

# Licensing Panel (Licensing Act 2003 Functions)

Date:           **22 April 2021**

Time:           **10.00am**

Venue           **Virtual**

Members:   **Councillors:, Appich, Ebel and Simson**

Contact:       **John Peel**  
                      **Democratic Services Officer**  
                      01273 291058  
                      john.peel@brighton-hove.gov.uk

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# AGENDA

## 1 TO APPOINT A CHAIR FOR THE MEETING

### WELCOME & INTRODUCTIONS

## 2 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the Licensing Committee may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

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(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

**NOTE:** *Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.*

**3 FISH & CHIPS LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS) 7 - 50**

Report of the Executive Director of Housing, Neighbourhoods & Communities

*Contact Officer: Sarah Cornell*

*Tel: 01273 295801*

*Ward Affected: Regency*

**PART TWO**

**4 FISH & CHIPS LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS) - EXEMPT CATEGORY 1 51 - 60**

Exempt information relating to Item 3 (copy circulated to Members only).

**5 PART TWO PROCEEDINGS**

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For further details and general enquiries about this meeting contact Thomas Bald, (01273 291065, email [penny.jennings@brighton-hove.gov.uk](mailto:penny.jennings@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

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# Licensing Panel (Licensing Act 2003 Functions)

## Agenda Item 3

Brighton & Hove City Council

<b>Subject:</b>	<b>Application for a Variation of a Premises Licence under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>Fish &amp; Chips 86/87 Preston Street Brighton BN1 2HG</b>		
<b>Applicant:</b>	<b>Abbanoub Samir Gad Salama</b>		
<b>Date of Meeting:</b>	<b>22 April 2021</b>		
<b>Report of:</b>	<b>Executive Director of Housing, Neighbourhoods &amp; Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Sarah Cornell</b>	<b>Tel: (01273) 295801</b>
	<b>Email:</b>	<b>sarah.cornell@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>Regency</b>		

### FOR GENERAL RELEASE

#### 1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Fish & Chips.

#### 2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Fish & Chips.

#### 3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a Variation of a Premises Licence under the Licensing Act 2003. The application proposes to increase the premises opening hours from 00:00 to 03:00 for weekdays and the opening hours on Fridays and Saturdays to be extended from 00:00 to 05:00 for late night refreshment only.
- 3.2 Part M (operating schedule) of the application is detailed at Appendix A.

### 3.3 Summary table of existing and proposed activities

	<b>Existing</b>	<b>Proposed</b>
<b>Late Night Refreshment</b>	The Licence may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out for alcohol sales and on New Years Eve until 5am on New Years Day.	Sunday to Thursday 23:00 to 03:00 Friday to Saturday 23:00 to 05:00 - Takeaway & deliveries only after midnight
<b>Supply of Alcohol</b>	Monday to Saturday 10:00 to 00:00 Sunday, Christmas Day and Good Friday 12.00 to 23.30 New Years Eve 10.00 (12.00 if a Sunday) to 00.00 New Years Day 00:00 to 00.00 (23.30 if a Sunday) On the premises	As existing – no change
<b>Hours premises are open to public</b>	N/A	Sunday to Thursday 10:00 to 03:00 Friday to Saturday 10:00 to 05:00 - Takeaway & deliveries only after midnight

3.4 Existing licence attached at Appendix B.

3.5 Cumulative Impact. The premises falls within the Cumulative Impact Area (“The Area”) (see paragraphs 3.1 – 3.1.10).

#### **Representations received**

3.6 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

3.7 Two objecting representations were received. One supporting representation was received. They were received from Sussex Police, the Licensing Authority and a local business.

3.8 Representations received had concerns relating to Prevention of Crime and Disorder, Cumulative Impact and Prevention of Public Nuisance.



**3.9** Full details of the representations (and response to representation A by the applicant) are attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

## **4. COMMENTARY ON THE LICENSING POLICY**

**4.1** The following extracts from Brighton & Hove City Council Statement of Licensing Policy are considered relevant to this application and **are numbered as they appear in the policy**:

### **1 Introduction**

**1.1** This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. This policy takes effect from the 4th February 2021. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. 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. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol.
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club.
- The provision of regulated entertainment.
- The provision of late night refreshment.

### **1.2 The licensing objectives are:**

- (a) the prevention of crime and disorder.
- (b) public safety.
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

### **1.3 Scope**

**1.3.1** Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity. Each application will be given individual consideration on its merit. 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. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the act.

