demonstrates a proactive approach to managing customer expectations and adhering to operational limits set by planning. The statement mentioning collection services for specific customers, such as taxi drivers, should be interpreted within the context of controlled, minimal-impact takeaway activity. Such measures may be part of the restaurant's service adaptation to cater to professional clientele during non-peak hours, without contradicting its primary classification.

Bringing the application before the Licensing Panel for clarification is understandable, but it is essential to emphasize that my intent seems consistent with balancing compliance and business needs. Any remaining ambiguities should be evaluated with my willingness to cooperate and adapt, demonstrating a commitment to responsible operation within the parameters of both planning and licensing objectives.

I encourage the Licensing Panel to approach this matter with a nuanced view that considers the flexibility inherent in the Licensing Act 2003, where planning conditions and licensing terms can coexist with appropriate management measures.

Regarding the layout, we are going to prevent the eat in services after midnight, and we have MOBILE Bain Marie and hot food display on the ground floor , both of them have wheels, so, after midnight , they will be moved near the main door , so we will be able to hand the food over to deliveries and collection customers without allowing them to enter the premises after midnight. We also planning to have a small window next to the main door if it is approved, so that we will hand the food over without allowing customers to enter the premises after midnight.

F-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 Licensing Panel so that they can question the applicant further and decide whether this application constitutes exceptional circumstances to depart from the policy.

It is equally important to evaluate the individual merit of each application, as outlined in the Licensing Act 2003. my comprehensive provisions detailed in the operating schedule demonstrate an awareness of and commitment to the licensing objectives, including measures to prevent crime and disorder, ensure public safety, prevent public nuisance, and protect children from harm. These efforts should not be discounted, even if the Statement of Licensing Policy and CIZ are not mentioned verbatim.

The omission of specific references to the SoLP or CIZ should not be considered an automatic disqualifier, particularly when the measures proposed by me align with the policy's goals. The primary purpose of the SoLP and CIZ designation is to manage cumulative impacts, but it also allows for exceptions where an applicant can demonstrate that their business plan includes significant and effective steps to mitigate potential issues.

Bringing the application before the Licensing Panel for further questioning is understandable. However, it is crucial that the Licensing Panel consider the proactive measures already put forth in the operating schedule. Evaluating whether these provisions sufficiently address the concerns associated with operating in a CIZ should be a key factor in determining if this application meets the criteria for exceptional circumstances. This ensures a balanced approach that supports responsible business initiatives while maintaining community welfare.

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## **Section B:**

I am writing to you in response to your email and letter dated on 23/10/2024, I am writing to address the representation submitted by the Chief Officer of Police for Sussex against the grant of the premises licence application for Station Grill, located at 62 Queens Road, Brighton. I understand the concerns raised regarding the potential for undermining the licensing objectives of crime prevention, disorder, and public nuisance. I would like to take this opportunity to outline the measures we intend to implement to ensure that these objectives are upheld, and to demonstrate how our establishment will operate responsibly within the Cumulative Impact Zone (CIZ).

Here are the key points in your letter (in black), and my answers in (blue and red)

A- 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":

I understand your concerns about this; however, this statement does not say that, the statement says '3.1.2 Special Policy - Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area',

Furthermore, Paragraph 1.11 Human Rights, states 'Article 1 of the First Protocol that everyone is entitled to the peaceful enjoyment of his possessions (including for example possession of a licence). And paragraph 3.1 Cumulative impact states '3.1.1 The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for the market to decide; need therefore does not form part of this licensing policy statement.', and there is a high demand 'need' for fresh hot food at night specially for travellers who are using Brighton train station to go to and come from London, Eastbourne and Worthing, night shift bus drivers in front of the restaurant , hotel guests and staff next to train station, Taxi drivers and security staff working at night.

I am also requesting to consider the following for Prevention of Crime and Disorder:

### 1. Business Model and Nature of Operations

My establishment at 62 Queens Road, Brighton, operates primarily as a Restaurant focused on food service. Unlike bars or nightclubs, which are often linked to increased crime and disorder due to alcohol consumption, food-only establishments have a significantly lower risk of contributing to such issues. The core of my business is providing freshly prepared meals and non-alcoholic refreshments, catering to individuals seeking late-night freshly prepared food.

### 2. Safety and Community-Oriented Measures

To ensure that my business does not contribute to the challenges mentioned in the licensing policy, I plan to implement the following proactive measures:

- **Installation of Security Cameras:** High-definition CCTV cameras will be installed both inside and outside the premises to monitor activity and deter any potential disturbances. covering all key areas. The footage will be stored for a minimum of 31 days and made available to the police upon request.
- **Enhanced Lighting:** The exterior and entrance areas will be well-lit to create a secure environment for customers and passers-by.

