

Licensing Panel (Licensing Act 2003 Functions)

Date: **4 February 2025**

Time: **10.00am**

Venue **Virtual**

Members: **Councillors:** Hewitt, Nann and Thomson

Contact: **Francis Mitchell**
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AGENDA

1 TO APPOINT A CHAIR FOR THE MEETING

WELCOME & INTRODUCTIONS

2 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the Licensing Committee may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

3 BRIGHTON CHICKEN & PIZZA LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

7 - 50

Contact Officer: Charles Boufrahi
Ward Affected: West Hill & North Laine

Date of Publication - Monday, 27 January 2025

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Francis Mitchell, (01273 294183, email Francis.Mitchell@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council

Subject:	Application for a Variation of a Premises Licence under the Licensing Act 2003		
Premises:	Brighton Chicken & Pizza 50 London Road, Brighton, BN1 4JD		
Applicant:	Jamil Omare		
Date of Meeting:	4 th February 2025		
Report of:	Corporate Director for City Operations		
Contact Officer:	Name:	Emma Grant	Tel: 07826 951829
	Email:	emma.grant@brighton-hove.gov.uk	
Ward(s) affected:	West Hill & North Laine		

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Brighton Chicken & Pizza.

2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Brighton Chicken & Pizza.

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a Variation of a Premises Licence under the Licensing Act 2003. The application proposes: ***“We respectfully seek to vary our premises license to extend operating hours throughout the night. This adjustment is designed to address the increasing demand from late-night workers, students, and other community members who have expressed a need for extended service hours. By offering these additional hours, we aim to better serve the community, meet evolving customer expectations, and remain competitive with other businesses in the area, such as Domino’s and KFC.*”**

The proposed variation will not only assist in recovering from the financial challenges caused by reduced sales during restricted hours but also strengthen our contribution to the local community. This includes providing food to those in need and fostering economic growth by creating future employment opportunities. Moreover, the extended hours will enable us to cater to customers from nearby seafront attractions and universities, particularly during the holiday season and winter months when demand is typically higher.

If the Council is unable to grant a license for both collection and delivery, we kindly request consideration for a late-night license for delivery services only. To minimize any impact on our neighbours, we will ensure that our shutters remain closed during late-night hours, and our drivers will carry out deliveries quietly and without causing disturbance.

However, if both collection and delivery licenses can be granted, we would be deeply appreciative. We are committed to addressing any complaints, keeping noise levels to an absolute minimum, and dismissing customers promptly to maintain the peace and harmony of the surrounding area. We remain fully committed to complying with all legal requirements and maintaining the highest standards of safety and quality in our service. Our objective is to operate responsibly while enhancing our positive impact on the neighbourhood and supporting the local economy.”

3.2 Part M of the application is detailed at Appendix A.

3.3 Summary table of existing and proposed activities:

	Existing	Proposed
Late Night Refreshment	Sunday – Thursday 23:00 - 00:00 Friday – Saturday 23:00 - 02:00	Every Day 23:00 – 04:00 On & Off the Premises
Hours premises are open to public	Sunday - Thursday 12:00 - 00:00 Friday – Saturday 12:00 - 02:00	Every Day 12:00 – 04:00

3.4 Existing licence attached at Appendix B.

3.5 Special Stress Area: The premises falls within the Special Stress Area. This area is deemed an area of special concern in terms of the levels of crime, disorder, and public nuisance experienced within them. (See paragraphs 3.2 – 3.2.5)

Representations received

3.6 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

3.7 2 representations were received. They were received from Sussex Police and The Licensing Authority.

3.8 Representations received had concerns relating to Prevention of Crime and Disorder, and Prevention of Public Nuisance and that the premises falls within the special stress area as defined in the Statement of Licensing Policy.

3.9 An agreement was made between Environmental Protection and the applicant, these agreed conditions are attached at Appendix C.

3.10 Full details of the representations and agreement are attached at Appendix C.

3.11 A map detailing the location of the premises is attached at Appendix D.

4. COMMENTARY ON THE LICENSING POLICY

4.1 The following extracts from Brighton & Hove City Council Statement of Licensing Policy are considered relevant to this application and are numbered as they appear in the policy:

1 Introduction

1.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. This policy takes effect from the 4th February 2021. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol.
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club.
- The provision of regulated entertainment.
- The provision of late night refreshment.

1.2 The licensing objectives are:

- (a) the prevention of crime and disorder.
- (b) public safety.
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

1.3 Scope

1.3.1 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity. Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or