### **3 Special Policies and Initiatives**

#### **3.1 Cumulative impact**

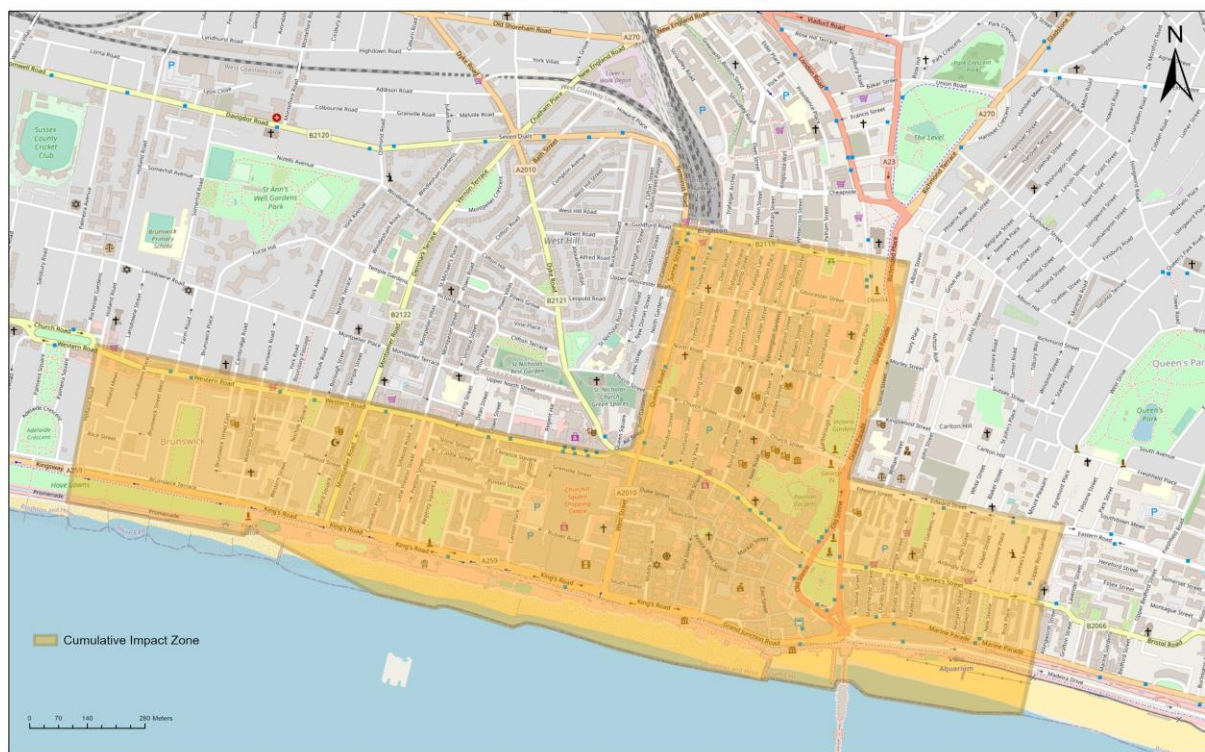
3.1.1 The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore, does not form part of this licensing policy statement.

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.

3.1.3 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 first Special Policy incorporating a Cumulative Impact Zone (CIZ) and Special Stress Areas (SSA's) was adopted in March 2008. Since that date, the licensing authority has kept the CIZ and SSA's under review. On 15 December 2011 Full Council resolved to expand the CIZ and the special stress area, covering 1.5% of the administrative area of Brighton & Hove City Council. On 20th November 2014 Licensing Committee resolved to confirm the current CIZ and SSA as defined in the current Statement of Licensing Policy. On the 29th November 2018 Licensing Committee resolved to expand the SSA into Central Hove. It is now proposed to expand the SSA into Preston Road and Beaconsfield Road. The licensing authority has published a Cumulative Impact Assessment which can be found at Appendix E.

3.1.4 This special policy will refer to a Cumulative Impact Zone ("the CIZ") in the Brighton city centre, a detailed plan of which is shown below.

## Cumulative Impact Zone, January 2021



Brighton & Hove Public Health Intelligence, 2021  
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3.1.5 The Cumulative Impact Zone comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Holland Road to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Air Street with the west side of Queens Road and then northward to the north-west corner of Surrey Street junction with Queens Road; thence along the north side of Trafalgar Street eastwards to its junction with York Place and continuing south-east across to Grand Parade, then south to the junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Lower Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Holland Road; northward to that point and along the west side of Holland Road to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Holland Road.

3.1.6 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.

3.1.7 This special policy also applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments. Off licences also come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder.

3.1.8 The presumption of refusal does not relieve responsible authorities or other persons of the need to make a relevant representation. If there are no representations, the licensing authority must grant the application in terms consistent with the operating schedule submitted.

3.1.9 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. The fact that a premises will be/is exceptionally well managed with a well-qualified applicant, or that there are no residential premises nearby, will not be considered exceptional.

3.1.10 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.

### **3.3 The Matrix Approach**

#### **The Licensing Authority will support:**

3.3.1 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.

3.3.2 A "matrix" approach to licensing decisions has been adopted and is set out below. It provides a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investor and businesses making applications.

Matrix approach for licensing decisions in a Statement of Licensing Policy (times relates to licensable activities)

	<b>Cumulative Impact Area</b>	<b>Special Stress Area</b>	<b>Other Areas</b>
<b>Restaurant</b>	Yes (midnight)	Yes (midnight)	Yes (midnight)
<b>Café</b>	Yes (10 pm)	Yes (10 pm)	Yes (10 pm)
<b>Late Night Takeaways</b>	No	Yes (midnight)	Yes (midnight)
<b>Night Club</b>	No	No	No
<b>Pub</b>	No	Yes (11pm)	Yes (midnight)
<b>Non-alcohol lead (e.g. Theatre)</b>	Yes (favourable)	Yes (favourable)	Yes (favourable)
<b>Off-licence</b>	No	No	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
<b>Members Club (club premises certificate)</b>	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes

#### Notes on matrix

Subject to the following notes, the policy, as represented in the matrix, will be strictly adhered to:

- 1) Each application will be considered on individual merit
- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).

6) 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.

7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or cafes, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing on our website [www.brighton-hove.gov.uk/licensingact](http://www.brighton-hove.gov.uk/licensingact).

8) In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops.

9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The licensing authority will have regard to Noise Council guidance.

10) Non-alcohol led category does not include "alcohol in shared workplaces". It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on "alcohol in shared workplaces" please see paragraph 3.3.4-3.3.6.

#### **4 Prevention of Crime and Disorder**

The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.

4.1.1 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.

4.1.2 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is

contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.

