

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS) ADDENDUM 2

10.00AM, THURSDAY, 1 OCTOBER 2026

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ADDENDUM

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Applicants Submission – KFC Western Road

Dear Sirs

These submissions are provided on behalf of K&Z Newhaven Ltd. The premises is KFC 63 Western Road, Brighton, BN1 2HA

The submissions are structured as follows:

- The applicant
- The application
- Conditions
- Pre Application Consultation
- Existing Licence and TENS
- The representations
- Responsible Authorities
- Operational Standards
- The Law, Guidance and Policy
- The Committee considerations
- Conclusions

Attached to the submission are the following:

Annex 1 – KFC - Our commitment to being a good neighbour

The applicant

K&Z is a KFC franchise operator with over 20 years in the business, founded in 2006 with a single site in Hastings. They currently operate 12 KFC restaurants across South London and the South Coast. They also operate a further 12 Pret a Manger sites across the same geography. They have operated this site for more than 10 years.

KFC will be well known to the committee and has operated in the UK and Ireland for 60 years. KFC currently operate some 1,012 restaurants across the UK. Of these 268 are operated directly by KFC with a further 744 operated by franchisees.

KFC's commitment to being a good neighbour (Annex 1) and their "Doing restaurants the right way" (not included here) documents were circulated to the Licensing Authority as part of a pre-application consultation exercise prior to the submission of the application. As a progressive business KFC and their franchisees are continually looking to upgrade and reimagine the existing restaurants in their portfolio. KFC and their franchisees work collaboratively and cooperatively with Authorities and Officers throughout the country.

Application

This is an application to extend the late-night refreshment hours as follows –
23:00 to 01:00 Monday – Thursday (the morning following) – currently 12 Midnight
23:00 to 03:00 – Friday & Saturday (the morning following) – currently 12 Midnight

Customer access into the restaurant will be limited to/remain as per the existing licence, namely 12 midnight.

To add conditions relating to prevention of crime and disorder, public safety and public nuisance.

Conditions

The existing licence has limited conditions, numbering 5, touching on a a diary, CCTV, signage, no glass and waste.

The application proposes conditions proportionate to the application, including the following, details contained within the agenda papers.

- Staff training
- CCTV
- Incident log
- Health and safety conditions
- Notices

Pre-application consultation

Prior to the submission of the Licence application the applicant, sought to undertake pre-application consultation with the Licensing Authority and any Responsible Authorities the Licensing Authority saw fit to include.

Whilst no proposed amendments were proposed/made by officers as regards the operating schedule, either before the application's submission nor following, following submission of the application, the police raised membership of the Brighton Crime Reduction Partnership. We are happy to confirm membership of this scheme already, if the committee are minded to grant the licence, the applicant is content for the licence to be conditioned accordingly (it is not currently a condition).

Existing Licence

It may be thought some of the representations do not appear to know that the premises already has the benefit of a licence until 12 midnight. Whether that is correct or not, the premises has had no complaints about their operations brought to their attention by officers nor residents, whether about daytime trade, nor the existing licensable period.

Temporary Extension Notices (TENS).

It may be thought some of the representations do not appear to know that the premises already has the benefit of extensions to hours through the course of the summer. Extensions were obtained and operated on the following dates 13.06, 27.06, 30.06, 04.07, 06.07, 11.07, 19.07. all until 2am, No issues complaints or problems arose.

Representations

Representations have been received in opposition to the application from several residents. The representations can be read for themselves. In summary the objectors raise issues such as noise, antisocial behaviour, primarily around delivery driver concerns.

We are respectful of the points raised and whilst we do not accept that these representations fairly allow for the conclusion that the application should be refused, we recognise the concerns.