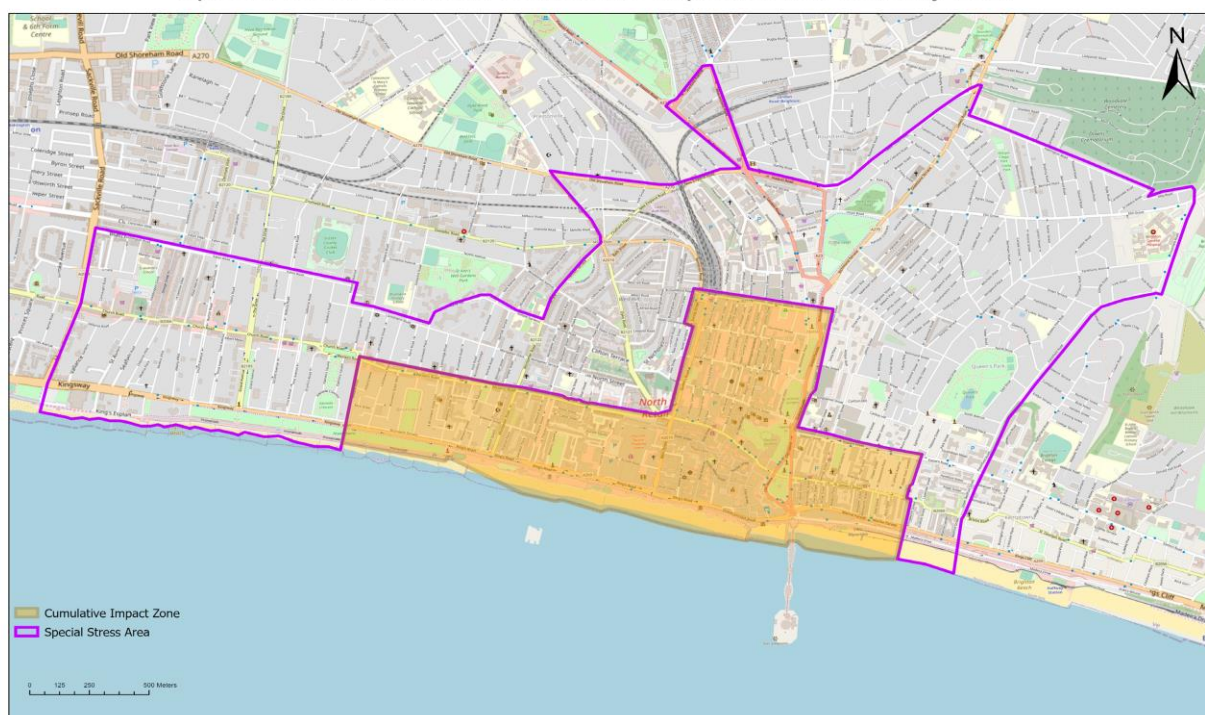
certificate where provision has been made for them to do so in the act.

3 Special Policies and Initiatives

3.2 Special Stress Area

3.2.1 The map below details the area of the city centre which borders the Cumulative Impact zone at 3.1.3 and which is deemed an area of special concern in terms of the levels of crime and disorder and public nuisance experienced within it. The area recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below delineated in purple:

Special Stress Area and Cumulative Impact Zone, January 2021



Brighton & Hove Public Health Intelligence, 2021
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The Special Stress Area - an area bounded by and including: The west side of Hove Street/Sackville Road, northwards to the intersection with the north side of Blatchington Road, along north side of Blatchington Road and Eaton Road, southwards at the junction onto the east side of Palmeira Avenue and then eastwards at the junction onto the north side of Landsdowne Road; eastwards to the junction with Furze Hill, along the north side Furze Hill to its end and then due east along the north side of Victoria Road to its junction with Montpelier Road (west side), north to where Montpelier Road joins Vernon Terrace then north to Seven Dials; north west along the west side of Dyke Road until the junction with the Old Shoreham Road, then East along the north side of Old Shoreham Road, continuing on the north end of New England Road, north west at Preston Circus at the junction of New England Road and Preston Road along the west side of Preston Road until the junction with Stanford Avenue then and north east along the north side of Stanford Avenue until the junction with Beaconsfield Road, south along the east side of Beaconsfield Road until the junction at Preston Circus and Viaduct

Road, eastwards along the north side of Viaduct Road, then at the junction with Ditchling Road, North East along the north side of Upper Lewes Road until the junction with Lewes Road; south along the Lewes Road to junction with Hartington Road, along the north side of Hartington Road until the junction with St. Helen's Road, south into the north side of May Road, eastwards until its junction with Freshfield Road (east side), then south into Upper Bedford Street, into Bedford Street to the mean water mark south of Bedford Street, then due west until the mean water mark south of Lower Rock Gardens; North on Upper Rock gardens, to the north side of Eastern Road, west along Eastern Road and Edward Street until Grand Parade, north along the Eastern side of Grand Parade to the junction of York Place and Trafalgar Street, West along the Northern boundary of Trafalgar Street, up to and including Surrey Street and then South along the Western boundary of Queens Road to the junction with Air Street, West along the north side of Air Street, South-west to the junction of Western Road Brighton, then West along the North side of Western Road Brighton, South along the West side of Holland Road to the mean water mark south of Kingsway and Kingsway Esplanade as far as the west side of Hove Street/ Sackville Road.

3.2.2 This Special Stress Area (SSA) is of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it. The area will be kept under review.

3.2.3 New and varied applications for premises and club premises certificates within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. Appendix A of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.

3.2.4 On receipt of any application in the SSA, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in Appendix A, Licensing Best Practice Measures. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.

3.2.5 The Licensing Authority will keep the Cumulative Impact Zone and Special Stress Area under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening, the Special Policy will be reviewed.

