

APPENDIX C

Police Station
John Street
Brighton
BN2 0LA

Tel: **REDACTED TEXT**

Email: **REDACTED TEXT**

09th April 2021

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

BP CON ENDS 18.04.21 VALID PCD, PPN & PCH (A)

Dear **REDACTED TEXT**,

**RE: APPLICATION FOR A NEW PREMISES LICENCE FOR THE WINE CELLAR, 17
MARLBOROUGH PLACE, BRIGHTON, EAST SUSSEX, BN1 1UB UNDER THE
LICENSING ACT 2003. 1445/3/2021/00707/LAPREN.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the application for a new premises licence at the above location on the grounds that it will undermine the licensing objectives of the prevention of crime and disorder, public nuisance and protection of children from harm. 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 for a new premises licence in an area of the city which is subject to a Special Policy adopted by Brighton & Hove City Council and issued following consultation with the public and interested parties such as Sussex Police. The premises is in the Cumulative Impact Zone (CIZ) and is an area covered by Sussex Police night time economy policing operation – Op Marble.

The applicant seeks the following licensable activities and trading hours:

Supply of alcohol – on and off premises, provision of recorded music indoors and hours premises are open to the public:

Monday – Sunday 12:00-23:00

The location of the premises is on Marlborough Place and was previously an office space next to the Ye Olde King & Queen Public House. It has its own entrance and courtyard. Opposite is Victoria Gardens and the building is set within an area of mixed use properties.

Within the Public Health Framework report for Assessing Alcohol Licensing, St Peters & North Laine ward of which the location sits within, is ranked highest out of all wards for police recorded alcohol related incidents as well as suspected alcohol related ambulance call outs.

Paragraph 1.1.37 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”.

Section 3.3 of the policy refers to the Matrix Approach. Within the Cumulative Impact Area “Pub” and “Off Licence” 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.

- As shown within the public health framework, the area already suffers from alcohol related crime. By increasing the availability of alcohol it's hard to see how this would assist in improving this situation.
- Although this venue is within the footprint of the current King & Queen Public House which holds a premises licence, this is a new and separate venue. Had a variation been submitted to extend the current King & Queen licensable area to include this section, we would still be opposing it as will increase capacity within what is already a large premises.
- Off sales of alcohol can have a negative impact by causing a public nuisance within the surrounding area with people consuming in public spaces. This is of particular concern as the locality of this premises is opposite Victoria Gardens and a short distance from the Pavilion Gardens and the seafront.
- Off sales increases the risk of proxy sales to under aged children.
- Although the description of the premises is described as a “high end wine merchant and food outlet” this is something that cannot be conditioned. There would be nothing stopping it operating as a standard bar/pub or used as a private hire event space.
- The food provision is very limited which lends to the premises being alcohol led.
- Within the plan is an outside seating area to the front of the premises. Permitting persons to sit drinking outside would increase noise within the area.

With high numbers of persons descending on the city 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 night time economy area. Having a visible police presence 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.

Sussex Police feel that by granting this application it will add to negative impact and do not believe that they have offered any reasoning as to why the application would be an exception to the 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

Licensing Department
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton BN1 1JP

13 April 2021

BP CON ENDS 18.04.21 VALID PCD, PPN, PS & CIZ (B)

Dear Sir/Madam

1445/3/2021/00707/LAPREN The Wine Cellar, 17 Marlborough Place
Sale of alcohol On and Off Premises 12 noon – 11pm every day

We write on behalf of the **REDACTED TEXT** in respect of the above application to sell alcoholic drinks On and Off Premises. We object to this application on the grounds of Prevention of Crime and Disorder, Public Safety, and Prevention of Public Nuisance.

6.1.1 of the SoLP states: *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).*

The location of 17 Marlborough Place, next to the King and Queen Public House at nos 13-17, lies within the CIZ and adjoins the North Laine Conservation Area, an area noted for anti-social behaviour linked mostly to the consumption of alcohol and drug dealing. Opposite the premises is Valley Gardens, a public thoroughfare that is very busy throughout the day and night. We believe that dispersal to and from an additional premise would provide challenges to police, resulting in increased crime and disorder and public nuisance in this area.

