

## Appendix C

REP A

SC CON ENDS 13.06.2025 VALID PCD, PPN & CIZ



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

09/06/2025

Email: [brighton.licensing@sussex.police.uk](mailto:brighton.licensing@sussex.police.uk)

Dear Emily Fountain,

**RE: APPLICATION FOR A VARIATION OF THE PREMISES LICENCE FOR THE LORD  
OF WINE, 33 WESTERN ROAD, HOVE, EAST SUSSEX, BN3 1AF UNDER THE  
LICENSING ACT 2003. 1445/3/2025/03969/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 and public nuisance. 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 (February 2025).

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 extend the licensable hours for sale by retail of alcohol off the premises.

The premises is currently licensed as follows:

**Sale by Retail of Alcohol (Off the premises)**

**Everyday:** 07:00 – 23:00

**Opening Hours:**

**Everyday:** 07:00 – 23:00

They have applied to vary the licence to the following hours:

**Sale by Retail of Alcohol (Off the premises)**

**Sunday - Thursday:** 07:00 – 03:00

**Friday – Saturday:** 07:00 – 04:00



Opening Hours:

**Sunday - Thursday:** 07:00 – 03:00

**Friday – Saturday:** 07:00 – 04:00

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 18 of the Council Statement of Licensing Policy (SoLP) suggests that new premises or premises licence variations asking for sale by retail of alcohol 'off' the premises are a 'No' in this area of Western Road (CIZ). Applications of this nature, which are likely to add to existing cumulative impact, should be refused following relevant representations.

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.'*

The applicant did not pre consult with Sussex Police and we do not believe they offer any unique reasons why their application would be an exception to policy or why the SoLP matrix should be departed from. They do not make mention of the BHCC Special Policy, cumulative impact or Statement of Licensing Policy (SoLP) within their application and it is not felt that anything they have provided fully addresses the local concerns or shows that their application will have no negative cumulative impact. Therefore, Police believe this application does not provide evidence to rebut the presumption of refusal in the CIZ.

Paragraph 14.40 of the Secretary of State's Guidance to the Licensing Act 2003 (February 2025) 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.'*



The current licence does have some conditions already on it around CCTV, staff training, Challenge 25, no beers/ciders above 6% etc but these are not the current preferred wording and not of the standard Sussex Police would expect in 2025. The applicant has offered some additional information under Section M of their application and some proposed considerations that could be translated into conditions e.g SIA security provision. While welcomed, Sussex Police do not believe these go far enough to help mitigate any potential risk in this area of the city. Conditions can go some way to reduce incidents occurring and being managed within the premises itself, however, there are no conditions that can address the risks around off sales, particularly into the early hours of the morning, and what happens once customers leave the premises. Sussex Police additionally contend that the carrying on of additional licensable activity and the hours applied for at these premises will add to the existing cumulative issues in this area.

As mentioned previously, there is a presumption of refusal in this area, so it is for the applicant to show what their exceptional circumstances are and to evidence that their application will have no negative cumulative impact. We do not believe the applicant has done this and what is offered does not evidence an exception to Policy or that special attention has been paid to mitigate cumulative impact when drawing up an operating schedule. Therefore, Sussex Police invite the Licensing Authority to seriously consider refusing this application in light of the Police concerns, local issues and Local Authority special policy.

Yours sincerely,

**REDACTED**

**Insp Ben Morrison**

Operations, Planning & 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.*

**SC CON ENDS 13.06.2025 VALID PCD, PPN & CIZ**

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

Date: 10 June 2025  
Our Ref: 2025/01384/LICREP/EH  
Phone: 01273 29 4429  
e-mail: REDACTED

Dear Sarah Cornell

**Licensing Act 2003**

**Representation regarding the application for a Variation of a Premises Licence –  
2025/03969/LAPREV**

**The Lord of Wine, 33 Western Road, Hove BN3 1AF**

I write to make a representation on behalf of the Council's Licensing Team, in their capacity as a responsible authority, in relation to the above application to vary a Premises Licence submitted by 33 Western Road, Hove.

This representation is made as the Licensing Team have concerns that the application could have a negative impact on the licensing objectives of Prevention of Crime and Disorder and Prevention of Public Nuisance. I also refer to the Special Policy on Cumulative Impact (SPCI) contained within the Council's Statement of Licensing Policy (SoLP).

This 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's centre. The SPCI was introduced 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 the SPCI is that applications for variations of premises licences, which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. The applicant can rebut this presumption of refusal if they can show that their variation application will have no negative cumulative impact on licensing objectives, including prevention of crime and disorder and public nuisance.

On 6 June 2025, I visited the premises to carry out a full licensing inspection. Following this inspection, on 9 June 2025, I emailed the premises licence holder advising of the breaches of the current premises licence found at the time of this inspection. A copy of this email is attached as Appendix A.



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. The Licensing Authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its SPCl in the light of the individual circumstances of the case.

In regard to the Matrix policy, I can again not see any offered exceptional circumstances for departing from the Matrix policy, where it clearly indicates that an 'Off licence' is a 'No' within the ClZ. The Licensing Team contend that the Matrix policy relates to both new and variation applications. Again, the Matrix policy can be departed from where exceptional circumstances are demonstrated, but the applicant has failed to address this.