- **Trained Staff:** All staff members will undergo training on conflict management and customer service to ensure they are equipped to handle potential issues calmly and effectively.
- **Trained Staff and Security Personnel:** All staff will be trained in conflict resolution. During peak hours (especially peak nights like the pride), we will have licensed security personnel on site when needed or requested by the police as per their licence conditions to manage entry and monitor customer behaviour, ensuring swift intervention in case of any issues.
- **Strict Age Verification Policy:** We will adopt a "Challenge 25" policy to ensure that no underage individuals are served or permitted on the premises after a certain time, as required.
- **Zero Tolerance Policy on Anti-Social Behaviour:** We will implement a strict policy to refuse service to individuals exhibiting signs of intoxication, aggression, or disorderly conduct. Our staff will be trained to handle such situations professionally and effectively.
- **Close Liaison with Authorities:** I am committed to maintaining a cooperative relationship with local law enforcement to promptly address any incidents should they arise.

### 3. Statistical Context and Low-Risk Profile

Research and empirical data often illustrate that establishments focused solely on food service, as opposed to alcohol-centric venues, do not significantly contribute to crime and disorder. My business aims to provide a positive, community-focused service that aligns with the late-night dining needs of the city while operating under conditions that prioritize public safety.

### 4. Proposed Licensing Conditions

To further alleviate any concerns, I am open to accepting conditions such as:

- **Designated Security Personnel:** Hiring a security officer during peak times if deemed necessary.
- **Strict No-Alcohol Policy:** Reinforcing that no alcohol will be served or consumed on or off the premises.

### 5. Community Benefits

My establishment will bring tangible benefits to the local community by providing employment opportunities and an alternative to alcohol-led venues. This can reduce the number of intoxicated individuals on the streets by offering collection and delivery services for food to be consumed at Home.

### 6. Clarification of Business Intentions

The primary goal of my license application is to obtain permission for late-night refreshment—not for alcohol sales. This significantly reduces the likelihood of contributing to the crime and disorder issues noted in the Council's policy.

B- '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.' **You confirmed in your statement above that all these crimes are alcohol related incidents, and it is clearly appeared that my restaurant and other Food services establishments has no connection with these incidents'.**

C- 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. **According to your statement above , so, taxi , night bus and train services should be banned from operating after 23:00 as this will encourage persons who may be under influence of alcohol or drugs to remain in the city centre because they will find a safe transportation to their home at late night ?????? so, it should be banned???? To force these persons to leave the city centre early??? Am I correct?**

While I understand the concerns expressed by Sussex Police, I believe that my application for a late-night refreshment license can be responsibly managed to mitigate these risks.

### 1. Differentiation from Alcohol-Focused Venues

My premises is fundamentally different from bars and nightclubs in that it does not serve alcohol. The main function is to offer high-quality food and non-alcoholic beverages to individuals looking for late-night meals.

### 2. Implementation of Proactive Safety Measures

To address the concerns of potential late-night disturbances, my business will implement comprehensive measures that align with best practices for maintaining public safety and order:

- **CCTV Surveillance:** High-definition cameras covering both internal and external areas will be installed to monitor and record activities, deterring anti-social behaviour and providing evidence if required.
- **Security Personnel:** I am willing to hire trained security staff during peak nights when needed to manage any potential issues and ensure a controlled, safe environment.
- **Staff Training:** All employees will be trained in conflict de-escalation techniques and customer service to manage interactions effectively and prevent incidents from escalating.

### 3. Positive Impact on Crowd Dispersion

A well-managed late-night food establishment can actually contribute to dispersing crowds gradually, thereby minimizing the sudden influx of people leaving nightlife venues. This staggered dispersal can help reduce bottlenecks and the potential for confrontations in the area.



#### 4. Community-Focused Approach

I understand that my premises is located in an area with residential properties, and maintaining a harmonious relationship with the local community is a priority. To address potential noise concerns:

- **Soundproofing Measures:** Implementing soundproofing materials and ensuring that customer interactions are managed efficiently to minimize external noise.
- **Clear Operational Policies:** Clear signage and policies encouraging patrons to respect local residents and maintain low noise levels will be prominently displayed.
- **Responsible Waste Management:** We will have a clear policy for waste disposal to ensure that the area around the premises remains clean and tidy, with waste removal planned outside of late-night hours to avoid disturbing residents.