So far as the applicant is concerned this KFC premises does not have anti-social behaviour issues, either within the premises nor in the immediate vicinity. There have been no complaints to the Customer Service Team, nor the premises. The licensee acknowledges that this premises needs to be managed carefully going forward

One of the representations (representation D) invites the committee to the conclusion that if the licence is to be granted, additional conditions are necessary to mitigate against the various concerns articulated. Our client accepts there is merit in this point and is happy to address the residual concerns by proposing the following additional conditions

1. A clear requirement for staff to actively manage delivery riders and drivers outside the premises, the following wording is proposed:

Delivery collectors will be obliged to adhere to a conduct of conduct to as to control and limit sound generation. This will include

- a. Lawful and legitimate parking of vehicles, including bicycles*
- b. Turning off engines (if any) to vehicles while waiting*
- c. Keeping noise to a minimum*
- d. Not congregating in proximity to residential property*
- e. Utilising litter facilities inside and outside the premises*

2. *A condition that obliges publication of a direct contact number for residents to report late-night disturbance to the premises manager.*

In addition, and seeking to address the concerns articulated:

3. *All team members working between 23:00 and the licensed closing hour shall additionally complete the conflict management module on the KFC Learning Zone platform prior to working a late-night shift.*
4. *The last entry time for walk-in customers shall be clearly displayed at the customer entrance. Externally visible signage shall be displayed at the customer entrance from 00:00 advising customers that the premises is operating on a delivery-only basis and that walk-in service has ceased.*
5. *At Midnight restaurant lighting, KFC signage lighting will be switched off.*
6. *During delivery-only operating hours, a designated duty manager shall monitor the entrance to identify and admit authorised delivery riders only. The customer entrance shall otherwise remain locked/closed at all times.*
7. *From midnight, all in-store self-service kiosks and counter order points shall out of service. Orders shall be accepted only via approved third-party delivery platforms.*
8. *Delivery riders shall not be permitted to congregate at the front of the premises. The designated waiting area shall be within the premises.*

9. *All extract and ventilation ducting will (continue to) be maintained and serviced regularly. All such ducting to be suitably attenuated.*

Responsible Authorities

The Responsible Authorities have not seen fit to serve a representation. It must fairly be concluded, in a process that obliges Licences to be granted absent objections, all the Responsible Authorities approve of the proposals before the Committee today. Certainly, it can be said with confidence that they did not consider that they had any evidence to suggest otherwise.

The Responsible Authorities are, put briefly, both the experts and custodians of the licensing policy and the licensing objectives. It is a powerful observation about this application that none seek to object, an observation that we respectfully submit should not be likely put aside by the committee when considering these issues. 9:12 of the national guidance is of note here, see below. This is a point developed within the Licensing policy, see below.

The Fire Service acknowledged receipt of the application and reminded the Licensee of their obligations under the Fire Regulatory reform legislation.

We submit that the absence of a police representation must fairly allow for the conclusion that the perception that anti-social behaviour will arise is respectfully, unevidenced. The absence of an environmental Health objection indicates a lack of concern about nuisance arising. The absence of a Licensing Authority objection a lack of concern about the application in the context of the Licensing Policy.

Operational Standards

Whilst not proposed as conditions within the licence application, the following operational standards will be brought to bear on the operation and by extension in many cases on the Licensing Objectives :

1. CCTV coverage

The premises shall operate a digital CCTV system capable of providing recorded images of evidential quality.

The system shall cover all public areas internally, including the customer entrance, service counter and order points, and externally covering the customer entrance and immediate approach.

Recordings shall be retained for a minimum of 31 days and made available to police and the licensing authority on request, subject to data protection legislation.

2. Late-night operations training

All team members working between 23:00 and the licensed closing hour shall complete the KFC late-night operations module on the KFC Learning Zone training platform prior to working a late-night shift. Training records shall be retained at the premises and made available to the licensing authority and police on request.

3. Rear access secured

The rear delivery door shall remain closed and locked at all times from 23:00 and shall not be used for customer or delivery rider access during late-night trading.

4. Walk-in cut-off and delivery-only operating model

From midnight the premises shall cease accepting walk-in customers. No further customers shall be admitted to the customer area. Between midnight and the licensed closing hour the premises shall operate on a delivery-only basis, serving orders placed via approved third-party delivery platforms.

5. Designated late-night manager on duty

A trained late-night duty manager shall be on shift at all times between 23:00 and the licensed closing hour and shall be readily identifiable by uniform.

6. Three-person minimum staffing

A minimum of three team members shall be on duty at the premises at all times during late-night trading. Lone working shall not be permitted.