3.3 The Matrix Approach

The Licensing Authority will support:

3.3.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and

public disorder and therefore supports mixed use venues encouraging a wider age balance.

3.3.2 A “matrix” approach to licensing decisions has been adopted and is set out below. It provides a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investor and businesses making applications.

Matrix approach for licensing decisions in a Statement of Licensing Policy (times relates to licensable activities)

	Cumulative Impact Area	Special Stress Area	Other Areas
Restaurant	Yes (midnight)	Yes (midnight)	Yes (midnight)
Café	Yes (10 pm)	Yes (10 pm)	Yes (10 pm)
Late Night Takeaways	No	Yes (midnight)	Yes (midnight)
Night Club	No	No	No
Pub	No	Yes (11pm)	Yes (midnight)
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes (favourable)
Off-licence	No	No	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
Members Club (club premises certificate)	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes

Notes on matrix

Subject to the following notes, the policy, as represented in the matrix, will be strictly adhered to:

- 1) Each application will be considered on individual merit
- 2) Applications within the CIZ are subject to the special policy on cumulative impact at

para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.

- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).
- 6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
- 7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or cafes, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing on our website www.brighton-hove.gov.uk/licensingact.
- 8) In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops.
- 9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The licensing authority will have regard to Noise Council guidance.
- 10) Non-alcohol led category does not include "alcohol in shared workplaces". It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on "alcohol in shared workplaces" please see paragraph 3.3.4-3.3.6.

4 Prevention of Crime and Disorder

The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed

premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.

- 4.1.1 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.
- 4.1.2 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.
- 4.1.3 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 4.1.4 Measures put in place should support the intentions of Operation Marble (police operational order), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the city centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

4.2 Sussex Police

4.2.1 Sussex Police have a specific Operation relating to the night time economy called Operation Marble (detailed in 3.4.1) and work closely with partners to ensure a safe and vibrant city centre. There continues to be an increasing demand for resources further into the early hours of the morning with the highest concentration of crimes occurring between 21:00 and 06:00 on a Friday into a Saturday and between 20:00 and 06:00 on a Saturday night into a Sunday. The data set used shows that up to 80% of arrests made in the timeframe 20:00 – 06:00 on these days were affected by alcohol. For full details of these statistics see the Cumulative Impact Assessment at Appendix E.

4.2.2 The dealing and use of drugs remains an issue across the city and Sussex Police welcome proactive policies from licensed premises. A drug safe and seizure recording initiative is in place of which further details can be obtained by contacting Brighton & Hove Police Licensing (brighton.licensing@sussex.pnn.police.uk). This initiative encourages licensed premises with Door Supervisors to search and seize drugs from persons attempting to enter their premises and ensures that once drugs are removed from persons, they can be safely collected and destroyed by Sussex Police.

4.2.3 Dispersal from the city centre during the late evening and early morning remains a policing challenge. Over recent years, there has been a proliferation of off-licences and late night refreshment venues along the city's arterial routes. This has led to incident 'hot spots' where patrons from the night time economy continue to interact, albeit away from any safety measures afforded by on-licences. As such, Sussex Police support the Council's Special Policy in offering guidance to both applicants and the Licensing Committee in relation to off-licences and late night refreshment licences.

4.2.4 Sussex Police have continuing concerns that, despite staff training in age-restricted sales, under age individuals are still being served alcohol both on and off the premises in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted to highlight premises where sales are taking place and ensure appropriate enforcement action is taken to prevent further sales. The introduction of identification scanning machines at premises throughout the city has proved successful in mitigating some risk, but operators must maintain vigilance regarding the fraudulent use of genuine IDs. Sussex Police continue to work alongside the Business Crime Reduction Partnership to tackle the problem of those who use false or another's identification to enter licensed premises and purchase alcohol.

4.2.5 Sussex Police work closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. As well as work to prevent under age sales, vulnerability training is offered to identify persons who may have been made vulnerable through alcohol or drugs. Sussex Police also support initiatives such as (but not limited to) safe spaces, mobile teams of volunteers actively checking people's well-being and the Beach Patrol.

4.2.6 Public Space Protection Orders have proved an effective tool for Sussex Police in targeting enforcement action in problem areas of the city. It 'allows Police Officers and Police Community Support Officers to remove alcohol from any person in a public place if that person is involved in anti-social behaviour (ASB) or the officer believes that by having alcohol in their possession there is an increased risk of ASB. It is an offence to refuse to hand over alcohol when required to do so.' They have been particularly effective in the day time economy where members of the street community are causing ASB issues for members of the public and local businesses, especially during the summer months where there is a large influx of visitors to Brighton & Hove.

4.2.7 Policing the night time economy continues to provide a challenge and in the climate of limited resources and newly emerging problems, Sussex Police support maintaining the council's Special Policy which defines cumulative impact and special stress and will continue to take enforcement action where appropriate if the actions of a Premises Licence Holder, Designated Premises Supervisor, Door Supervisors or Staff have fallen below the high standard expected across the city. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton & Hove a safe and enjoyable city.

4.3 Care, control and supervision of premises

4.3.1 The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.

4.3.2 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, eg type of licence, capacity, operating hours restrictions.