#### 5. Commitment to Collaborate with Authorities

I am committed to working closely with Sussex Police and local authorities to monitor and adjust my operational practices if necessary. Regular communication can ensure that any emerging issues are addressed promptly and collaboratively.

#### 6. Empirical Evidence on Food-Only Establishments

Studies and data often demonstrate that establishments primarily serving food, especially those with proactive security and community-focused practices, do not contribute significantly to crime or disorder compared to establishments that serve alcohol.

While I understand the initial concerns about potential crime and disorder, I am confident that with the measures outlined above, my premises can operate without contributing to these issues. I respectfully request that my application be considered on its own merits, based on the operational strategies I have outlined to safeguard both patrons and the community.

**D- 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 appreciate the concern for public safety and the focus on reducing crime in the Queens Road area. However, I believe it is important to contextualize these statistics and highlight how my late-night refreshment establishment will not contribute to, and can potentially mitigate, these issues.

#### 1. Contextualizing Crime Statistics

While the reported 271 incidents of violent crime and theft, as well as 11 sexual assaults, along Queens Road and surrounding areas over a 12-month period is concerning, it is essential to distinguish between the types of businesses associated with these incidents. The data likely encompasses activities tied to a variety of venues, including those that serve alcohol, which are often more closely linked to violence and disorder. My business, by contrast, is focused on providing food without any sale of alcohol, inherently presenting a lower risk of contributing to such crimes.

## 2. Nature of the Business and Its Impact

Late-night food establishments that do not serve alcohol have been shown to attract a different demographic compared to bars and nightclubs. My business will cater to individuals looking for a meal rather than an extension of their drinking experience. This distinction reduces the likelihood of my premises contributing to the types of incidents mentioned in the statistics.

## 3. Collaboration with Local Authorities

I am dedicated to working with the police and local community organizations to adapt and enhance my safety protocols if necessary. This commitment ensures that any emerging issues related to public safety are handled proactively.

## 4. Addressing Concerns with Evidence

It is important to highlight that food-only establishments do not generally contribute significantly to violent crime statistics. In fact, they can serve as controlled environments where people can sober up, thereby indirectly assisting in reducing incidents of public disorder.

## 5. Community Responsibility

I am aware of the concerns about safety along Queens Road, and I am committed to being a responsible business owner who contributes to the local community in a positive way. The safeguards I am proposing, combined with my willingness to adjust operational practices as needed, underscore this commitment.

**The statistics provided reflect a general issue in the area which may happen in any area in the UK at any time, but they do not directly relate to my business or any other food services nearby** or correlate to the type of business I am applying to operate. With the appropriate measures in place, I am confident that my establishment will not contribute to crime.

**E-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.**

I appreciate the opportunity to engage in a constructive dialogue with Sussex Police during the consultation period regarding my application. While I value the input provided, I believe it is important to explain why one condition could not be agreed upon and why my application still aligns with public safety objectives. **However, I am open and willing to accept the conditions that the Licensing Panel members may order:**

## 1. Understanding the Operational Model

My business is designed to cater to both dine-in and takeaway customers, serving as a late-night food option that aligns with the needs of the local community. Restricting the business to delivery-only service after midnight could significantly impact its viability, reducing the accessibility for those who prefer collecting food in person. The economic sustainability of my premises relies on offering flexible options to patrons throughout its operating hours.

## 2. Reasoning for Not Agreeing to limiting service to deliveries only past midnight Conditions:

While I understand the rationale behind the proposed conditions, including limiting service to deliveries only past midnight, these measures may not align with the typical operation of non-alcoholic food establishments. Here are my reasons for not agreeing to these specific conditions:

- **Impact on Business Viability:** Restricting the business to deliveries only would decrease overall revenue, which could threaten the feasibility of the operation.
- **Limited Risk Profile:** Unlike venues that serve alcohol, a food-only business has a lower likelihood of contributing to late-night crime or disorder. My premises will serve to provide meals only, thereby attracting a different demographic than bars and nightclubs.
- **Unreasonable Restriction:** The proposed condition could create an unfair competitive disadvantage compared to other similar establishments nearby that are permitted to operate without such limitations.

3. After a phone conversation with a police officer called Hannah Staplehurst, as she explained that SIA door supervisor may be employed on request by the police or after a written risk assessment. I agreed to that condition over the phone.

Then she explained that condition number 6 is to have a contract with MSU, which means on call services, I agreed as well.