7. Incident and refusal log

A digital incident log (PRIME) shall be maintained at the premises recording any anti-social behaviour, calls to police, ejections, or other significant incidents during late-night trading. The log shall be made available to police and the licensing authority on request.

8. Refuse collection restrictions

No commercial waste, including cardboard and dry recyclables, shall be moved to external storage or presented for collection after 23:00 (until the following morning). We should add that delivery hours to the premises, in the sense of lorries delivering to the store, will not be extended if this application is granted.

9. Cash control

No Cash held in tills during late-night trading. Tills will be closed with zero cash.

10. No persons under 18 working late

No person under the age of 18 shall be employed to work at the premises between 23:00 and 06:00. Staff age verification records shall be maintained

10. Delivery riders have to show ID before gaining access the premises. If riders do not conduct themselves appropriately then the applicant can block them, following terms and conditions with delivery companies, from working with the premises. No riders are directly employed.

The Law.

The Licensing Act 2003 (the Act) is solely concerned with the regulation of licensable activities, which includes late night refreshment (Section 1(d) of the Act).

A Licensing Authority must carry out its functions under the Act with a view to promoting the Licensing Objectives (Section 4(1) of the Act) which are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Where representations are made, the Authority shall disregard any information given by a party or person which is not relevant to their representation (Section 19(a) of the Act (Hearings) Regulations). In short, any representator can only speak to those matters and Licensing Objectives raised in their representation.

National Guidance

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy. (We submit that precedent is not in and of itself a legitimate basis for refusal).

1.18 When making licensing decisions, all licensing authorities should consider the need to promote growth and deliver economic benefits.

2.26.. beyond the immediate area surrounding the premises these are matters for the personal responsibility of individuals under the law. An individual engages in anti-social behaviour is accountable in their own right.

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks

9.12 .. any responsible authority under the 2003 Act may make representations with regards to any of the licensing objectives if they have evidence to support such representations... We respectfully submit that no such evidence, mere speculation, has been provided here.

9.43 The authority's determination should be evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

14.19 ... "Need" concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

National Licensing Policy Framework

1. The National Licensing Policy Framework came into force in November 2025 and requires Licensing Sub-Committees and Responsible Authorities to take this framework into account as guidance when looking at licensing matters. The framework states:

'We need a licensing system that is flexible and responsive – a tool for enabling innovation and investment, not just managing risk... By making licensing predictable and proportionate, we aim to boost local economies and support local communities, create good jobs, keep costs down for consumers, and help meet the government's target to reduce administrative costs of regulatory burdens by 25%'

2. The framework also states:

'licensing should support a diverse range of venues and experiences that reflect the UK's rich hospitality and leisure offer and meet the needs of both domestic and international visitors'

3. Specifically, the framework recognises the need for:

- a. *A light-touch for responsible operators – licensing should be permissive by design. (we suggest this is very much in line with the Licensing policy)*
- b. *Authorities should avoid unnecessary prescription and instead support operators to demonstrate how they are managing risks to the licensing objectives to a level that manages risks effectively and proportionately. This approach fosters innovation, reduces regulatory burden, and builds trust between regulators and businesses*

Licensing policy:

The following paragraphs may be thought of particular significance: (applicant comments in bold)

3.2.3

Firstly, although no longer subject to a blanket presumption of refusal, all applications within the CSA will be scrutinised against the new Matrix Approach (set out at 3.4 of the policy) meaning that applications which do not comply with the Matrix are likely to be refused (and the Licensing Authority acting as a responsible authority will generally make relevant representations objecting to the grant of a licence in these circumstances). **Of note here that the authority has not made a representation, nor indeed have any of the Responsible Authorities.**

As explained further below, the Matrix Approach will not be applied inflexibly, but the Licensing Authority will only depart from it in exceptional circumstances. **Circumstances here are exceptional, for a number of reasons.**

3.2.4

Secondly, applications within the CSA will be expected to include in the proposed operating schedule robust additional measures (as appropriate to the nature and location of the venue) **Which is what is proposed. The existing conditions were what may fairly be described as tired.**

