

# BRIGHTON & HOVE CITY COUNCIL

## LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

10.00am 15 NOVEMBER 2024

VIRTUAL

# DECISION LIST

## Part One

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### 3 STATION GRILL LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

Contact Officer: Corinne Hardcastle                      Tel: 0127329  
Ward Affected: All Wards

**Licensing panel hearing held virtually via Teams on Friday 15th November 2024 in respect of the application for a premises licence in respect of premises known as Station Grill, 62 Queens Road, Brighton, BN1 3XD**

The Panel has read all the papers including the report, relevant representations and documents submitted by the applicant and has listened to all the submissions made today. The panel has had regard to the Statutory Guidance and the Statement of Licensing Policy.

This is an application for a new premises licence within the Cumulative Impact Zone (CIZ) and therefore subject to the special policy on cumulative impact as set out in the Statement of Licensing Policy.

Our policy states that applications for new premises licences will be refused following relevant representations unless the applicant has demonstrated that their application will have no negative cumulative impact. The special policy will only be overridden in exceptional circumstances. The policy applies to all new premises licences for example pubs, restaurants and take-away establishments.

However, the policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the cumulative impact of an area, it may be granted. The impact can be expected to be different for premises with different styles and characteristics.

The application is for a restaurant and burger shop with late night refreshment from Sunday to Thursday 23:00 to 02:00 and Friday to Saturday 23:00 to 03:00.

After midnight it is proposed that the operation will be for collection and delivery only with no eating on the premises.

Two representations were received from Sussex Police and the Licensing authority. The representations had concerns regarding the prevention of crime and disorder, public nuisance and cumulative impact. The police had concerns about the location of these premises which was a busy road and main thoroughfare from the station to the city centre with a high number of incidents of crime and disorder. Offering food for takeaway for the hours applied for was likely to lead to an increase in incidents and hinder dispersal. Having considered the documentation submitted by the applicant the police were further concerned that he did not understand the policy concerns or appreciate the challenges involved in this area or in the late-night economy in general. Although recommending refusal the police had put forward a set of conditions to mitigate some risk. There was some confusion as to which conditions the applicant had agreed to but the condition to operate as delivery only after midnight and thus not allow customers for takeaways was rejected by the applicant as he wanted customers to be able to collect food from the premises. The licensing authority was also concerned about the application in policy terms and while acknowledging the effort the applicant had made had concerns about his understanding and lack of direct experience of the late-night economy.

The applicant had submitted detailed documentation seeking to address the concerns raised by the responsible authorities and the policy implications. Emphasis was placed on the fact this premises did not sell alcohol and that crime was mainly associated with premises selling alcohol and his was a small restaurant with no alcohol. He believed the need for his premises was relevant and that he had demonstrated that with the measures he proposed there would be no associated crime and disorder and that it was exceptional. Other similar licences had been granted and already existed in the area. He would only be open for collection and delivery after midnight. He was willing to agree to appropriate security measures but would not attract high numbers of people.

The panel has carefully considered this application on its merits and is mindful of the location of the premises in Queens Road within the CIZ which experiences high levels of crime and disorder and is a key late-night thoroughfare.

The panel and other parties were able to question the applicant about his intended operation and the measures proposed. In response to questions, it was not clear how the collection aspect would work or how customers would place orders. The applicant mentioned a potential window hatch or awning outside the shop and that taxis could order online and wait in the loading bays. He could not be responsible for congregation generally on the street only within his premises and within his control. He was willing to have an SIA door staff on duty. The police asked about the relevance of challenge 25 which he had proposed in the context of late-night refreshment, and it was clear by the response that there was a lack of understanding of the measure. The licensing authority asked about his relevant experience, and it was established that he had experience of running premises outside the UK but no relevant local experience. The applicant

placed much emphasis on other similar premises which had been granted licences most of which pre-dated the cumulative impact policy. However, although it may seem unfair, the panel cannot take previously granted licences into account, it must focus on the merits of this application. The panel considered that the applicant did not appreciate or properly understand some of the conditions he was agreeing to which was illustrated in his written submission and in

response to questioning especially on the issue of SIA security. The panel is also concerned that the applicant does not have a proper understanding of the nature of cumulative impact in our policy which is about the negative cumulative effect of a concentration of licensed premises in an area which leads to problems of crime and disorder and public nuisance over and above those linked to an individual premises. He also misunderstood the concept of 'need' which is not a relevant licensing concern.

Overall, the panel shares the concerns of the police and licensing authority and does not have confidence in the ability of the applicant to operate such a licence without issue in this challenging area. While appreciating the efforts made by the applicant in his application there was a demonstrable lack of understanding of the licensing regime, and policy as it applied to this application. There are no exceptional circumstances shown and the panel believes granting the application is likely to add to problems of cumulative impact and undermine the licensing objectives. The panel is therefore refusing this application.

The minutes of the panel will be available on the Council's website under the rubric 'Your Council'.

#### Appeal Rights

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

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

All appeals must be made to Magistrate's Court, Edward Street, Brighton, within 21 days of deemed delivery of this letter. Delivery will be deemed to have been affected on the second working day after posting.

**a) FIELD\_TITLE**