4.1.3 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

4.1.4 Measures put in place should support the intentions of Operation Marble (police operational order), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the city centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

## **4.2 Sussex Police**

4.2.1 Sussex Police have a specific Operation relating to the night time economy called Operation Marble (detailed in 3.4.1) and work closely with partners to ensure a safe and vibrant city centre. There continues to be an increasing demand for resources further into the early hours of the morning with the highest concentration of crimes occurring between 21:00 and 06:00 on a Friday into a Saturday and between 20:00 and 06:00 on a Saturday night into a Sunday. The data set used shows that up to 80% of arrests made in the timeframe 20:00 – 06:00 on these days were affected by alcohol. For full details of these statistics see the Cumulative Impact Assessment at Appendix E.

4.2.2 The dealing and use of drugs remains an issue across the city and Sussex Police welcome proactive policies from licensed premises. A drug safe and seizure recording initiative is in place of which further details can be obtained by contacting Brighton & Hove Police Licensing ([brighton.licensing@sussex.pnn.police.uk](mailto:brighton.licensing@sussex.pnn.police.uk)). This initiative encourages licensed premises with Door Supervisors to search and seize drugs from persons attempting to enter their premises and ensures that once drugs are removed from persons, they can be safely collected and destroyed by Sussex Police.

4.2.3 Dispersal from the city centre during the late evening and early morning remains a policing challenge. Over recent years, there has been a proliferation of off-licences and late night refreshment venues along the city's arterial routes. This has led to incident 'hot spots' where patrons from the night time economy continue to interact, albeit away from any safety measures afforded by on-licences. As such, Sussex Police support the Council's Special Policy in offering guidance to both applicants and the Licensing Committee in relation to off-licences and late night refreshment licences.

4.2.4 Sussex Police have continuing concerns that, despite staff training in age-restricted sales, under age individuals are still being served alcohol both on and off the premises in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted to highlight premises where sales are taking place and ensure appropriate enforcement action is taken to prevent further sales. The introduction of identification scanning machines at premises throughout the city has proved successful in mitigating some risk, but operators must maintain



vigilance regarding the fraudulent use of genuine IDs. Sussex Police continue to work alongside the Business Crime Reduction Partnership to tackle the problem of those who use false or another's identification to enter licensed premises and purchase alcohol.

4.2.5 Sussex Police work closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. As well as work to prevent under age sales, vulnerability training is offered to identify persons who may have been made vulnerable through alcohol or drugs. Sussex Police also support initiatives such as (but not limited to) safe spaces, mobile teams of volunteers actively checking people's well-being and the Beach Patrol.

4.2.6 Public Space Protection Orders have proved an effective tool for Sussex Police in targeting enforcement action in problem areas of the city. It 'allows Police Officers and Police Community Support Officers to remove alcohol from any person in a public place if that person is involved in anti-social behaviour (ASB) or the officer believes that by having alcohol in their possession there is an increased risk of ASB. It is an offence to refuse to hand over alcohol when required to do so.' They have been particularly effective in the day time economy where members of the street community are causing ASB issues for members of the public and local businesses, especially during the summer months where there is a large influx of visitors to Brighton & Hove.

4.2.7 Policing the night time economy continues to provide a challenge and in the climate of limited resources and newly emerging problems, Sussex Police support maintaining the council's Special Policy which defines cumulative impact and special stress and will continue to take enforcement action where appropriate if the actions of a Premises Licence Holder, Designated Premises Supervisor, Door Supervisors or Staff have fallen below the high standard expected across the city. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton & Hove a safe and enjoyable city.

### **4.3 Care, control and supervision of premises**

4.3.1 The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe 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. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.

4.3.2 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The



police may ask for conditions which support such measures to be imposed when licensing applications are granted, eg type of licence, capacity, operating hours restrictions.

4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.

4.3.4 This policy recognises the use of registered Door Supervisors All Door Supervisors will be licensed by the Security Industry Authority. 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. This policy endorses the use of units following such guidance and standards in appropriate circumstances.

4.3.5 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.

4.3.6 Enforcement will be achieved by the enforcement policy appended (Appendix B).

## **6 Prevention of Public Nuisance**

The following details and measures are intended to address the need for the prevention of public nuisance which may be associated with licensed premises and certificated club premises:

6.1.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (eg in order to smoke).

6.1.5 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.

6.1.6 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 6.2 below).

## **6.2 Smoking Advice**

6.2.1 Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc. have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence you may find it necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage

doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.

- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for rapid police response and alert other venues where customers and staff are endangered.
- 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.

## **8 Integration of Strategies**

8.1.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by:-

- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
- Liaising and consulting with Public and Alcohol Programme Board
- Liaising and consulting with the East Sussex Fire & Rescue Service
- Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
- Liaising and consulting with the Planning authority
- Liaising and consulting with the Highways authority
- Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
- Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice

8.1.2 In line with statutory requirements and the council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.

8.1.3 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.

8.1.4 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.

8.1.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.

8.1.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

### **8.3 Enforcement**

8.3.1 The Enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at Appendix D (Lead Agency Status) of the Statement of Licensing Policy. In addition, the Licensing Authority will have regard to its published Licensing Enforcement Policy in making enforcement decisions in accordance with Brighton & Hove City Council's Statement of Licensing Policy (Appendix B). In order to better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements.