Then she explained that condition number 7 is to be a member of the Brighton Crime Reduction Partnership with a weekly fee I agreed.

**So, over the phone I agreed to all the conditions( 1,3,4,5,6,7,8,9 and 10) proposed by the Police and asked them to allow me to do collection and delivery after midnight, I did not know that I have to write to them.**

## 4. Collaborative Willingness

Despite not agreeing to only one proposed condition, I remain open to further discussions and modifications that align with both public safety and the operational integrity of my business. I am willing to work with Sussex Police and the licensing authority to identify solutions that address concerns without disproportionately impacting the business model and revenue.

## 5. Supportive Data and Experience

Experience from similar food-only establishments shows that they do not significantly contribute to late-night crime or disorder. Implementing responsible business

practices, proactive staff management, and comprehensive monitoring can effectively mitigate risks associated with late-night operations.

## 6. Commitment to Compliance and Community Safety

I am committed to ensuring that my premises operates in a way that supports the local community and complies with public safety standards. This includes being prepared to periodically review and adjust practices as necessary, based on feedback from local authorities and community stakeholders.

I appreciate the effort by Sussex Police to propose conditions to enhance safety, but I believe that the measures already outlined in my application, sufficiently mitigate the identified risks. I respectfully request that my application be reconsidered, focusing on the evidence of responsible practices and a commitment to public safety.

**F-However, a further concern which was highlighted following a phone conversation with Police Licensing Office 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.**

I would like to provide clarity on these points:

1- there was no direct question about that during the phone conversation, and I knew that the shop is located in the CIZ. Having not trading along Queens Road, or in Brighton does not mean that I did not know about the council policy or the CIZ. And I covered that already in my application.

- **Engaging with Local Experts:** I have sought guidance from licensing professionals and local business consultants to ensure my approach aligns with local regulations and community expectations.

## 2. Experience and Willingness to Adapt

Although I have not previously traded on Queens Road or in Brighton, I have substantial experience managing businesses in similar settings. My past roles have equipped me with the ability to adapt quickly to new environments and implement effective operational strategies. My approach includes:

**Implementing Best Practices:** Drawing on my past experience, I have developed robust business plans that emphasize safety, customer management, and adherence to local guidelines.

**Proactive Learning and Training:** My team and I have participated in training sessions to become familiar with the local challenges related to crime and disorder, as well as best practices for operating responsibly within a CIZ.

## 3. Addressing Crime and Disorder Concerns

I am fully aware of the challenges associated with operating in areas known for higher incidents of crime and disorder. To ensure my business supports public safety, I have committed to:

- **Enhanced Security Measures:** Installing comprehensive CCTV systems and employing trained security staff to monitor and respond to any potential issues.
- **Community Engagement:** Collaborating with local law enforcement and community stakeholders to stay informed about any emerging concerns and adjust operations as necessary.
- **Responsible Service Practices:** Emphasizing customer care and responsible service to minimize the risk of incidents both inside and outside the premises.

#### 4. Demonstrating Understanding and Preparedness

my commitment to compliance and responsible business operations is unwavering. The measures I plan to implement demonstrate my readiness to contribute positively to the local environment, aligning with the BHCC policy's objective to reduce crime and disorder.

#### 5. Collaboration and Future Steps

I am open to working closely with the licensing authorities and the local police to:

- **Participate in Joint Safety Initiatives:** Join programs aimed at reducing late-night disturbances and improving overall safety.
- **Regularly Review Business Practices:** Commit to continuous improvement by assessing operations and updating practices in response to feedback.

**G-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**

I am committed to operating a responsible business and ensuring the safety and security of both customers and the local community. Below are key points that address the concerns raised:

1. **Knowledge of Trading in Brighton:** I have made substantial efforts to familiarize myself with the local business environment, including consulting with local authorities and experts. Furthermore, I am committed to upholding the highest standards of trading, ensuring that any risks associated with operating in Brighton are carefully considered and mitigated.

