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## Brighton & Hove Licensing Unit

### Appendix D

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15<sup>th</sup> September 2021

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

#### **JO CON ENDS 19.09.21 VALID PCD & PPN (A)**

Dear Jo Osborne,

#### **RE: APPLICATION TO VARY THE PREMISES LICENCE FOR VERO GUSTO, 2 ST. JAMES STREET, BRIGHTON, EAST SUSSEX, BN2 1RE UNDER THE LICENSING ACT 2003. 1445/3/2021/02839/LAPREV.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the above licence variation application on the grounds of the prevention of crime and disorder and public nuisance. We also make reference to the 2021 Brighton & Hove City Council (BHCC) Statement of Licensing Policy and the 2019 Brighton & Hove Public Health Framework for Assessing Alcohol Licensing 5<sup>th</sup> edition report.

This is an application to extend the licensable area to incorporate the rear shisha garden so that alcohol can be serviced within this area. The entrance to the shisha garden is not through the premises itself but via an alley way situated two units up from Vero Gusto.

The hours within the garden being applied for, for the on sale of alcohol are:

10:00-22:00 Monday – Saturday

12:00 – 22:00 Sunday

This area will only be open to over 18's.

Within the 2021 Brighton & Hove City Council (BHCC) Statement of Licensing Policy, the location is within the Cumulative Impact Area. This recognises that the location has a significant number of licensed premises concentrated in one area and the potential impact this has upon the licensing objectives. Applications for new or to vary a licence within this area which are likely to add to existing cumulative impact will be refused following relevant representations. This can be rebutted by the applicant if they can show that their application will have no negative cumulative impact.

Sussex Police have concerns over the granting of this application as we believe the area will be run more as a bar rather than be food led. The licence currently has conditions that mean alcohol inside the café/bakery is only permitted when it's ancillary to a table meal. Following a site inspection, we are unable to see how the premises would be able to comply with this condition and would lead to breaches further down the line.

The garden itself has a separate entrance from the main café – its two units up via an alley way. The garden area has bench style seating with knee height tables designed to hold the shisha units. The way the garden has been designed and with it having its own separate entrance and low level tables, it has no exposure to the café with its food offerings or be able to be used to have a table meal. On reviewing the premises social media, images taken since the re design of the garden, none of them show persons currently eating out there – it's just images or people smoking shisha.

With the location being hidden away from view, if this variation was granted, due to our concerns on how the garden area will operate, it would require regular checks to ensure compliance.

Sussex Police view this application as increasing alcohol availability and consumption within an area that is already saturated with premises licenses. The surrounding area is a mix of pubs as well as late night drinking venues, restaurants, cafes and off licenses. Within a stone's throw of the location, there are at least 25 premises licenses all permitting alcohol provision as well as other licensable activities.

Reviewing the Public Health Framework report for assessing alcohol licensing 2019 edition, Queens Park ward, of which this location is within, is ranked 3<sup>rd</sup> highest out of 21 wards for police recorded alcohol related incidents. Granting this variation we believe will add further to issues currently experienced within the city and so have a negative impact on the surrounding area.

The locality suffers from well publicised anti-social behavior, crime and disorder and general public nuisance. Alcohol plays a large part in many of the incidents that occur within the area. During the day we see a number of alcohol related shop lifting offenses. In the evenings incidents are often linked to persons that have consumed alcohol. These are a mix of people having committed crime while intoxicated but also affecting people that have become a victim due to their own intoxication and being seen as easy pickings by offenders.

With high numbers of people descending on the city Sussex Police operate a standalone night time operation each weekend and at other various peak times throughout the year. This involves dedicated Police resources patrolling the main night time economy area, which includes St James Street. Having a visible police presence in the area goes some way to assist in reducing criminal incidents occurring, but unfortunately does not stop them in their entirety. The majority of incidents dealt with have an element of alcohol linked to them. This is a mix of persons becoming drunk and disorderly, violent and a high number of incidents involve persons who have become a victim of crime due to their own vulnerability after consuming alcohol. Staff at venues and from emergency services are far too often also at the end of a drunk person's aggression.

Although the garden area is due to be closed by 22:00hrs, people having been drinking here are possibly going to head on to other venues within the locality to consume further alcohol so add further to the pressures that all emergency services already experience. Its close proximity to the beach brings additional risks adding extra pressure on services such as Beach Patrol.

The City has a number of initiatives that support Police and other emergency services in safeguarding the public. These include Beach Patrol, Safe Space, Good Night Owls and Street Pastors. The majority of these organisations and persons involved with them are volunteers and operate in their spare time. The fact these services exist goes some way to prove the negative impact alcohol has.

The area also has a high number of residential properties. These being above outlets and further up the alley way used as the entrance to the garden. When people consume alcohol, noise levels increase which will impact residents causing a public nuisance.

Taking in to account our comments, the Statement of Licensing policy, Public Health framework report and the location of the premises, Sussex Police are unable to support such an application and would ask for it to be heard before a licensing panel where we will be requesting for it to be refused.

Yours sincerely,



Inspector Michelle Palmer-Harris  
Licensing – Brighton & Hove Division  
Sussex Police