3.2.6

Before making an application within the CSA, applicants are expected to consult with the responsible authorities and seek advice on which measures are appropriate to include in the proposed operating schedule. **Which was undertaken.**

However, it is recognised that the degree of impact is likely to vary for different premises depending on their business model and other characteristics. For example, a large nightclub or public house is likely to add to problems of cumulative impact, but a theatre, or live music venue where consumption of alcohol is not the primary activity, is less likely to have a similar degree of impact. **The variation here does not extend the period that the premises is open to customers. No activities allow for collection and immediate consumption. The proposal is simply to allow for delivery/collections by third party aggregators, such as Uber Eats, so that food is to be taken away from the premises for consumption elsewhere. All packaging being delivered to the home or office address.**

3.2.7

It is expected that responsible authorities or other persons will continue to make representations based on cumulative impact in appropriate cases, **which they have not done here. In a process that obliges grant of a licence absent objections that is a powerful observation.**

3.4.4

a) Applications within the CSA will be subject to a special policy requiring robust measures to be included in the operating schedule to promote safety. Applications within the SSA will be subject to the special stress policy set out in 3.3. **Conditions were consulted upon and are essentially approved by the Responsible Authorities. Safety, in the context of a food delivery service permission might be thought to be barely engaged, certainly a different proposition were the premises open and attracting customers to attend. The additional conditions proposed above address the concerns raised by objectors.**

b) Exceptional circumstances

The Licensing Authority will determine exceptional circumstances on a case-by-case basis. An example of exceptional circumstances could be where the applicant has provided sufficient assurances to the responsible authorities that they do not make relevant representations against the application. Another example is where the application is for a variation to an existing premises licence and the applicant satisfies the criteria for a “good operator”. Both exceptions apply here. There are no representations from the Responsible Authorities and the applicant is fairly described as a good operator. That the premises repeatedly traded late hours (2am) through the summer may also fairly be considered indicative of an exceptional applicant/application).

d) Location

Consideration will be given to the character of the area of the venue in every case. In residential areas, the Licensing Authority will pay particular attention to the potential of a venue to cause public nuisance, especially noise disturbance, littering and anti-social behaviour. In these areas, an early closing time may be appropriate. We accept that the objectors raise and the committee will want to consider the issue of noise. The history of late trading indicates these concerns are unlikely to materialise. The additional conditions we submit attend to any remaining anxieties. The second and third points of concern appear unlikely as the premises will be closed to customers.

e) Food and dining venues

The Licensing Authority will require conditions to ensure that these venues are food-led, such as:

- *alcohol to be sold only to customers taking a substantial table meal*
- *no takeaway service of food for immediate consumption (an ancillary meal delivery service is acceptable). The conditions may this clear. We should add that delivery is clearly distinguished in terms of risk and concerns likely arising, within the policy, as opposed to premises open for immediate consumption, which this application recognises and respects.*

3.5.1

Good operators of licensed premises are valuable partners in assisting the Licensing Authority to promote the licensing objectives in Brighton and Hove and contributing to our city's unique and vibrant culture. The Licensing Authority has therefore decided to introduce a new policy measure, the Good Operator Policy, to reward and incentivise the responsible management of licensed premises.

Under the Good Operator Policy, there will be a presumption in favour of granting applications to vary premises licences which are submitted by good operators as defined by this policy. This includes variations to trading hours beyond the hours indicated by the Matrix Approach.

In general, the Licensing Authority will consider granting such applications to be appropriate for promoting the licensing objectives unless there is clear and compelling evidence that they would be undermined by granting the application. We respectfully submit that this application falls within this policy exemption. The premises has been operated by the applicant for many years (10+) without issues or concerns. The licensing Authority have confirmed as much. Whilst re respect the concerns articulated, there is no clear and compelling evidence that allows for the conclusion that the Licensing the Objectives would be undermined if this licence application is granted. The additional conditions proposed above mitigate against and address themselves towards any residual anxieties.

