

Appendix C

REP A

Ms Cornell
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN11JP

Date: 21 March 2024
Our Ref: 2024/00466/LICREP/EH
Phone: REDACTED
e-mail: REDACTED

Dear Ms Cornell

Licensing Act 2003

Representation to the application for a new Premises Licence - 2024/00697/LAPREN

Popeyes, 131 - 132 North Street, Brighton, BN1 1RG

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 submitted by PLK Chicken UK Limited.

This representation is made as the Licensing Team have concerns that the application could have a negative impact on the licensing objectives of the prevention of crime and disorder and public nuisance. I also refer to the Special Policy on Cumulative Impact (SPCI) contained within the Council's Statement of Licensing Policy (SoLP).

This premises falls within the Licensing Authority's Cumulative Impact Zone (CIZ), which was adopted to give greater power to control the number of licensed premises within the city's centre. The SPCI was introduced 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 effect of the SPCI is that applications for new premises licences, which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. The applicant can rebut this presumption of refusal 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 SPCI in the light of the individual circumstances of the case.

The Council's Statement of Licensing Policy also 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.

In regard to the Matrix policy, where it clearly indicates that 'late night takeaways' should not be granted within the Cumulative Impact Area. The Licensing Team contend that the Matrix policy relates to both new and variation applications. Again, the Matrix policy can be departed from where exceptional circumstances are demonstrated.

Please note that a breach letter was issued to the premises and the proposed premises licence holder on 9 August 2023 for carrying out unauthorised licensable activities under the Licensing Act 2003, a copy of which is enclosed with this representation.

The Licensing Team make this representation to uphold our Statement of Licensing Policy. As previously stated, applications for late night takeaways will be refused unless the applicant can demonstrate exceptional circumstances. The onus is on the applicant to demonstrate this, and we would invite them to explain their exceptional circumstance to the Panel, so that the Panel can decide whether they are satisfied that this application will not impact negatively on the CIZ.

Yours sincerely

REDACTED

Corinne Hardcastle

Licensing Officer

Licensing Team

Breach Letter from the Licensing Authority dated 9TH August 2023

Manager Popeyes 131 - 132 North Street Brighton BN11RG	Date: Our Ref: Phone: e-mail:	9 August 2023 2023/01975/LICGEN/EH REDACTED REDACTED
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Dear Manager,

Licensing Act 2003 - Unauthorised Licensable Activities Popeyes, 131 - 132 North Street, Brighton, BN11RG

This authority has received an allegation that your premises were operating beyond 23:00 during the Brighton & Hove Pride Event 2023 without either the benefit of a premises licence or temporary event notice being in place. Whilst investigating this we have also noticed that on your website and the website of your delivery partners Just and Uber Eats that they are all advertising opening hours beyond 23:00hrs on Fridays and Saturdays.

Supply of Late Night Refreshment is a licensable activity under the Licensing Act 2003. Any hot food or hot drink sold between 11pm and 5am is classed as the licensable activity of supply of Late Night Refreshment.

It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislation states that:-

(1) A Person commits an offence if -

he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or

he knowingly allows a licensable activity to be carried on.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

If you continue to trade without a Late Night Refreshment Licence past 11pm, then this may be taken into consideration if you submit any application in the future.

Please note this Authority and Sussex Police have officers monitoring the City both day and night and we will be monitoring the premises. If it is witnessed that your premises is carrying out further unauthorised licensable activities then enforcement action will be taken.

I have also copied in Police Licensing to this email

Please acknowledge receipt of this email.

Yours faithfully

REDACTED

Licensing Officer
Licensing Team

Cc PLK Chicken UK Ltd, 27 Old Gloucester Street, London, WC1N 3AX (by post) Cc Brighton & Hove
Police Licensing Team (bye-mail)