

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

**12.00pm 21 OCTOBER 2024**

**VIRTUAL**

# **DECISION LIST**

## **Part One**

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### **3 KFC LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)**

*Ward Affected: West Hill & North Laine*

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

**Licensing panel hearing held virtually via Teams on Monday 21<sup>st</sup> October 2024 in respect of the application for a premises licence in respect of premises known as KFC, 22 – 23 London Road, Brighton BN1 4JB.**

The panel has read all the papers and has considered the written representations and further documents submitted by the applicant 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 for the provision of late-night refreshment for eating in, collection and delivery from 23:00 hours to 03:00 hours every day.

Relevant representations were received from Sussex Police, the Licensing Authority and ward Councillor. The concerns raised related to the prevention of crime and disorder, prevention of public nuisance.

The police concerns focus on the location of the premises in the SSA with London Road having a relatively high number of incidents of crime and disorder. Although the road was relatively quiet at night there were still call outs. They contend that granting the late licence will attract a higher footfall and is likely to lead to an increase in incidents into the night thus having a negative impact and requiring police intervention and resources. The police questioned the validity

and relevance of the expert report obtained on behalf of the applicants on the basis that it was based on a single visit and did not demonstrate local knowledge and a number of assertions about the policing of the area were false. There were relatively few late-night refreshment premises in the area which opened after midnight. A set of conditions had been put forward and agreed with the applicant, but the police asked that the application be refused as conditions would not fully mitigate the risk of granting.

The ward Councillor expressed concern on behalf of local residents about the delivery vehicles late at night and said that later hours would have a detrimental effect in this respect. The Licensing

Authority set out the policy concerns and the risk that granting later hours may add to burdens within the SSA.

On behalf of the applicant submissions were made about their many years' experience and the set

of robust conditions that now were included in the operating schedule. They had met with the parties to allay concerns. Several of the conditions were highlighted including SIA door staff, the Staff safe system and condition 13 regarding delivery vehicles. These conditions were, it was submitted, exceptional. The expert report considered that the area was not a risk in terms of crime and disorder. There was no real evidence that granting this application would have a negative impact and the representations were largely policy driven.

The panel has considered this application carefully on its merits and is mindful of the location of the premises within the SSA. Earlier closing hours were canvassed but the applicants believed they had a good case for opening later and wished that to stand. On balance the panel considers that a later operation for take away and delivery to 03:00 hours would not undermine the licensing objectives. The evidence pointed to daytime rather than later night issues in the area. The applicant's track record was good, and the measures and conditions agreed with the applicants were robust and would promote the licensing objectives. The panel was however concerned that eating in the premises after midnight could lead to issues of anti-social behaviour, public nuisance, and possible crime and disorder in terms of people congregating in groups and not dispersing, and that the premises should thus not operate after 00:30 for dining in. A condition should therefore be applied as follows: *After 00:30 hours every day (to close of business at 03:00), the premises shall not permit customers to dine on the premises and will only be open for takeaways and deliveries.*

The panel attaches all the conditions agreed with the police and those from the operating schedule and considers that all the conditions attached will mitigate risk and promote the licensing objectives.

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)

- The applicant may appeal against the decision to impose and modify conditions.

- A person who has made a relevant representation may appeal against grant of the licence and decision to impose conditions.

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.