3.5.2

A "good operator" is an applicant for an application to vary a premises licence who satisfies all of the following criteria:

- at the time of making the variation application, and at the time the application is determined, they are the holder of the premises licence, subject to the application
- in the 3 to 5 year period prior to submitting the application, the applicant has not been subject to any formal intervention by the responsible authorities in connection with that (or any other) premises in Brighton and Hove. **The Licensing Authority have confirmed that the applicant is a good operator within the meaning of the policy.**

Risk

We submit that the exercise being undertaken by the committee is not to manage away every risk associated with these or indeed any licensed premises. To try to manage out every little risk (especially one not backed by any evidence of concern from the community about the existing operation) before a premises has the licence extension, would result in no applications ever being granted.. The legislation is very clear that a proportionate approach, based on evidence of likely undermining of the licensing objectives, is the relevant test.

The **Daniel Thwaites plc v Wirral Borough Magistrates' Court** case makes this point very clearly:

Para 42: '*...the Act anticipates that a "light touch bureaucracy"... will be applied to the grant and variation of premises licences. [T]his means that unless there is evidence that extended hours will adversely affect one of the licensing objectives, the hours should be granted.'*

Para 47: *To judge by the Reasons therefore, what led the magistrates to impose restricted hours of operation was their forecast as to what would occur in the future in association with the premises, notwithstanding the absence of reliable evidence of past problems...*

Para 63 '*... They proceeded without proper evidence and gave their own views excessive weight and their resulting decision limited the hours of operation of the premises without it having been established that it was necessary to do so to promote the licensing objectives...*'

The committee considerations.

We respectfully suggest there is only one question of significance here, is this application, by this applicant, at the premises, likely to undermine the licensing objectives?

Conclusions

It is submitted on the evidence presented that the committee should grant the application because:

- K&Z is an experienced operator of KFC premises
- They have experience of operating these premises successfully
- The premises is well run.
- The premises are well managed.
- The application is the subject of appropriate conditions, enhanced following comments made by the representors.
- There are no representations from the Responsible Authorities.
- If there was particular merit in the concerns raised and/or any suggestion they relate to the premises, it is reasonable to presume that the officers may have raised the concern or issue at this stage
- The revised/proposed conditions are a significant improvement on the existing conditions and are a proportionate (significant even) addition to the licence, acting as they do as a counterpoint to the additional delivery only trade.

- The policy considerations invite the conclusion that the applicant is exceptional.
- The applicant is a good operator.
- If the committee have any residual concern that these issues, whilst not likely, might undermine the licensing Objectives in the future, a review application is the appropriate counterbalance to that point.

We submit his application strikes the right balance between proportionate and appropriate and sustainable and necessary growth that promotes the licensing objectives, whilst ensuring that the impact on residents, neighbours and others is managed and manageable.

We look forward to developing these points before the committee later in the week.

Yours sincerely

Matthew Phipps



OUR COMMITMENT TO BEING A GOOD NEIGHBOUR

Think you know about KFC – the nation's favourite, and original finger lickin' chicken? Think again.

With great chicken (and we know we have great chicken!), comes great responsibility. We are committed to being a Good Neighbour in the heart of the communities where we have restaurants. As a business with more than 1,000 restaurants across the UK and Ireland, we know we have an active and important role to play in promoting social responsibility. The jobs that we create and the footfall we drive play a crucial role in supporting the local jobs market and the regeneration of high streets across the country. Local jobs mean local investment and growth. But at KFC, we are so much more than that. We believe in feeding people's potential, investing in the next generation and creating a more sustainable and equitable future for young people.

KFC - AT A GLANCE

- In 2022, we launched Hatch, a pre-employment training programme, in partnership with UK Youth.
- The KFC Youth Foundation has provided over £10 million of charitable grants (so far!)
- Over 2,500,000 meals donated via our partnership with FareShare
- Over 50,000 bags of litter collected in partnership with Keep Britain Tidy.

HATCH
UK YOUTH x KFC

HATCH

- In 2022, we launched Hatch in partnership with UK Youth, a pre-employment training programme. The Hatch programme has been designed to support 16-24-year-olds, who have faced barriers to employment to find work.
- Our programme offers 1-2-1 training, support, and practical work experience, with a guaranteed interview for a role at KFC upon graduation. Now in its third year, Hatch has supported over 1,000 young people with pre-employment training. Hatch is now run directly by KFC and KFC Youth Foundation to enable the scheme to be more adaptive and flexible.
- Our experience with Hatch shows that pre-employment training has a huge role to play in helping young people to successfully enter the world of work. By 2030, KFC aims for a third of all new hires to be young people through Hatch.