8.3.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the protocol. A number of other council and government policies, strategies and guidance documents must be taken into account to complement the policy, including:

- Community Safety & Crime Reduction Strategy
- Drugs and alcohol strategies – local alcohol harm reduction strategy
- Objectives of the Security Industry Authority
- The Anti-Social Behaviour Act 2003/ASBPC Act 2014
- The Health Act 2006
- The Violent Crime Reduction Act 2006
- Policing and Crime Act 2009

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

Best Practice Measures to be included for consideration, in particular in SSA:  
Matters that would normally be expected in operating schedules:

- the adoption of a policy (e.g. Challenge 25) with acceptable proof of ID as per existing Statement of Licensing Policy

- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- 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

Items to which positive consideration would be given:

- membership of Business Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of 'Night Safe' radio system or similar accredited scheme
- 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
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators
- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Recommend best practice for both on and off premises

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences
- Signage on premises should set out legal duties
- Voluntary restriction of high strength alcohol – operating schedules may be used to limit high ABV beers and ciders
- Staff training – in addition to personal licence holders training, staff must be adequately trained for duties
- Challenge 25 would be the norm, particularly in the off licence trade
- Signage – proxy sale – deterrence

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

Legal Implications:

5.2 The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

*Lawyer Consulted: Rebecca Sidell*

*Date: 13/04/21*

Equalities Implications:

5.3 Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

Sustainability Implications:

5.4 Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Appendix A – Part M (operating schedule) of the Application
2. Appendix B – Part A of Premises Licence
3. Appendix C – Representations
5. Appendix D – Map of area

**Documents in Members' Rooms**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018.

Public Health Framework for assessing Alcohol Licensing. Annual Report – Ward. 5<sup>th</sup> edition. Public Health Intelligence. January 2019

## **Background Documents**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.





## **APPENDIX A**

Dear Sir/Madame,

I am writing to you to attach this cover letter to my application for varying the premises licence at 86 Preston Street in Brighton. I am aware that this is somewhat near the border of the cumulative impact zone (CIZ). However, I believe that my application is an exception to this policy based on the following grounds: There currently is late night trade in Preston Street as prior to the current curfew Genting Casino, Pizza Xtra and Pizza King were operating in the early hours of the morning. A purpose of this application is to provide the public and staff members working at the casino with an additional venue to purchase food.

I have carefully examined the four licensing objectives: The prevention of crime & disorder, the promotion of public safety, the prevention of public nuisance and the protection of children – and decided to take the following measures to meet these. CCTV covering both inside and outside the premises will be kept in operation 24 hours daily and footage will be stored for a minimum of 30 days and will be promptly handed to the police on request. This aims to readily cooperate with the police and foster positive steps to maintain the low crime level in Preston Street. Customers will be politely reminded to reduce the volume when leaving the premises, movement of bins and rubbish to outside the premises will kept to a minimum after 11pm.

Other measures to mitigate any concerns are to provide fast, friendly and efficient service to the public, all litter that is generated will be promptly removed throughout the night and hot food and soft drinks will be served only for takeaway customers after midnight to ensure that customers do not stay in the premises.

Thank you for your time in considering this application.

Kind Regards,

Abbanoub Salama

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

I can show that there will be **no** negative cumulative impact by undertaking the measures for all four licensing objectives as follows:

1) After midnight there will only be takeaway service. A barrier will be erected between the eat-in and takeaway areas to ensure that customers at night will only be served takeaway after midnight.

2) All litter inside and on the pavement (if any) will be removed regularly throughout the night

**b) The prevention of crime and disorder**

1) CCTV will be recorded 24 hours daily on the premises and covers both inside and outside of the premises. CCTV records will be kept on a computer database for a minimum of 30 days and will be made available to the police if needed

2) Warning signs displaying that CCTV monitoring is in place 24 hours daily

3) Restaurant section of the shop will be closed and only takeaway will be in operation

6) Only experienced staff who can provide fast and efficient service will be on duty to ensure the fast service

Measures to Establish Orderly Conduct –

1) As far as it is practical, customers on or leaving the Premises will be politely reminded to conduct themselves in an orderly fashion and do not in any way cause annoyance to residents or persons passing by.

2) As a late-night refreshment premises, custom will not be sought by means of personal solicitation outside or in the vicinity of the premises

**c) Public safety**

1) All litter in and around the premises will be promptly removed throughout the night

2) All parts of the premises (i.e. lighting, heating, electrical, fire alarm and fire extinguishers) are operated by contractors who come and check regularly

3) First aid kit is always available on the premise

4) Accident logbook is present on site

5) All parts of the premises will be adequately illuminated

6) In the unlikely event of failure of the general lighting, the public shall be required to leave the premises forthwith. No member of the public shall be readmitted until the general lighting has been restored

7) Smoking is prohibited within the premises. Customers wishing to smoke will be instructed to smoke outside

8) Fire alarm and fire extinguishers are maintained regularly and are in good working order and fire risk assessment kept within a folder located near the counter

9) The fire alarm is connected to Southern Monitoring 24 hours daily to instruct the fire services in case of fire

10) No alcohol can be brought into the premises and customers are expected to dispose of it prior to entering the premises

**d) The prevention of public nuisance**

1) Only fast takeaway service will be provided after 00:00. There will be no eating inside the premises after 00:00

2) Street litter (if any) will be cleared immediately around the premises

3) Bin will be provided for customers to dispose of their waste in

4) Staff will leave the shop quietly at the closing time

5) The collected rubbish will be stored securely in a bin with a tight-fitting lid. This will help prevent litter from being blown around

**e) The protection of children from harm**

Children should be accompanied with adults at night





# Brighton & Hove City Council

## Schedule 12

### Part A

**APPENDIX B**

Regulation 33, 34

## Premises Licence Brighton and Hove City Council

**Premises Licence Number**

1445/3/2020/02955/LAPRET

### Part I – Premises Details

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Fish & Chips  
86/87 Preston Street  
Brighton  
East Sussex  
BN1 2HG

**Telephone number** 01273 323 700

**Where the licence is time limited the dates: -**

**Licensable activities authorised by the licence**

Sale by Retail of Alcohol

**Times the licence authorises the carrying out of licensable activities**

Monday - Saturday	10:00 - 00.00
Sunday	12.00 - 23.30
Christmas Day	12:00 - 23.30
Good Friday	12.00 – 23.30
New Years Eve	10.00 (12.00 if a Sunday) – 00.00
New Years Day	00.00 – 00.00 (23.30 if a Sunday)

**The opening hours of the premises: -**

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption on the Premises.