4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.

4.3.4 This policy recognises the use of registered Door Supervisors All Door Supervisors will be licensed by the Security Industry Authority. Mobile security units and similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. This policy endorses the use of units following such guidance and standards in appropriate circumstances.

4.3.5 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.

4.3.6 Enforcement will be achieved by the enforcement policy appended (Appendix B).

6 Prevention of Public Nuisance

The following details and measures are intended to address the need for the prevention of public nuisance which may be associated with licensed premises and certificated club premises:

6.1.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (eg in order to smoke).

6.1.2 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence. Noise emanating from within licensed premises should not normally be audible outside.

6.1.3 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

6.1.4 Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.

6.1.5 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

6.1.6 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 6.2 below).

6.2 Smoking Advice

6.2.1 Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc. have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence you may find it necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for rapid police response and alert other venues where customers and staff are endangered.

- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.
- Use CCTV to manage outside areas.

6.2.2 Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

8 Integration of Strategies

8.1.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by:-

- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
- Liaising and consulting with Public and Alcohol Programme Board
- Liaising and consulting with the East Sussex Fire & Rescue Service
- Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
- Liaising and consulting with the Planning authority
- Liaising and consulting with the Highways authority
- Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
- Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice

8.1.2 In line with statutory requirements and the council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.

8.1.3 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.

8.1.4 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.

8.1.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit

television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.

8.1.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

8.3 Enforcement

8.3.1 The Enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at Appendix D (Lead Agency Status) of the Statement of Licensing Policy. In addition, the Licensing Authority will have regard to its published Licensing Enforcement Policy in making enforcement decisions in accordance with Brighton & Hove City Council's Statement of Licensing Policy (Appendix B). In order to better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements.

8.3.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the protocol. A number of other council and government policies, strategies and guidance documents must be taken into account to complement the policy, including:

- Community Safety & Crime Reduction Strategy
- Drugs and alcohol strategies – local alcohol harm reduction strategy
- Objectives of the Security Industry Authority
- The Anti-Social Behaviour Act 2003/ASBPC Act 2014
- The Health Act 2006
- The Violent Crime Reduction Act 2006
- Policing and Crime Act 2009

APPENDIX A – Licensing Best Practice Measures

Best Practice Measures to be included for consideration, in particular in SSA:
Matters that would normally be expected in operating schedules:

- the adoption of a policy (e.g. Challenge 25) with acceptable proof of ID as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized

- or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital CCTV system by liaison with, and to a standard approved by, Sussex Police
- policies for dispersal of customers which may include signage regarding taxi services' telephone numbers and advice to respect neighbours and minimize noise

Items to which positive consideration would be given:

- membership of Business Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of 'Night Safe' radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators
- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Recommend best practice for both on and off premises

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences
- Signage on premises should set out legal duties
- Voluntary restriction of high strength alcohol – operating schedules may be used to limit high ABV beers and ciders
- Staff training – in addition to personal licence holders training, staff must be adequately trained for duties
- Challenge 25 would be the norm, particularly in the off licence trade
- Signage – proxy sale – deterrence

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

Finance Officer Consulted Michael Bentley

Date: 27/01/2025

Legal Implications:

5.2 The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Rebecca Sidell

Date: 07/01/2025

Equalities Implications:

5.3 Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

Sustainability Implications:

5.4 Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part M of the Application
2. Appendix B – Existing Licence
3. Appendix C – Representations and Environmental Protection Agreement
4. Appendix D – Map of area

Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, December 2023.

Public Health Framework for Assessing Alcohol Licensing – January 2022.

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

Appendix A

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

We are committed to upholding the four licensing objectives through the following measures:

1. Training all staff on licensing responsibilities and ensuring awareness of the law related to the sale of food and refreshments.
2. Regularly reviewing our policies and ensuring strict compliance with health, safety, and hygiene standards.
3. Cooperating fully with the local authority and law enforcement agencies to address any concerns promptly.
4. Employing trained security staff to oversee operations during late-night hours to ensure a safe and controlled environment for customers and the community.

b) The prevention of crime and disorder

To prevent crime and disorder, we will:

1. Installed and maintained CCTV cameras both inside and outside the premises, recording 24/7 to monitor activities and deter any criminal behaviour.
2. Employ security staff during extended hours to manage customer flow and ensure no disorderly behaviour occurs.
3. Enforce a zero-tolerance policy toward anti-social behaviour, with staff trained to handle incidents effectively and call the police if necessary.
4. Avoid serving customers displaying signs of intoxication to reduce the risk of altercations or disturbances.

c) Public safety

To ensure public safety, we will:

1. Conduct regular risk assessments to identify and mitigate potential hazards within the premises.
2. Maintain clear fire exits and ensure all safety equipment, such as fire extinguishers, is readily available and regularly tested.
3. Provide appropriate lighting outside the premises to ensure customers can safely enter and exit, particularly during late-night hours.
4. Train staff in first aid to respond effectively in case of emergencies.

d) The prevention of public nuisance

To prevent public nuisance, we will:

1. Monitor and manage noise levels, ensuring customers leaving late at night do so quietly.
2. Install signage asking customers to respect local residents by minimizing noise.
3. Regularly clean the area outside the premises to ensure no litter or debris causes inconvenience to the community.
4. Coordinate with local residents and respond to any concerns promptly to maintain good relationships with neighbours.

e) The protection of children from harm

We take the protection of children very seriously and will implement the following measures:

1. Enforce a strict policy prohibiting unaccompanied children on the premises during late-night hours.
2. Ensure all staff are trained to identify signs of vulnerability or harm and know how to report concerns to the relevant authorities.
3. Display clear signage reminding customers of our child protection policies and legal requirements regarding children.
4. Maintain a robust procedure for refusing service to minors in compliance with licensing laws and monitor access to age-restricted products or services.