Dispersal through North Laine to and from licensed premises nearby, and the surrounding area, during early evening, late evening, and early morning continues to provide challenges and affects our well-being.

North Laine Conservation Area is within the Cumulative Impact Zone. Since the introduction of flexible opening hours in 2003 residents have had to put up with increased levels of noise from drinkers during the day and night, leading to increased levels of anti-social behaviour and vandalism. We believe that granting this application would add to the cumulative impact.

North Laine is saturated with licensed premises. We believe that due to this saturation, the cumulative effect is undermining the licensing objectives. There are no exceptional circumstances relating to this application to warrant departure from the SoLP Matrix regarding Off Sales and would ask you to reject this application.

Yours faithfully

REDACTED TEXT
(REDACTED TEXT Licensing Coordinators)

REDACTED TEXT
Licensing Officer
Licensing Team, BHCC
Bartholomew House
Bartholomew Square
Brighton
BNI IJP

Date: 15th April 2021
Our Ref: 2021/00707/LAPREN
Phone: **REDACTED TEXT**
Email: **REDACTED TEXT**

BP CON ENDS 18.04.21 VALID PCD, PPN & CIZ (C)

Dear **REDACTED TEXT**,

Licensing Act 2003

RE: Representation in regard to the application for a new Premises Licence (Ref. 2021/00707/LAPREN)

For: The Wine Cellar, 17 Marlborough Place, Brighton, BNI IUB

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 new Premises Licence for The Wine Cellar, submitted by Brighton and Hove Pub Company Ltd.

The applicant is applying for sale of alcohol, both on & off the premises from, 12:00 to 23:00 hours with the same opening hours for a high end wine merchant and food outlet.

We have concerns about this application and make a representation on the grounds of the Prevention of Crime and Disorder and Prevention of Public Nuisance and that this application is contrary to our Statement of Licensing Policy (SoLP).

The council introduced a special policy to address cumulative impact on the 13th March 2008 and following further consultation the cumulative impact zone was expanded in December 2011. The special policy was set up because the Licensing Authority determined that the concentration of licensed premises and the subsequent numbers of people drawn into the city centre is causing exceptional problems of crime and disorder and public nuisance. The special policy will only be overridden in exceptional circumstances. New applications and variations to existing licences should normally be refused following relevant representations. This presumption of refusal can be rebutted by the applicant if they can show that their application will have no negative cumulative impact on licensing objectives including the prevention of crime and disorder and public nuisance. The Licensing Authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case.

The Council's SoLP includes a Matrix approach for licensing decisions with provisions for a terminal hour for all classes of licensed premises in a particular area. The Matrix Model recognises the diverse operation and different risks presented by different classes of licensed premises. It provides a vision of what the Licensing Authority would like to see within its area and gives an indication of likelihood of success or otherwise to investors and local businesses making applications. Each application is still considered on its individual merit and there is discretion to depart from the Matrix approach policy in exceptional circumstances.

When considering whether representations should be submitted, the Licensing Team have regard to the 'Public Health Framework for assessing Alcohol Licensing' – January 2019 document. The premises sits within the electoral ward of St Peter's and North Laine, which according to our Public Health Framework for Assessing Alcohol Licensing (5th edition-January 2019) is ranked the worst out of 21 wards under Crime and Disorder data for Police Recorded Alcohol related incidents and Criminal Damage and second worst for Sexual Offences, Non-injury assault, All injury violence and All violence against the person. On the Health data St Peter's and North Laine ward ranks the worst for Increasing risk or higher risk drinking and Alcohol suspected ambulance call outs. Third worst for A&E attendances with a record of alcohol and Alcohol specific admissions 2017/18. It ranks 4th worst out of 21 wards for Clients in alcohol treatment.

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

Granting this application is likely to add additional burdens and problems to an already challenging area and although the applicant has put a number of provisions in their operating schedule, we are of the opinion that this application should be considered and determined by a Licensing Sub-Committee Panel in line with 3.1.6 of our SoLP.

Yours sincerely,

REDACTED TEXT

REDACTED TEXT

Safer Communities