## Brighton & Hove City Council

### Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Abbanoub Samir Gad Salama  
86/87 Preston Street  
Brighton  
East Sussex  
BN1 2HG

**Registered number of holder, for example company number, charity number (where applicable): -**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Abbanoub Salama

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**



## Brighton & Hove City Council

### Annex I - Mandatory conditions

#### S 19; mandatory conditions where licence authorises supply of alcohol

1. No supply of alcohol may be made under the premises licence
  - a) at a time when there is no designated premises supervisor in respect of the premises, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
  - (e) dispensing directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.



## Brighton & Hove City Council

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
  
6. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

### Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  
2. For the purposes of the condition set out in paragraph 1 —
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) “permitted price” is the price found by applying the formula—
$$P=D+(D \times V)$$
where—
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;





## Brighton & Hove City Council

- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Embedded Conditions**

#### **Restaurant Licence**

##### **1. Permitted Hours**

Alcohol may be sold or supplied:

- 1) On weekdays, other than Christmas Day, Good Friday or New Year’s Eve from 10am to midnight.
- 2) On Sundays, other than Christmas Day or New Year’s Eve, and on Good Friday: noon to 11:30pm
- 3) On Christmas Day: noon to 11:30pm;
- 4) On New Year’s Eve, except on a Sunday, 10 a.m. to midnight;
- 5) On New Year’s Eve on a Sunday, noon to 11.30 p.m.
- 6) On New Year’s Eve from the end of permitted hours on New Year’s Eve to the start of permitted hours on the following day.

#### **Restrictions**



## Brighton & Hove City Council

The above restrictions do not prohibit during the first thirty minutes after the above hours the consumption of alcohol on the premises by persons taking meals there when the alcohol was supplied for consumption as ancillary to the meals;

*Source Section 95 Licensing Act 1964*

### **2. Recorded Music**

Premises licensed for the sale and supply of alcohol may provide, at any time, regulated entertainment by the reproduction of wireless, including television broadcast and of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

*Source Section 182 Licensing Act 1964*

### **3. Late Night Refreshment**

The Licence may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out above, and on New Years Eve until 5am on New Years Day.

### **(Justices') Licence Conditions**

1. Intoxicating liquor shall not be supplied or sold or supplied on the premises otherwise than to persons taking table meals there and for the consumption by such a person as an ancillary to his meal.
2. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in then premises.

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

None

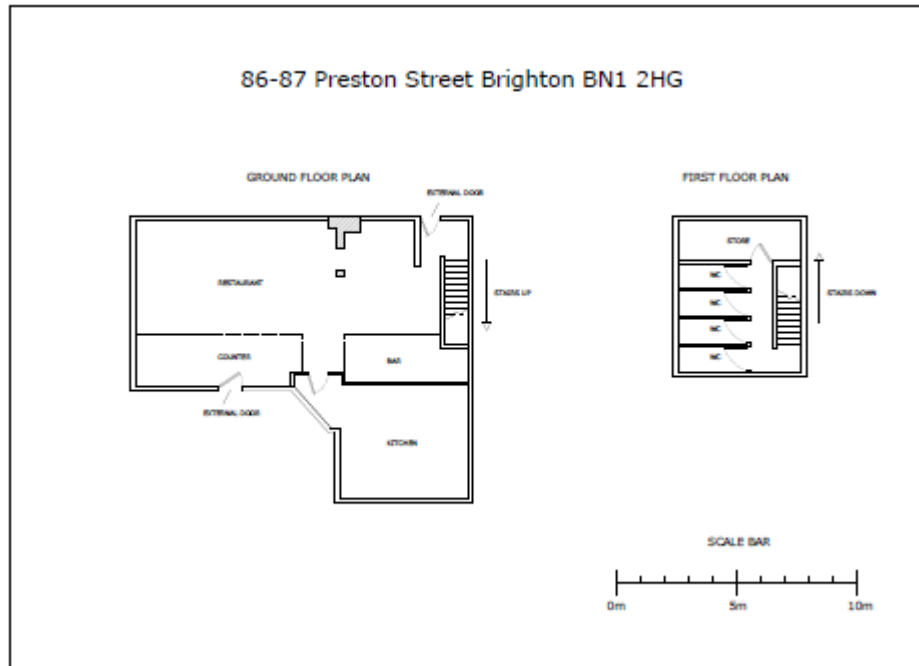
### **Annex 3 – Conditions attached after a hearing by the licensing authority:**

None



# Brighton & Hove City Council

## Annex 4 – Plans





## **APPENDIX C**

Police Station  
John Street  
Brighton  
BN2 0LA

Tel: **REDACTED TEXT**

Email: **REDACTED TEXT**

03<sup>rd</sup> March 2021

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

### **SC CON ENDS 24.03.21 VALID PCD & PPN (A)**

Dear Sarah Cornell,

**RE: APPLICATION FOR TO VARY THE PREMISES LICENCE FOR FISH & CHIPS, 86-87  
PRESTON STREET, BRIGHTON, BN1 2HG UNDER THE LICENSING ACT 2003.  
1445/3/2021/00425/LAPREV.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the application to vary the premises licence held at the above location 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 2021 and the Public Health Framework report for Assessing Alcohol Licensing 2019 edition.