Brighton & Hove City Council

Schedule 12 Appendix B

Regulation 33, 34

Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2024/01615/LAPRET

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Brighton Chicken & Pizza
50 London Road
Brighton
BN1 4JD

Licensable activities authorised by the licence

Late Night Refreshment

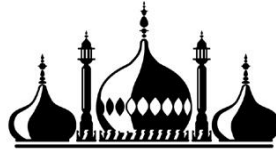
Times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Sunday - Thursday	23:00 - 00:00
Friday - Saturday	23:00 - 02:00

The opening hours of the premises

Sunday - Thursday	12:00 - 00:00
Friday - Saturday	12:00 - 02:00



Brighton & Hove City Council

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

N/A

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

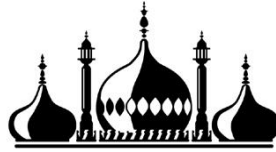
Jamile Omare
REDACTED

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

N/A

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

N/A



Brighton & Hove City Council

Annex 1 – Mandatory conditions

S 21; mandatory condition: door supervision

Where a premises licence includes a condition relating to security activity, the licence must include a condition that each individual must be licensed by the Security Industry Authority (there are exemptions re theatre and films and clubs)

Annex 2 – Conditions consistent with the Operating Schedule:

For the prevention of crime and disorder:

1. Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises externally and internally to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. The management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay.
2. The premises will contract for the provision of a recognised mobile support unit which will provide SIA qualified door supervisor back up 24 hours a day.

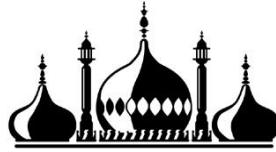
For the prevention of public nuisance:

3. In the event of any public nuisance taking place, the Management or staff will contact Sussex Police and report it immediately.

For the protection of children from harm:

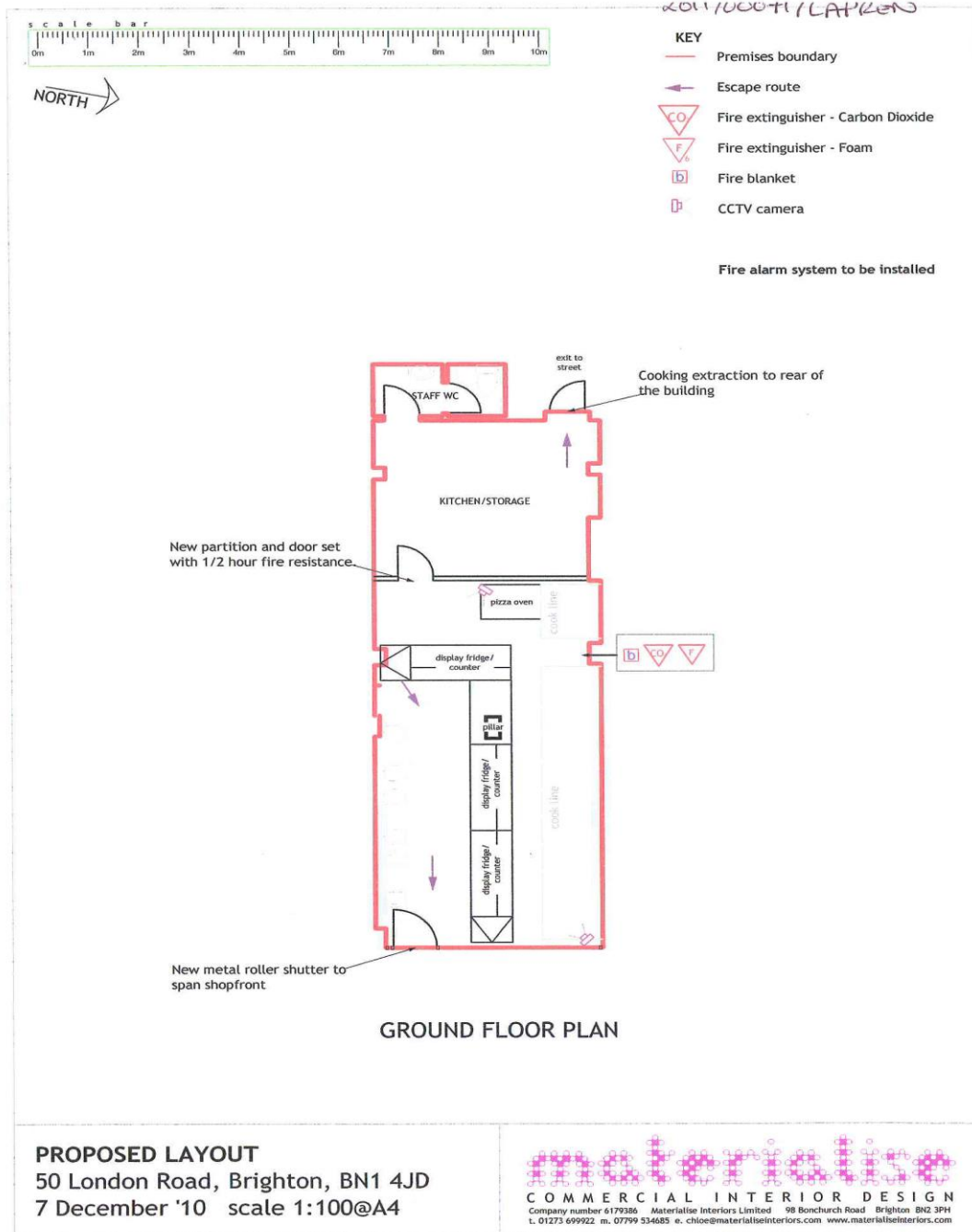
4. Children under 12 years old must be accompanied by an adult after 7pm. Notices will be displayed on the premises explaining this.