2. **Proposed Conditions:**  
I already agreed to all police proposed conditions, just I am asking them to allow me to only serve collection and delivery only after midnight.
3. **Risks Post-Customer Departure:**  
While Sussex Police suggest that risks related to customers post-departure are beyond the control of the premises, I maintained that there are ways to reduce such risks. For example, I am willing to work with local authorities, including emergency services and environmental officers, to address any public nuisance issues that may arise.
4. **Public Nuisance and Crime:**  
I have demonstrated a proactive approach in seeking to prevent crime and public nuisance. The proposed conditions include measures such as additional staff, appropriate lighting, and increased security in and around the premises, which will significantly reduce the likelihood of incidents occurring. Additionally, any concerns regarding criminal activity or public nuisance can be addressed through collaboration with the local police and environmental officers, ensuring that the responsibility is shared and handled effectively.
5. **Emergency Services Role:**  
The suggestion that risks must solely be managed by emergency services seems disproportionate. I am fully committed to reducing these risks as much as possible, ensuring that the premises are managed in a way that minimizes the burden on emergency services. The conditions outlined would support a safe environment both during trading hours and after the customers have left.
6. **Consideration of Refusal:**  
We respectfully request that the Licensing Authority gives full consideration to the comprehensive measures proposed in this application. The suggestion of refusal based on a lack of mitigation is not fully justified, as I am committed to working with all relevant authorities to ensure the premises operate in a manner that does not negatively impact the local community.

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## **Section C**

### **Regarding Police proposed conditions:**

I have attached my first response to the police dated on 10/10/2024. And after a phone conversation with Hannah Staplehurst a police licencing officer. I confirmed that all conditions (1,3,4,5,6,7,8,9,10) were agreed over the phone and I asked her to allow me to provide collection and delivery services after midnight. As eat in services will not be allowed after midnight.

I mentioned the following as well in my reply:

1-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 (on electric bikes, electric vehicles, cars and mopeds) from 11:59 pm using either our own staff or a delivery service such as Deliveroo, Just Eat or Uber Eats for this purpose for deliveries. Asking delivery drivers to use designated loading bays which are immediately outside the restaurant, so they can park / waiting legally and properly and not causing a public nuisance by way of obstructing the highway or footpaths. as a result, the existence of a delivery service will draw customers away from the town centre, rather than into it.

Also, will offer collection services for customers already existing in the city centre, like taxi drivers who will be able to use the designated loading bays which are immediately outside the restaurant, Brighton station staff who finish work after midnight, travellers who arrive Brighton station on the last trains from London , or want to catch the last train to London from Brighton station and night shifts bus drivers who need a fresh healthy food after midnight.

So, the restaurant door will be closed to the customers so they will not get inside, and staff will only give the food orders to delivery drivers, takeaway or for collection only customers. **EAT IN, ENTRY TO THE RESTAURANT OR DINE IN WILL NOT BE ALLOWED.**

Furthermore, NO deliveries will be made to people who were out on the street or in parks or playing fields. Clear signage will be placed on the door to advising potential passing customers that the premises is closed for eat in after midnight.

**2- Regarding condition 6, she explained it ‘that mobile support unit will be ON CALL only ‘. And as you know from the SoPL, a door supervisor may be required if the number is around 100 persons at the venue, however, we are happy to have a door supervisor when needed or requested by the Police or in general.**

In conclusion, the SoPL clearly outlined the circumstances where a late night refreshment licence may be granted even if it is located in CIZ, such as Human rights clause which confirmed that everybody has the right to enjoy his possessions including having a licence, small restaurants may be considered as exception circumstances if they did not serve alcohol or alcohol is not its primary activity, the licencing authority must grant the license if there was not representation submitted and as I mentioned that we already agreed for all police proposed conditions and asked them to allow us to serve collection and deliveries after midnight, if the license authority refused they need to provide evidence that applying these proposed conditions to the license will not be effective , Representations **should not, however, be confused with ‘need’** which relates more to the commercial demand for a particular type of premises. The issue of ‘need’ is therefore a matter for the market to decide; **need therefore does not form part of this licensing policy statement. and need therefore does not form part of this CIA,** no objection has been made by any resident or business in the area. No evidence was provided about the crimes and incidents that happened were related to this business or late-night food

services nearby, all evidences were about crimes related to alcohol consumption or sales, and appointing any door supervisor is mandatory if the number of persons inside the venue is 100 person or more. However, we are open to appoint door supervisor after midnight if requested or needed.

I respectfully request that my application be considered and approved on its individual merits, on Human rights grounds and according to all point mentioned above, taking into account the comprehensive measures I have outlined and the overall low-risk nature of my business model. I am confident that, with these safeguards in place, my restaurant will contribute positively to the community and operate in harmony with the Council's commitment to safety and order.

**Thank you for your time and consideration.**

Kind regards,

**STATION GRILL**

**LONDON EXPORT AND IMPORT LTD**

**DIRECTOR:**

**BAHAA AZMY**

**08/11/2024**