This is an application to extend late night refreshment hours in an area of the City which is subject to a Special Policy adopted by Brighton & Hove City Council. The premises is in the heart of Cumulative Impact Zone (CIZ) (as defined in the BHCC Statement of Licensing Policy 2021) and is an area covered by Sussex Police night time economy policing operation – Op Marble.

The applicant seeks to extend licensable activities and trading hours as follows:

**Sunday – Thursday 00:00-03:00**  
**Friday – Saturday 00:00-05:00**

The extended hours is to service take away and delivery only.

The location of the business is along Preston Street which is mostly a mix of restaurants, fast food outlets and bars including late night venues. There is also a handful of office space units, personal care and retail shops. Along the road on both sides are residential flats including Astra House next door and a hotel across the road.

Paragraph 1.1.37 (Pages 15-17) of the Brighton and Hove City Council 2021 Statement of Licensing Policy states:

*“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 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”.*

Paragraph 3.3 (Page 13) of the Brighton and Hove City Council 2021 Statement of Licensing Policy refers to the Matrix Approach. Within the Cumulative Impact Area Late Night Takeaways are not supported unless the applicant can show exceptional circumstances and explain how they will have no negative impact which would undermine the licensing objectives.

Sussex Police have concerns granting an extension of hours due to the location of the premises and the close proximity to the main night time economy area.

Preston Street experiences significant footfall from members of the public entering and leaving the central area of Brighton and is in an area saturated with licensed premises. Due to this the area already experiences anti-social behaviour. Sussex Police believe that an additional late night refreshment premises open until 3am/5am would assist in keeping persons in the area longer and in turn increasing the risk of crime and disorder and public nuisance.

Reviewing the Public Health Framework report for assessing alcohol licensing 2019 edition, Regency ward, of which this location is within, is ranked highest out of 21 wards for crime and disorder (excluding criminal damage of which is 3<sup>rd</sup>) and the second highest for Police recorded alcohol related incidents. Due to this the safe dispersal of people as quickly as possible is paramount in keeping incidents to a minimum and protecting persons within the locality.

We note that this application is not to permit the sale of alcohol however, the hours being applied for is highly likely to attract persons that have been consuming alcohol and the report evidences the issues we have within this area already. We have seen first-hand on many occasions how late night take away food outlets within the night time economy suffer from crime and often require police attendance.

With high numbers of person descending on the City during the weekends and the impact this has, Sussex Police operate a standalone night time operation at weekends and other times throughout the year. This involves dedicated Police resources patrolling the main night time economy area. Having a visible police presence, especially during the weekend evenings, goes some way to assist in reducing criminal incidents occurring, but unfortunately does not stop them in their entirety. We deal with a mix of incidents with people becoming drunk and disorderly, violent and a high number of incidents involving persons who have become a victim of crime due to their own vulnerability after consuming alcohol.

The application is for food and drink after midnight to be taken away. As mentioned we have concerns over dispersal which can be delayed due to late night food outlets being open. Although most nights end positively, there are some that don't and people become victims purely down to their intoxication levels. With this location being across the road from the beach and between green space areas such as Regency and Bedford Square, we believe persons would be attracted to these areas to sit and consume the food rather than heading to the safety of their homes after leaving the bars and clubs. In addition to the public safety issue there is also a public nuisance one especially for local residents with noise and litter. There is the possibility of further noise being caused with additional vehicle movement within the area due to the provision of delivery also being an option if this variation is granted.

The applicant has offered a number of conditions and state there will be no negative cumulative impact however, we don't believe this has been evidenced within their application or via the offered conditions.

As the extended hours are for take away it would be very hard to control their customer's behaviour once they have left the premises. They offer to collect litter from outside the venue however it's more likely that persons will head to the beach and local parks to consume rather than stand or sit on Preston Street outside the premises. See images below taken at Regency Square on Sunday 28<sup>th</sup> February at 09:45. We are not suggesting this litter is from Fish & Chips on Preston Street but to offer as evidence that persons do use this area to consume takeaways. All other conditions offered relate to inside the premises so again, of little use when persons are taking items to consume away from the location.

Sussex Police believe that by granting this application it will add to negative impact within an area saturated with late night licensed premises and the challenges this brings for emergency services. Additionally we do not believe that the applicant has offered any reasoning why the application would be an exception to policy or why it should be departed from. Therefore, Sussex Police invite the Licensing Authority to seriously consider refusing this application.

Yours sincerely,

**REDACTED TEXT**

**REDACTED TEXT**

Force Licensing  
Sussex Police





Dear Sussex Police,

Thank you for your letter dated 3rd March 2021.

I would like to address the following points in your letter -

1) I disagree with the statement "in an area saturated with licenced premises" because the majority of the shops in area close at around midnight and no alcohol is sold after that time. There is already some late night trade in Preston Street, but it is not saturated. Our application wishes to provide an additional venue for customers (and staff from the casino) to purchase food for takeaway. However, I feel that we need to operate on the basis of being fair and reasonable as there are some other shops that are entitled to stay open late such as:

A) Pizza Xtra (84 Preston Street) - 23:00 - 03:00 everyday

B) Genting Casino (6-8 Preston Street) - 23:00 - 05:00 everyday

C) Efes Kebab (53 Preston Street) - 23:00 - 03:00 Sunday to Thursday and 23:00 - 04:00 Friday and Saturday

D) Pizza King (56 Preston Street) - 23:00 - 05:00 everyday

Therefore, considering that these 4 premise have the right to stay open late then shouldn't we also have the right to make it fair?