Annex 3 – Conditions attached after a hearing by the licensing authority – N/A



Brighton & Hove City Council

Annex 4 – Plan



Appendix C

REP A

**EG CON ENDS 07.01.2025
VALID PCD**

Police Station

John Street

Brighton

BN2 0LA

Email: brighton.licensing@sussex.police.uk

10th December 2024

The Licensing Technical Support Officers
Environmental Health, Brighton & Hove City Council
Bartholomew House, Bartholomew Square
Brighton, East Sussex
BN1 1JP

Dear Emma Grant,

RE: APPLICATION TO VARY THE PREMISES LICENCE FOR BRIGHTON CHICKEN & PIZZA, 50 LONDON ROAD, BRIGHTON, EAST SUSSEX, BN1 4JD UNDER THE LICENSING ACT 2003.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the variation application for the above premises on the grounds that it will undermine the Licensing Objectives of the prevention of crime and disorder and public nuisance. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy and the Public Health Framework.

This is a proposed variation application in an area of the City which is subject to a Special Policy adopted by Brighton & Hove City Council. The premises lies in the Special Stress Area (SSA) (as defined in the BHCC Statement of Licensing Policy) and seeks the following hours and licensable activities:

Late Night Refreshment (Both)

Every day: 12:00 - 04:00

You will of course be aware that Late Night Refreshments is from 23:00. The above hours are copied from the application form.

Opening hours

Every day: Not given a time on the application form.

Additionally the application refers to being permitted to operate:

24 Hours.

Extended hours in December and January but no hours stated.

During special events and public holidays to extended hours "such as 18 hours".

The above brings confusion as to what times are being applied for.

Paragraph 3.2.2 of the Brighton and Hove City Council 2021 Statement of Licensing Policy states:

"This Special Stress Area (SSA) is of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it."

This premises lies within what was St. Peter's and North Laine Ward, now known as West Hill & North Laine, which within the Brighton & Hove Public Health Framework for Assessing Alcohol Licensing is ranked number 1 for Police recorded alcohol related incidents and criminal damage. Additionally, it's ranked number 2 for all violence against the person and all injury violence, demonstrating the higher risk to the Licensing Objective of the Prevention of Crime and Disorder in this area.

While Sussex Police acknowledge that the application is not asking for the sale of alcohol, offering food and drink into the early hours encourages persons who may be under the influence of alcohol or drugs to remain in the area, which has a number of residential

properties. This increases the risk of crime and disorder, anti-social behaviour and public nuisance in an area that is already evidenced to be problematic.

Incident & crime states indicate that during the period of 01st Aug 2023 and 31st July 2024 there were 469 incidents linked to London Road and surrounding close by side roads. The majority of these incidents were recorded as violent crime in a public place. The data shows they are likely to be related to individuals and groups linked to nuisance and rowdy behaviour, fights, intoxication, and drug related activity. On a crime heat map, the central part of London Road is ranked red (highest number of incidents). These are steady throughout the year with the majority of these occurring during the day with a move more towards early evenings into the weekend.

With the area already experiencing high number of incidents, permitting a premises to be open into the night is likely to increase incidents in the locality due to an increase in footfall thus having a negative impact and requiring police intervention.

Brighton Chicken & Pizza does already hold a late-night refreshments licence between the hours of 23:00 and midnight Sunday through to Thursday and until 02:00 on a Friday and Saturday.

Within the application to extend the hours the applicant, who is the premises licence holder, states they are fully committed to complying with all legal requirements and to operate responsibly. This unfortunately has not always been the case. In April 2024 we started looking into the premises as we were made aware that the licence had been suspended for a few years for non-payment of the licence fees. We were also made aware that the premises was open and trading until 05:00, far beyond current licence permissions.

When we managed to get hold of the person named on the licence, they advised they sold the business 5 years previous, and they thought the new owner had dealt with the relevant paperwork.