100% of our chicken on the bone comes from British Red Tractor farms.

OUR FOOD

- As a leading UK restaurant business, we have a role to play in helping people have access to nutritious, good food. Food that is fast does not have to be junk, and we are proud of our work to date to improve the nutritional content of our food.
- Our chicken is freshly prepared and hand breaded in restaurant every day by our talented chefs.
- In 2024 we launched our Nutrition Update. The report will be published annually to update where we are in our nutrition journey, as well as report on our progress and set ambitious goals. Through this work we want to be open and transparent about our food and how we are delivering meaningful improvements to our menu and for our customers.
- Changes we have already delivered include; reformulating our fries and removing salt from them – thereby removing 13 billion calories a year from our menu; removing full-sugar Pepsi from our menu, removing a further 8 billion calories from our menu each year; the first QSR to launch a Vegan Burger; increasing our menu range to give more balanced choice for our customers, including '600 kcals or less' options like Riceboxes, Twister Wraps and Salads.
- We want to go further and continue to innovate across our menu. Our annual Nutrition Report will set out further changes.



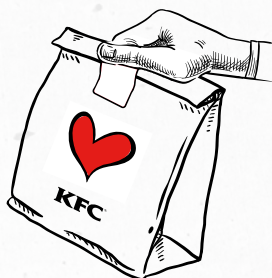
KFC YOUTH FOUNDATION

- KFC Youth Foundation was set-up to empower young people in the UK to fulfil their potential by providing safe spaces, build life skills and provide mentoring to help them build a positive future.
- Since 2020, there have been more than 300 grants (over £10 million) given out via the KFC Youth Foundation programme to youth charities and organisations across the UK.
- In 2024 we have opened a permanent KFC Youth Foundation centre in Middlesbrough, which will aid young people with tools and skills to find sustainable employment, self value and belief in themselves. The Foundation is planning to open five Youth Hubs across the country in areas that need them most by 2030.



FOOD DONATION

- Over 7 million people in the UK are struggling to afford to eat. As a food business, we strongly believe that no child should ever go to bed hungry.
- Since November 2021, KFC has partnered with the charity FareShare on a nationwide food redistribution programme, redistributing the equivalent of over 2,500,000 meals and supporting a network of over 925 charities and community groups across the UK.
- The partnership was FareShare's first venture into frozen food, diversifying the food available to people facing hunger and providing much needed protein.



LITTER PREVENTION

- We've stepped up our efforts to address littering in our local communities with a litter commitment, we've provided; more litter-picking around our restaurants, more communication with our customers, including anti-littering messaging signage and in-restaurant audio to encourage responsible behaviour.
- Our partnership with Keep Britain Tidy has been running over the past 5 years, annually taking part in the Great British Spring Clean campaign, which has seen over 50,000 bags of litter collected thus far.
- In 2023, we provided a £45,000 grant to support hundreds of local litter picking groups and help them to buy new litter picking equipment.
- In 2023, we worked with charity Hubbub on a behaviour change campaign around litter prevention. Together we created solar-powered Big Ballot Bins that asked members of the public to vote, using their litter, on topical subjects – in Manchester we asked locals who they preferred, Noel or Liam. The litter captured by Big Ballot Bins was analysed and on average, drinks litter was reduced by approximately 70% and food litter by around 60% within 20 metres of the bins.



ANIMAL WELFARE

- You won't be surprised to know that at KFC, great tasting chicken matters. Our chickens, like all animals, deserve to be treated well – it's as simple as that. That's why chicken welfare is a key priority for our business.
- We use fresh wholesome chicken across all our restaurants. 100% of our chicken on the bone comes from British Red Tractor farms.
- When it comes to eggs, 100% of all ingredient and processed egg used within KFC UK&I products is sourced from cage free systems. We do not use any fresh shell eggs.
- We work closely with experts in the field, including Compassion in World Farming (CIWF), FAI Farms and other organisations to continually improve our standards.