2) I disagree with the statement that there is "significant footfall of the public" in Preston Street because **before** the pandemic there were a significant number of restaurant that had to close down, which indicates that there is insufficient footfall to allow those restaurants to cover their expenses.

3) Since Preston Street was made in a one-way direction (which was more than 15 years ago) there has been no footfall especially at night after 10PM (even in the weekends). You are more likely to see one person every 2 hours rather anything more. Preston Street is the most dead street in the town after 10PM and numerous shops were closing down there **before** COVID-19.

4) I have checked online prior to submitting my application and found that the number of anti-social behaviour in the last 12 months is significantly lower than the national average (according to UK crime stats) for Preston Street.

5) There are very few people walking in Preston Street at night, so I struggle to understand how can there be trouble. It is of my understanding from the owners of other takeaway outlets that operate at night in Preston Street that Sussex Police have only recorded less than 2 incidents in the last 20 years. I invite you to check the police records regarding this.

6) Only fast and efficient service will operate at the premise at all times. This will mean a quick dispersal of customers from the area and delivery drivers never wait more than 2 minutes to collect the orders.

Many thanks in advance.

I look forward to hearing from you.

Kindest Regards,

Abbanoub Salama

Ms S Cornell  
Licensing Authority  
Brighton & Hove City Council  
Bartholomew House  
Bartholomew Square  
Brighton  
BNI IJP

Date: 10 March 2021  
Our Ref: 2021/58779/LICREP/EH  
Phone: **REDACTED TEXT**  
  
e-mail: **REDACTED TEXT**

**SC CON ENDS 24.03.21 VALID PCD, PPN & CIZ (B)**

Dear Ms S Cornell

**Licensing Act 2003  
Representation in regard to the application to vary a Premises Licence under the  
Licensing Act 2003 (Ref: 2021/00425/LAPREV)  
Fish & Chips, 86-87 Preston Street, Brighton BNI 2HG**

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 for a variation to the existing license to extend 'Late Night Refreshment' activities. All other licensable activities will remain as stated on the existing license. The applicant has applied for 'Late Night Refreshment' licensable activities and trading hours as follows:

Sunday-Thursday 00:00-03:00  
Friday-Saturday 00:00-05:00

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 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.

Guidance issued under S182 of the Licensing Act 2003 (April 2018) states in paragraph 8.41 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 in paragraph 8.43 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, Cumulative Impact Zone (CIZ)), 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, particularly section 16 (licensing objectives), the applicant has not addressed the premises location within the CIZ, has not offered any mitigation or explanation regarding the potential impact the increased hours might have and has not demonstrated how the application is an exception to our policy.

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

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.

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 'late night refreshment' in the CIZ should not be granted within the Cumulative Impact Area. The Licensing Team contend that the Matrix policy relates to both new and variation applications, so this also means that later hours would not be granted to existing 'late night refreshment' licence. Again, the Matrix policy can be departed from where exceptional circumstances are demonstrated, but the applicant has failed to address this.

As well as being located in the CIZ, the premises is situated in the electoral ward of Regency, which according to our Public Health Framework for Assessing Alcohol Licensing 2019 also includes 'crime and disorder data', within this ward. Regency is ranked (out of 21 wards) worst for 'all violence against the person', 'all injury violence', 'non-injury assault', 'sexual offences', and second worst 'police recorded alcohol related incidents', which further highlight the impact that a late night refreshment licensed premises in the area can have on crime and disorder and public nuisance.

The Licensing Team make this representation to uphold our Statement of Licensing Policy. Extending the current permitted hours is likely to add additional burdens and problems to the already challenging area and 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 our Statement of Licensing Policy and the Matrix approach.

Yours faithfully

**REDACTED TEXT**

**REDACTED TEXT**

Licensing Officer

Licensing Team

**REDACTED TEXT**

Tel – **REDACTED TEXT**

Email – **REDACTED TEXT**

22<sup>nd</sup> March 2021

Ms Sarah Cornell

Licencing Authority

Brighton & Hove City Council

Bartholomew House

Bartholomew Square

Brighton

BN1 1JP

**SC CON ENDS 24.03.21 VALID PCD (SI)**

Dear Ms Sarah Cornell,

**Representation to Support the Application to vary the Premises Licence for Fish & Chips, 86-87 Preston Street, Brighton, BN1 2HG under the Licencing Act 2003 (Ref – 1445/3/2021/00425/LAPREV)**

I write on behalf of **REDACTED TEXT** at **REDACTED TEXT** to confirm that the following representation is made on the basis of supporting the application for the above premise.

In connection to this representation for the consultation period ending 24/3/21, I make the following points to you:

- For the last two decades Preston Street as a whole has been largely deserted at night. Because of this there has been a negative effect for the economy of Preston Street. There is a police camera above Sainsbury's in Western Road facing Preston Street. This CCTV footage for Preston Street will reveal that each night in Preston Street the area is dead, and you will barely see one person every couple of hours. I feel

that this application for the above premise will help revitalise the economy for Preston Street.