Although we are unable to support this application and are seeking refusal, we have drawn up a list of conditions which would supersede those offered within the application. Should the panel be minded granting the licence we ask you to consider imposing the attached conditions.

The conditions being offered unfortunately do not mitigate fully the risks. They go some way to reduce incidents occurring within the premises itself but there are no conditions that can address the risks around take away. They are away from the control of the premises with risks of them becoming a victim of crime or them partaking in criminal activity. All this risk in turn falling to the emergency services to deal with. Or in relation to public nuisance, the local authority environmental officers to pick up.

The matrix approach within the Statement of Licensing policy, of which the applicant has not acknowledged, an application for a new or varied late night refreshments licence within the Special Street area is support until Midnight. Timings that the applicant already has in the week and extends until 02:00 at the weekend.

Although there is no presumption of refusal, it is for the applicant to evidence exceptional circumstances to depart from the policy. We do not believe what is being offered is in anyway exceptional.

Therefore, Sussex Police invite the Licensing Authority to seriously consider refusing this application.

Attached:

- 05:00 Trading evidence.
- Proposed list of conditions.

Yours sincerely,

REDACTED

Insp Daniel Eagle

Ops Planning and Events (inc. Licensing) Inspector

Brighton & Hove Division

Sussex Police

Brighton Chicken & Pizza, London Road, Brighton – Police Proposed Conditions

General

1. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.

Prevention of crime & disorder

2. Subject to GDPR guidance and legislation:
 - (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrances/exits to the premises as well as any outside space. The system shall be on and recording at all times the premises licence is in operation.
 - (b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
 - (c) CCTV footage will be stored for a minimum of 31 days
 - (d) The management will give full and immediate cooperation and technical assistance to the Police if CCTV footage is required to prevent and detect suspected or alleged crime; CCTV footage will be available to be viewed immediately and any CCTV footage that is required to be downloaded will be made available within 24 hours of an incident.
 - (e) The management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Police e.g. USB) or provide footage via an online link as initiated by Police, within 24hrs and without charge.
 - (f) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable - brighton.licensing@sussex.police.uk.
 - (g) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Police or for any other reason, the premises will be expected to install a replacement hard drive, or a temporary replacement drive as soon as practicable.
3. There will be a minimum of 1 SIA licensed door staff at all times the premises opens past midnight. The door staff will be on duty from midnight until close.
4. SIA licensed door supervisors shall be employed on any other occasions when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into

account busy periods such as Bank Holidays, Season Variations and other City Events e.g. Football, Pride, Music Events. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.

5. At all times the premises is open to the public, the management will contract the back up services of an approved mobile support unit (MSU) that operates at all times the premises is open to the public, with a minimum of 2 SIA registered Door Supervisors operating from it. A copy of the MSU contract will be retained at the premises and made available for immediate inspection upon request by Sussex Police or Council Officials. The MSU will be accredited by the Brighton Crime Reduction Partnership (BCRP) or other similar organisation approved by Sussex Police should the BCRP not be in existence.
6. The premises will become a member of the Brighton Crime Reduction Partnership or similar scheme approved by the Licensing Authority. The scheme must operate, subject to local coverage, radios and additionally an exclusion/banning scheme of named individuals within both the day and nighttime economy.
7. (a) An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by a manager at least once a month.
(b) The logbook should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.

Public safety

-

Prevention of public nuisance

8. The management will ensure that delivery vehicles waiting or arriving to collect orders will be parked/waiting legally and not causing a public nuisance by way of obstructing the highway or footpaths.
9. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

Protection of children from harm

10. All staff will be trained in:

- Identifying persons who are vulnerable which could include but not limited to, their age or due to intoxication and or drugs as well as identifying potential perpetrators.
- Conflict management.

