

APPENDIX C

Police Station

John Street

Brighton

BN2 0LA

Tel: **REDACTED TEXT**

Email: **REDACTED TEXT**

30th 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 06.05.21 VALID PPN & PCD (A)

Dear **REDACTED TEXT**,

RE: APPLICATION FOR A NEW PREMISES LICENCE FOR MAMA POLLO, 4 LEWES ROAD, BRIGHTON, BN2 3HP UNDER THE LICENSING ACT 2003. 1445/3/2021/00926/LAPREN

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the application for a late night refreshments licence 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 a new application in an area of the City which is subject to a Special Policy adopted by Brighton & Hove City Council. The premises is in the Special Street Area (as defined in the BHCC Statement of Licensing Policy 2021).

The applicant seeks late night refreshment hours as follows:

Monday – Thursday 23:00-02:00

Friday – Saturday 23:00-03:00

Sunday – No Late Night Refreshments being applied for.

The applicant wishes to permit a mix of walk in and take away in person, home deliveries and until midnight, on site consumption.

The location of the business is along a very busy stretch of Lewes Road, Brighton which has a mix of outlets including a wide variety of licensed premises. Above the majority of outlets you find residential properties. Due to its location close by the junction with Elm Grove and a pedestrian crossing, there is no parking facilities outside the premises, not even loading or unloading permitted. There is also a cycle lane which would be blocked by any vehicles parking illegally there. Both of these points raise concern due to the wish to offer deliveries. See image below.

Paragraph 1.1.43 of the Brighton and Hove City Council 2021 Statement of Licensing Policy states:

“This Special Stress Area (SSA) is of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it. The area will be kept under review”.

Paragraph 3.3 of the Brighton and Hove City Council 2021 Statement of Licensing Policy refers to the Matrix Approach. Within the Special Stress area, Late Night Takeaways are not supported past the hours of midnight unless the applicant can show exceptional circumstances and explain how they will have no negative impact which would undermine the licensing objectives.

Lewes Road experiences significant footfall and vehicle movements from members of the public entering and leaving the central area of Brighton. Sussex Police believe that an additional late night refreshment premises open until 2am/3am would assist in keeping persons in the area longer and in turn increase the risk of crime and disorder and public nuisance.

Reviewing the Public Health Framework report for assessing alcohol licensing, St Peters & North Laine ward, of which this location is within, is ranked highest out of 21 wards for Police recorded alcohol related incidents as well as criminal damage. It's also 2nd highest for all other crime and disorder data listed. 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 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, 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.

With this location being a stone throw from The Level, 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 crime & disorder concerns there is also a public nuisance one especially for local residents with noise and litter.

The applicant has offered a number of conditions however as the majority of the hours being applied for are for take away, it would be very hard to control their customer's behaviour once they have left the premises so limits any positive impact these conditions would have.

Sussex Police believe that by granting this application it will add to negative impact and 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 consider refusing it.

Yours sincerely,

REDACTED TEXT

REDACTED TEXT

Force Licensing

Sussex Police



Image from Google Maps. We understand the location of the new premises is shown on the image as Kapadokya.

REDACTED TEXT

Licensing Team

Brighton & Hove City Council

Bartholomew House

Bartholomew Square

Brighton

BN1 1JP

Date: 4th May 2021

Our Ref: 2021/00926/LAPREN

Phone: 01273 292100

Email: **REDACTED TEXT**

BP CON ENDS 06.05.21 VALID PPN & PCD (B)

Dear **REDACTED TEXT**,

RE: Licensing Act 2003 - Representation against the application for a new Premises Licence application for Mama Pollo, 4 Lewes Road, Brighton

I refer to the application made by Noorullah Khan, for a new Premises Licence for the provision of Late Night Refreshment at Mama Pollo, 4 Lewes Road, Brighton. The proposed hours are Monday to Thursday 2300hrs – 0200hrs and Friday/Saturday 2300hrs – 0300hrs. There is no reference to late night refreshment on Sundays.

I have concerns about this application and make a representation on the grounds of the prevention of crime and disorder and the prevention of public nuisance. This premises is also situated on Lewes Road, which sits within the Licensing Authority's Special Stress Area (SSA) which is deemed an area of special concern in terms of the levels of crime and disorder and public nuisance experienced within it.

Guidance issued under S182 of the Licensing Act 2003 states 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 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, SSA and matrix approach to decision making policies), 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, it seems to me that the applicant has little understanding of these points and has failed to demonstrate how they will not add to the existing 'stress' of the area or how they are a potential exception to our policy. I have since read Appendix 1 provided by the applicant, that makes reference to The Council's Statement of Licensing Policy (SoLP) and recognises the location of the Premises being in the Special Stress Area. They refer to the use of CCTV and cars for deliveries as part of their Operating Schedule, however the contents of this Appendix 1 still does not mitigate the risks of adding to the existing stress of the area.

Noted in the application are references to 'London Borough of Licensing Policy 2018' and 'Metropolitan Police Licensing', neither of which are relevant to this application in Brighton & Hove.

The Council's Statement of Licensing Policy (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.

The Matrix table clearly shows that late night takeaways in the Special Stress area should have a maximum terminal hour of midnight. This application is asking for 3am on a Friday & Saturday night and 2am Monday - Thursday. They refer to takeaway and delivery after midnight in both their application and Appendix 1. I would expect to see some more positive proposals to show how the application will not add to the problems faced in the area.

It is my opinion, granting this application is likely to add to the additional burdens and problems in the Special Stress area and I do not believe that the applicant has demonstrated that there are exceptional circumstances to justify departing from the Policy. I wish to bring the application to the attention of the panel so that they can decide whether this application constitutes exceptional circumstances to depart from the policy.

Yours sincerely

REDACTED TEXT

REDACTED TEXT

Licensing Officer

Licensing Team

Environmental Health and Licensing

Regulatory Services