- There is some night-time trade going on in Preston Street and I feel that it would be unfair that the above premise would not be able to contribute to strengthening the night economy of this area. The pandemic has had a devastating impact across the UK not just in this part of Brighton and I do believe it is vital to encourage economic growth in the area by granting this extension of opening hours.
- With regards to the licensing objectives of crime and disorder and public safety I wish to make it clear that Preston Street is very quiet. Having been in operation since **REDACTED TEXT** it is astonishingly rare for the need of police attendance. Since opening in **REDACTED TEXT** there have been nearly zero incidents at our premise, and this underscores the low level of crime in the area. I reiterate that the number of people coming into the street at night-time is insignificant and has been for last two decades.
- Furthermore, there is no other licensed premise that serves alcohol after 11pm. The only exception to this is the Genting Casino. This coupled with the fact that there are very few people in Preston Street at night satisfies the licensing objectives.
- I also wish to make it clear that shops regularly close down in Preston Street (please see the photo attached below as evidence). This shows the real struggle that businesses in Preston Street are facing whilst simply trying to survive.
- The economy in Brighton is dominated by independent businesses and I trust that the council will always take measures to support them. Trading has already been challenging especially since the double dip recession in 2008 and has been worsened by the ongoing pandemic. To reject this application for the above premise will only serve to harm the economy at a time when businesses across the country are closing down for good.

Overall, I make this representation to strongly support the above application to revitalise the struggling economy in Preston Street. To extend the opening hours for this premise is unlikely to challenge the licensing objectives considering that the road at night has been very quiet for the last two decades. It would also be unfair if this premise would not be encouraged to open at night considering that there are a handful of other takeaway shops that remain open late in Preston Street. As the licensing authority I expect the council to remain neutral and supporting of independent businesses especially during these uncertain times. Therefore, I ask the council to approve and grant this application.

Yours sincerely

**REDACTED TEXT**

**REDACTED TEXT**

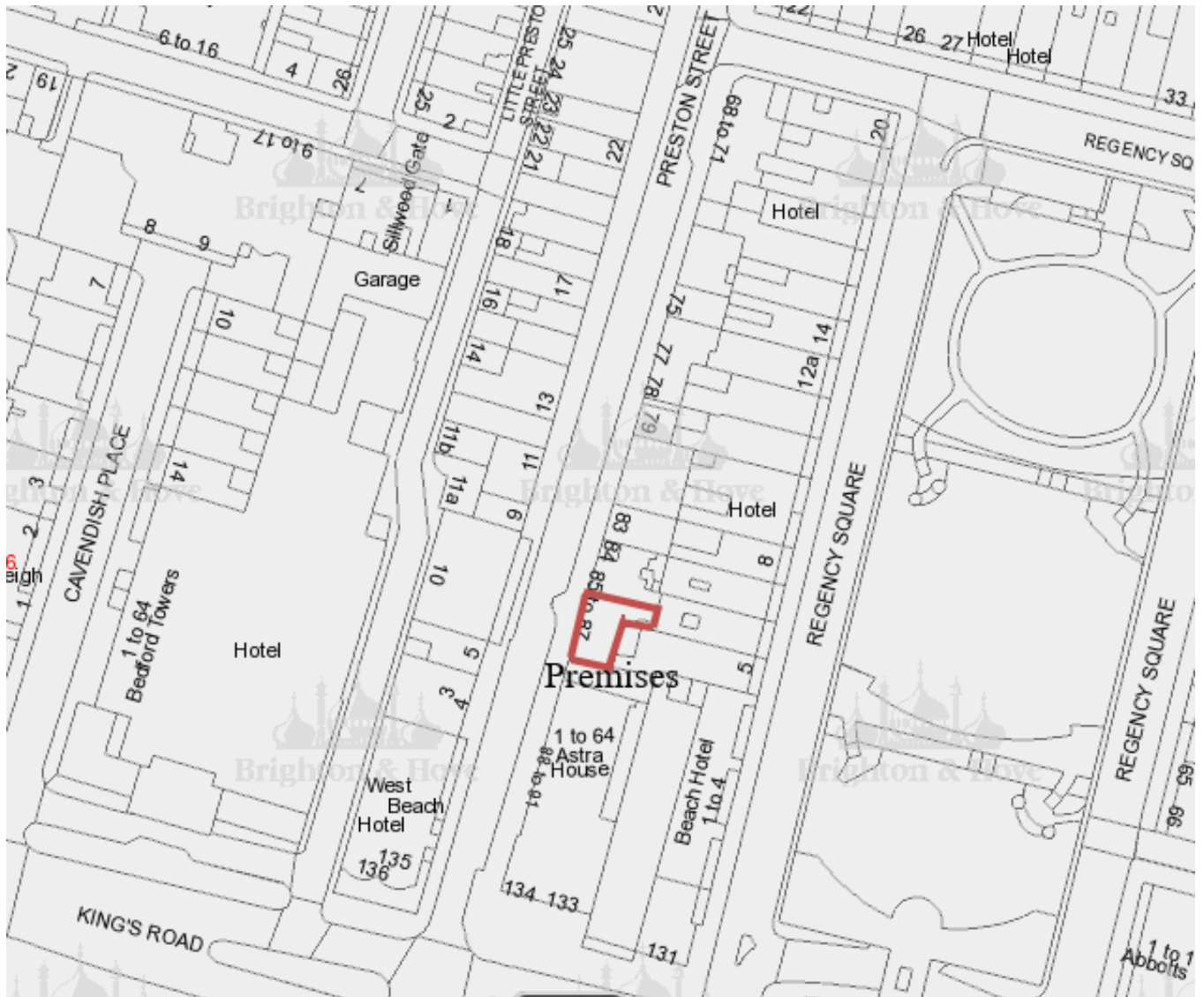
Dated: 21/3/21







**APPENDIX D**





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