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Brighton & Hove Licensing Unit

REDACTED

03rd June 2021

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

Dear Brighton & Hove City Council, Licensing.

RE: TEMPORARY EVENT NOTICE FOR FISH & CHIPS, 86-87 PRESTON STREET, BRIGHTON, BN1 2HG UNDER THE LICENSING ACT 2003.

I write on behalf of the Chief Officer of Police for Sussex to raise an objection to the Temporary Event Notices (TENs) that have been submitted for 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.

The notices are 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 four notices seeks to extend licensable activities and trading hours as follows:

Friday 18th June 23:00hrs through until Saturday 19th June 05:00hrs
Saturday 19th June 23:00hrs through until Sunday 20th June 05:00hrs

Friday 25th June 23:00hrs through until Saturday 26th June 05:00hrs
Saturday 26th June 23:00hrs through until Sunday 27th June 05:00hrs

Friday 02nd July 23:00hrs through until Saturday 03rd July 05:00hrs
Saturday 03rd July 23:00hrs through until Sunday 04th July 05:00hrs

Friday 09th July 23:00hrs through until Saturday 10th July 05:00hrs
Saturday 10th July 23:00hrs through until Sunday 11th July 05:00hrs

The notice is for late night refreshments by way of take away.

The premises does hold a licence that currently permits late night refreshments until 00:30 Monday-Saturday under Embedded Conditions – 1445/3/2020/02955/LAPRET.

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.

Section 3.7, paragraph 1.1.64 (Page 21) of the Brighton and Hove City Council 2021 Statement of Licensing Policy states:

*“The Licensing Authority will encourage bona fide community events. **Applications for TENs at existing licensed premises will not be encouraged where the proposal is simply to extend the existing hours of operation and applications made in cumulative impact areas will be subject to increased scrutiny by Police and Environmental Health.** Licensing Guidance recognises that TENs are a light touch process, not requiring specific authorisation. The role of the licensing authority is purely administrative. However, the licensing authority will take into account the history. If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must issue an objection notice.”*

Towards the end of February 2021 the owner of the premises made an application to vary the current licence to permit late night refreshments during the week until 03:00 and at the weekends until 05:00. Just as the TENs are this was for take away only. Sussex Police and the Council submitted a representation against this application and it was refused following a panel hearing on 22nd April 2021.

Sussex Police original concerns about this premises trading until the early hours due to its close proximity to the main night time economy area still stand. The risks have not been removed with the additional hours operating under a TEN rather than on the main premises licence.

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 by operating this premises over 4 consecutive weekends until 05:00 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 3rd) 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 the TENs are 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 TENs are for food after 23:00hrs to be taken away. 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 for local residents with noise and litter. These hours would attract persons that have probably been out drinking which generally results in personal noise levels increasing. The applicant has offered to have security on the door however the extended hours are for take away. It would be impossible to control their customer's behaviour once they have left the premises. Customers are likely to head to the beach and local parks to consume rather than stand or sit on Preston Street outside the premises. Most of the local green spaces are surrounded by residential flats so this will impact them with additional noise in to the early hours.

Images below that we showed at the original variation hearing, which are still relevant, were taken at Regency Square on Sunday 28th February at 09:45. We are not suggesting this litter is from Fish & Chips on Preston Street but offer it as evidence that persons do use the local green spaces to consume takeaways. You also only have to walk along the seafront on a Saturday or Sunday morning to also see the amount of litter including takeaway boxes left on the beach and footpaths.

Sussex Police believe that by operating the extend hours under these TENs will add to negative impact within an area saturated with late night licensed premises and the challenges this brings for emergency services. Additionally these notices are too extend the operating schedule of their current licence which is not encouraged within the policy nor in the spirit of what a TEN was originally set out to be used for. Therefore, Sussex Police invite the Licensing Authority to issue a counter notice of refusal.

Yours sincerely,

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