

**BRIGHTON & HOVE CITY COUNCIL**  
**LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)**

**1.30pm 6 JUNE 2024**

**VIRTUAL**

# **DECISION LIST**

## **Part One**

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### **CHICKS LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)**

*Ward Affected: Round Hill*

#### **Licensing Panel (Licensing Act 2003 Functions) - Notification of the Determination of Panel.**

**Licensing panel hearing held virtually via Teams on Thursday 6<sup>th</sup> June 2024 in respect of the application for a variation of a premises licence in respect of premises known as Chicks, 5 Lewes Road, Brighton BN2 3HP.**

The panel has read all the papers and has considered the written representations and all submissions made at the hearing. The panel has also had regard to its Statement of Licensing Policy (SoLP) and the statutory guidance.

The application is within the Special Stress Area (SSA) as defined in the Statement of Licensing Policy which is an area of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced with in it.

The application is to extend the hours for the provision of late-night refreshment both for collection and delivery to 05:00 hours Monday to Saturday and to 03:00 hours on Sunday.

Relevant representations were received from Sussex Police, and the Licensing Authority. The concerns raised related to the prevention of crime and disorder, prevention of public nuisance and cumulative impact. A joint licensing inspection was conducted at the premises on the 20<sup>th</sup> April 2024. A number of breaches of conditions were identified and as a result both responsible authorities recommend refusing this application as the applicant has not demonstrated an ability to adhere to the current licence or work constructively with the responsible authorities. It is also maintained that there are no policy grounds for granting a further extension in this challenging area and no exceptional circumstances

shown.

The applicant's representative presented their case and the following is a summary of the main points made:

- In terms of the alleged breaches of conditions, he did subsequently send CCTV details to licensing. He and the owner lived close by and could have been called on to assist. The seating was a minor breach just on that night and had not happened since.
- Regarding the delivery vehicles using the front of the premises in breach of the condition, and contrary to the red route, since it was brought to his attention they have developed a robust policy which has been sent to the main companies and will be adhered to. If the staff

**STRICTLY PRIVATE AND CONFIDENTIAL**

Premises Licence Holder or Applicant

Those who have made relevant representations

Date: Our Ref: Phone:

13<sup>th</sup> June 2024 2024/01244/LAPREV

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don't know the conditions as alleged they could contact the manager who is close by. It was

refuted that they were operating beyond their hours at 01.15 on 21<sup>st</sup> April.

- The application would promote the licensing objectives and the premises was an integral part of the Lewes Road. They would have security on call. The fact the premises was open would deter crimes from taking place. They were no incidents relating to the premises. They provided affordable meals for students. They would work with the police and would be willing to accept reduced hours to 0300 during the week and 0400 Friday and Saturday.

The panel has considered this application on its merits and is mindful of the location of the premises within the SSA and the need to demonstrate exceptional circumstances to depart from the policy. The licence was granted just over a year ago and conditions were attached by the panel. The applicant committed to working with the responsible authorities. The panel is therefore disappointed that breaches of conditions were discovered during the licensing visit in April this year. The fact that staff were unaware of the conditions on the licence was a concern and itself a breach of one of the conditions where staff should be trained. The panel has listened carefully to the submissions of the applicant but ultimately does not consider it is appropriate to grant this variation which would be a considerable extension of hours in a challenging location. The panel does not have sufficient confidence that the applicants will manage such a licence given the failure to adhere to the current conditions on the licence recently granted. The panel shares the concerns of the responsible authorities in this respect. Furthermore, the panel does not consider that exceptional circumstances have been shown to override the policy in this case at this

challenging location. The variation application is therefore refused.  
The minutes of the panel will be available on the Council's website under the rubric 'Council and Democracy'.

#### Appeal Rights

(Section 181 and schedule 5 of the Licensing Act 2003)

1. The applicant may appeal against the decision to refuse the application.

All appeals must be made to Magistrate's Court, Edward Street, Brighton, within 21 days of deemed delivery of this letter. A fee is payable upon lodging an appeal. Delivery will be deemed to have been effected on the second working day after posting.