Also, at time of my licensing inspection, I noted that at least a third of the shop display area was alcohol.

We make this representation to uphold our Statement of Licensing policy. The Policy is predicated on too much alcohol being available and applications for new premises licences will be refused unless the applicant can demonstrate exceptional circumstances. It is up to the applicant to demonstrate this and satisfy a Licensing Panel that they will not impact negatively on the ClZ.

Granting this application is likely to add additional burdens and problems to the already challenging area and although the applicant has put a number of provisions in their operating schedule, I do not believe that the applicant has demonstrated that there are exceptional circumstances to justify departing from the Policy. I therefore request this application is refused in line with 3.1.6 of our Statement of Licensing Policy.

Yours sincerely

REDACTED

Donna Lynsdale  
Licensing Officer  
Licensing Team

**Appendix A – Copy of email sent on 9 June 2025.**

## REP B - Appendix A – Copy of email sent on 9 June 2025

**From:** Donna Lynsdale

**Sent:** 09 June 2025 17:20

**To:** REDACTED

**Cc:** Brighton Licensing <brighton.licensing@sussex.police.uk>

**Subject:** The Lord of Wine, 33 Western Road, Hove BN3 1AF - 2025/01457/LICRSK/EH

**Importance:** High

Dear Erkut Ogut

### **Licensing Act 2003 – Breach of Conditions**

**The Lord of Wine, 33 Western Road, Hove BN3 1AF**

**Premises Licence Number: 1445/3/2018/00389/LAPRET**

I am writing to you in your capacity as the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) for the above premises.

On Friday 6 June 2025 at 12:00, I visited your premises and carried out a full licensing inspection.

Below are details of breaches of your Premises Licence Conditions:

### **Annex 2 – Conditions consistent with the Operating Schedule:**

#### **Prevention of Crime and Disorder:**

- 3) Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises externally and internally to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and 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. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. 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 for the police without difficulty or delay.

*At time of my visit, the member of staff was unable to show me the CCTV, as I was informed the screen had broken and had been removed. However, following my conversation with you on the telephone, you forwarded a screen shot to the staff member. Please can you forward this to me, showing that all public areas are covered, the date and time and that it is storing for 28 days.*

#### **Protection of Children from Harm:**

- 7) All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive the following training in age-restricted sales:
  - The premises licence holder will ensure that all staff members engaged in selling alcohol on the premises shall receive induction training as to the lawful selling of age restricted products prior to the selling of such products, and verbal reinforcement/refresher training thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.
  - All age-restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police and Brighton & Hove Trading Standards Service upon request.

*At the time of my visit, I was informed there was currently two members of staff working at the premises. I was shown a piece of paper with various names on. However, I was advised that the two current staff members were:*

**REDACTED** – training records dated 20.04.2025

**REDACTED** – training records dated 28.03.2025. **REDACTED** informed me that he started working at the premises on 28.03.25, left two weeks later and returned on 05.06.25.

*During our conversation, you stated that you had been provided different information from Police etc. regarding when refresher training should be given.*

*This is very concerning that you have had the premises licence for 7 years and are not familiar with the above condition.*

*You must ensure you provide induction before any staff start working at your premises. Thereafter, staff should receive refresher training every 8 weeks and needs to be documented in accordance with the above condition.*

8) The premises shall at all times maintain and operate an age-restricted sales refusals book which shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant. This refusals book shall be available upon request to police staff, Local Authority staff and Brighton & Hove Trading Standards.

*The refusal book I was shown, had the last entry date of 15.12.24. There were no further refusals logged. You informed me that you had started a new refusal register at the beginning of 2025, but this was at home.*

A further follow up licensing inspection will be made in the future to ensure that all the above premises licence conditions are being adhered to.

Also, at the time of my visit, we discussed your application you have submitted to vary your premises licence to sell alcohol 'off' the premises until 04:00. You stated that you had to apply because of the new licence that had been granted further along the road, that was licensed to stay open until 05:00.

The premises you are referring to: **REDACTED** was granted in 2005. The premises licence was transferred in 2022 (with no additional hours).

I remind you that non-compliance with conditions constitutes a breach of the Premises Licence issued under the above legislation. Please ensure that all conditions on the licence are adhered to. It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislations states that:-

(1) A Person commits an offence if –

(a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or

(b) he knowingly allows a licensable activity to be carried on.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Irrespective of the permission's and restrictions attached to any premises licence, all licensed premises are required to operate with regard to the 4 licensing objectives, which are;

- o The Prevention of Crime and Disorder
- o Public Safety
- o Prevention of Public Nuisance
- o Protection of Children from Harm



Please be aware that any enforcement action is taken in line with our Licensing Enforcement Policy. You are also reminded that at any stage, following the grant of a premises licence, a responsible authority, such as the Police, Environmental Health, or an interested party such as a resident living in the vicinity of the premises, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

A copy of this email has also been sent to Police Licensing.

Please acknowledge receipt of this email and advise on actions you have taken to address the above breaches.

Your sincerely

**Donna Lynsdale** | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Regulatory Services

Brighton & Hove City Council, 2<sup>nd</sup> Floor, Barts House, Barts Square, BN1 1JP

**REDACTED**

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