

APPENDIX C

Mark Savage-Brookes Health & Safety and Licensing Bartholomew House Bartholomew Square Brighton. BN1 1JP	Date	7 November 2018
	Ref	ELB/06595
	Contact	Emma Bullen 01273 2921381
	Email	Emma.bullen@brighton-hove.gcsx.gov.uk

Dear Mark

MSB CON ENDS 28.11.18 VALID CIZ, PPN & PCD (A)

Licensing Act 2003
The Projects, 8-9 Ship Street, Brighton, BN1 2PA

I wish to make a representation against the application for a premises licence at 8-9 Ship Street, Brighton on the grounds that it is contrary to the Council's Statement of Licensing Policy

The application is for a member's only space with a small bar operation for the sale of alcohol from 6:00pm to 10:00pm Mondays to Wednesdays and from 4:00pm to 10:00pm Thursdays to Sundays

Ship Street falls within the Licensing Authority's Cumulative Impact area. The policy was adopted to give greater power to control the number of licensed premises within the city centre. The Special Policy for Cumulative Impact states that applications for new premises licences that may add to the existing cumulative impact will be refused following relevant representations. This presumption of refusal can be rebutted by the applicant if they can show that their application will have no negative cumulative impact on licensing objectives including prevention of crime and disorder and public nuisance.

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

I therefore make a representation on the grounds that the application is contrary to the Statement of Licensing policy so that the panel can determine the application.

Yours sincerely,

Emma Bullen
Licensing Officer

Police Station
John Street
Brighton
BN2 0LA

27th November 2018

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

MSB CON ENDS 28.11.18 VALID PCD & PPN (B)

Dear Mark Savage-Brooks,

**RE: APPLICATION FOR A NEW PREMISES LICENCE FOR THE PROJECTS, 8-9
SHIP STREET, BRIGHTON, EAST SUSSEX, BN1 1AD UNDER THE LICENSING
ACT 2003. 1445/3/2018/06595/LAPREN.**

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, public nuisance and public safety. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy.

This is a proposed new licence application in an area of the City which is subject to a Special Policy adopted by Brighton & Hove City Council. The premises lies in the Cumulative Impact Zone (CIZ) (as defined in the BHCC Statement of Licensing Policy) and seeks the following hours and licensable activities:

Recorded Music (Indoors)

Monday - Friday: 09:00 – 17:00

Supply of Alcohol (On the Premises)

Monday - Wednesday: 18:00 – 22:00

Thursday - Saturday: 16:00 – 22:00

Opening hours

Not provided in application

Paragraph 3.1.4 of the Brighton and Hove City Council 2016 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”.

The licensing decision matrix on page 16 of the Council Statement of Licensing Policy (SoLP) states that no new premises or premises licence variations asking for these licensable activities and hours will be granted in the CIZ, except in exceptional circumstances.

The style of operation could be described as a ‘non-alcohol lead (e.g. a theatre)’ or a form of ‘Members Club’ as the applicant states *‘The premises is a co-working member’s only space on Ship Street, Brighton.... We are a member’s only space so all of the people within the building will be over 18. We will also have a maximum of 200 members who we will know personally’*, however a Premises Licence is being applied for as opposed to a Club Premises Certificate. In addition, the conditions and explanation offered on this application somewhat contradict this. The application states that:

*‘We intend for the premises to have a small bar operation from 4pm-[10]pm on Thursdays and Fridays, but **also to be offered for evening event space**...All of our members will enter using an electronic fob so we can track all entries, preventing crime, and **any of their guests will have to sign in through reception**’*

*‘The bar area will be minimal and only open to members and **registered event holders**’*

The applicant does not make clear whether these registered event holders will be members only or whether external members of the public can ‘register’ to use the space. It also does not define whether members of the public can attend these evening events.

Therefore, the applicant is essentially opening a new bar in the CIZ that may be open to the general public where alcohol will not be ancillary to any food or other use of the premises. There are no conditions offered to limit vertical drinking and the space is referred to as a ‘small bar operation’. Limited details are provided around security and whether staff will be on duty when the event space is rented out.

Paragraph 14.40 of the Secretary of State’s Guidance to the Licensing Act 2003 (April 2018) 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 applicant has not referred to the Cumulative Impact Zone or the BHCC Statement of Licensing Policy (SoLP) in their application. There is limited mention of measures they will take to promote the licensing objectives or deal with potential cumulative impact within the application received. Therefore, Sussex Police do not believe that the applicant has offered any reasoning as to why this would be an exception to policy or why the SoLP should be departed from.

Further, although the applicant has offered a number of conditions Sussex Police do not believe these go far enough to help mitigate any potential risk in a busy and central area of the City. The conditions offered fall short of the current city wide expected standard and are not clear enough on certain matters e.g. CCTV and Security provision. Sussex Police did make contact with the applicant to ask for clarification on a number of matters, however we do not believe at this time the application in its current form addresses the concerns raised. Sussex Police contend that the carrying on of additional licensable activity and the hours applied for at these premises will add to the existing negative cumulative effect in an area already saturated with licensed premises.

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

Yours sincerely,

Insp Di Lewis
Licensing & Response Inspector
Local Policing Support Team
Sussex Police

Please address all future correspondence to Brighton & Hove Licensing Unit, Police Station, John Street, Brighton, BN2 0LA.