

APPENDIX F

The courtyard JW con: 8/07

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PCD

Licensing Officer,
Brighton & Hove City Council,
Bartholomews,
BRIGHTON

Brighton & Hove City Council
20 JUN 2011
Health, Safety & Licensing

Mr Dave Day,
1 The Upper Drive,
HOVE,
BN3 6GR

18th June 2011

Dear Sir

RE: LICENSING APPLICATION NO 1445/3/2011/01171/LAPREN
20 NEW ROAD BRIGHTON, BN1 1UF

I am writing to object most strongly to the above application for a full alcohol licence which I have read about on your website – however it is missing a lot of information and I am therefore assuming it is for a full licence. I am the Managing Director of the Golden Lion Group Ltd which owns the Colonnade Bar adjacent to the Theatre Royal in New Road and we have been operating this bar for over 18 years.

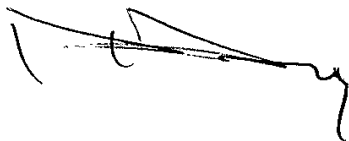
During that time we have seen many changes not only in the town centre but especially in New Road, particularly with the increase in outside eating and drinking areas with the many new restaurants that have opened up in the recent years. In addition there has been a large increase in social problems associated with street drinkers.

This small, semi-pedestrianised street has at least six full on-licensed venues plus at least seven restaurant/cafes, many of which seem to operate as bars. These figures do not even include the Jubilee Street area which has at least a further eight or nine licensed outlets. The prospect of yet another seems unbelievable.

New Road is in the cumulative impact area for licensing and as such would urge you to follow your own policy and refuse this application in its entirety – there can be no justification for any additional licenses in an area that is already saturated. The only outcome is a gradual decline in trade for the existing outlets which, in turn, can lead to a gradual lessening of standards.

I look forward to hearing from you and would like to be kept informed of the date of the hearing for this application so I may attend in person.

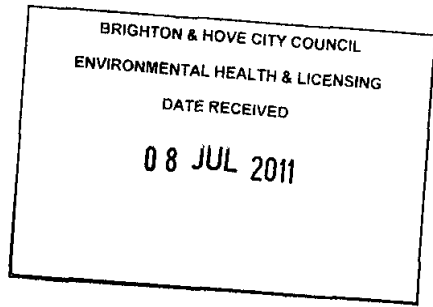
Kind regards



DAVE DAY

CI
PCD
PPN

JW con: 8.7.11



(B)

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HOVE
BN3 1JY

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8th July 2011

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

Dear Sirs,

SUSSEX POLICE REPRESENTATION AGAINST THE APPLICATION FOR A PREMISES LICENCE FOR THE COURTYARD, 20 NEW ROAD, BRIGHTON, BN1 1UF.

Sussex Police oppose the application dated 9th June 2011 for a premises licence by Mr Doug Simmonds on behalf of New Road Catering Ltd. The basis for this opposition is that the grant of a variation for these premises will not promote the licensing objectives, particularly the prevention of crime and disorder and the prevention of public nuisance, but instead, will give rise to potential negative cumulative impact.

The premises in respect of which the application is made are situated within the Brighton & Hove City Council cumulative impact area. This is a mixed use area which currently suffers from high levels of anti social behaviour and disorder. The area is frequented by street drinkers, and already attracts associated problems such as begging.

The concentration of licensed premises within an area of the City causes problems of anti social behaviour, crime and disorder and public nuisance. In consequence of this, after due consultation and consideration, on 13th March 2008 the Licensing

Authority resolved that it was both appropriate and necessary to adopt a special policy in relation to cumulative impact. The special policy was reviewed as part of the third statement of licensing policy last year, and was adopted by a full Council on 16th December 2010, coming into effect in January of this year.

Paragraph 2.6.4 of the Council 2011 Statement of Licensing Policy states that "The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licenses or club premises certificates with the Area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact".

Paragraph 13.29 of the Secretary of State's Guidance to the Licensing Act 2003 provides:

"The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licenses...that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives".

The grant of a new premises licence to these premises would provide a further venue supplying alcohol, within an area already so sufficiently heavily populated with licensed premises that crime, disorder and public nuisance have reached problem levels.

Contrary to the Secretary of State's Guidance, the applicant fails to demonstrate in its operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. The application makes no reference to cumulative impact whatsoever, and nothing in the application or the operating schedule either rebuts the presumption of refusal contained within Paragraph 2.6.4 of the Licensing Authority's statement of licensing Policy, or provides any reason for the Licensing Authority to depart from its special policy.

In view of the above, the Licensing Authority is invited to refuse the application.

Should the Committee be so minded to grant the application however, then Sussex Police ask for the following amended and revised conditions to be added to the licence:

The hours for the supply of alcohol to be amended to 09:00 to 23:00 seven days a week.

The opening hours to be amended to 09:00 to 23:30 seven days a week (thus allowing half an hour drinking up time).

The hours for the provision of late night refreshment to be deleted in their entirety as we would suggest that late night refreshment should cease in line with the hours for the supply of alcohol at 23:00.

There will be no 'off sales' supplied from the premises - on sales only.

The prevention of crime and disorder

Alcohol will be served by waiter/waitress service to persons seated at tables and consumed at such tables both inside and outside of the premises.

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.

The opening hours as per part O of the application will be an express condition of the licence although this condition shall not be construed as imposing any requirement on the premises licence holder to trade the totality of those hours.

Patrons will not be permitted to leave the premises at any time with drinks in open containers (including bottles) to consume whilst smoking or associating with smokers beyond the confines of the licensed area of the premises.

It is noted that despite the fact that the applicant is applying for both on and off sales, there are no conditions offered whatsoever in relation to staff training. Therefore if the Committee is so minded to grant a new licence, then we would also request the following condition on the licence:

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.

Yours faithfully,

Graham Bartlett
Chief Superintendent
Divisional Commander
Brighton & Hove Division