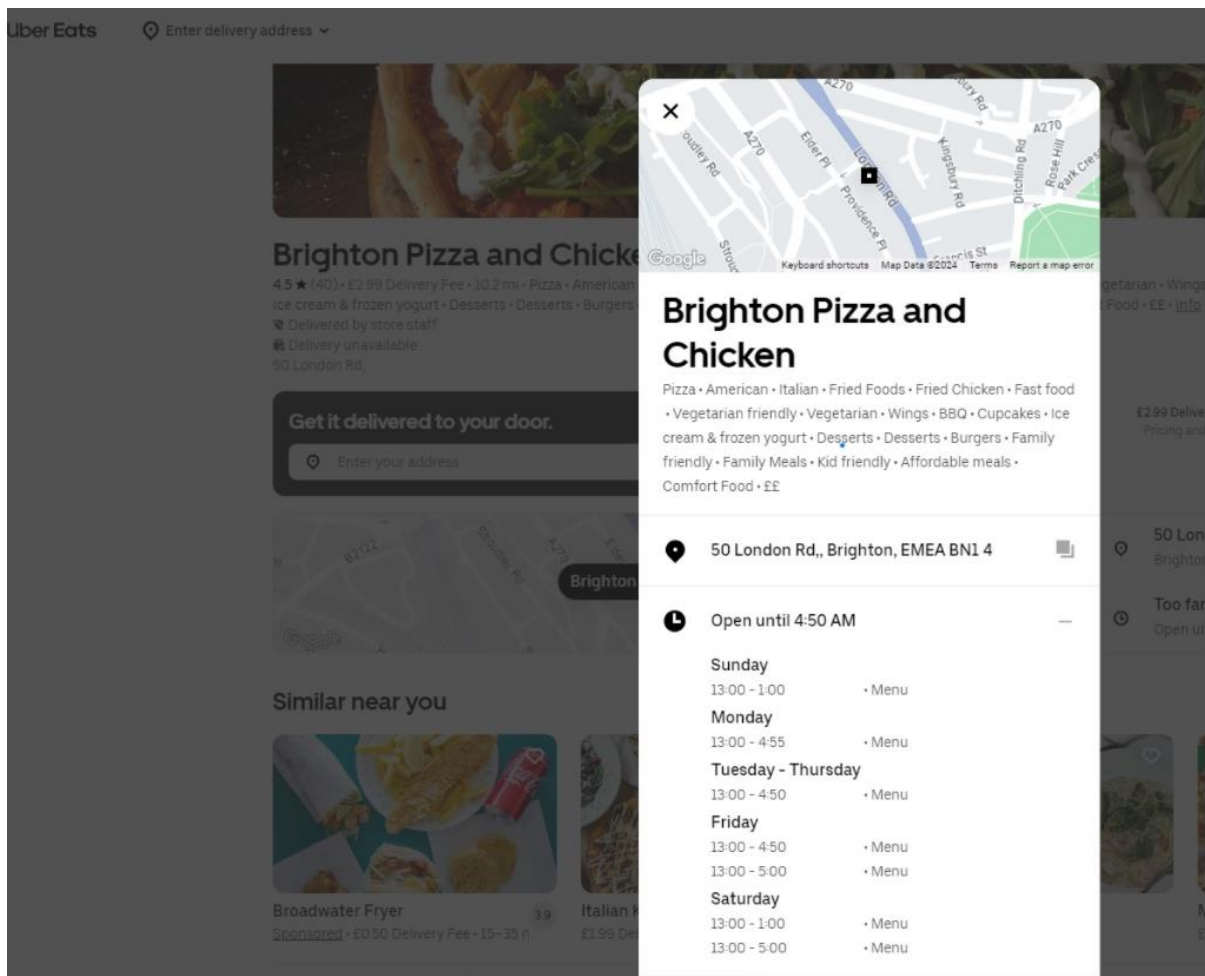
The operator will have a policy in place assisting staff in how to deal with such situations.

All training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 12 weeks, with the date and time of the verbal reinforcement/refresher training documented.

REP A – Police Photos

EG CON ENDS 07.01.2025 VALID PCD





Brighton Pizza and Chicken



Payment Methods

Burgers, Pizza, Halal, Chicken

50 London Rd, Brighton, BN1 4JD GB

01273 567818

Cash On delivery

Card payment

OPENING HOURS

Monday	13:00 - 5:00
Tuesday	13:00 - 5:00
Wednesday	13:00 - 5:00
Thursday	13:00 - 5:00
Friday	13:00 - 5:00
Saturday	13:00 - 5:00
Sunday	13:00 - 1:00



Sarah Cornell

Date: 23 December 2024

Licensing Team

Our Ref: 2024/02969/LICREP/EH

Brighton & Hove City Council

Phone: 01273 292494

Bartholomew House

e-mail: REDACTED

Bartholomew Square

Brighton

BN11JP

Dear Sarah Cornell

Licensing Act 2003

Representation regarding the application for a Variation of Premises Licence

Brighton Chicken & Pizza, 50 London Road, Brighton BN1 4JD - 2024/05282/LAPREV

I refer to the application made by Brighton Chicken & Pizza, for a variation of a Premises Licence for the provision of Late-Night Refreshment at 50 London Road, Brighton BN1 4JD. The proposed hours on the application form are until 04:00 every day. The premises are already

permitted to provide late night refreshment until midnight on Sundays to Thursdays and until 02:00 on Fridays and Saturdays.

The applicant has also included in their application:

Extended operating hours during the holiday season, from December to January to accommodate higher demand.

During special events or public holidays, the premise may operate extended hours, such as 18 hours.

As part of the proposed variation to extend operating hours, we believe the restriction on late night refreshment timings can be removed to allow 24-hour operation. This change would better accommodate customer demand, especially from late-night workers, students, and visitors, while aligning with other businesses in the area that operate late into the night.

The Licensing Team, in its role as a Responsible Authority, has concerns about this application and therefore I am submitting this representation on the grounds of the Prevention of Crime and Disorder and the Prevention of Public Nuisance. This premises is also situated on London Road, which sits within the Licensing Authority's Special Stress Area (SSA).

As stated in the Council's Statement of Licensing Policy (SoLP) on pages 15-17, the SSA is deemed an area of special concern in terms of the levels of crime and disorder and nuisance experienced within it. 3.2.3 of our SoLP states that new and variation applications for premises within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas.

Guidance issued under S182 of the Licensing Act 2003 states that in completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. The guidance goes on to say that applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, SSA and matrix approach to decision making policies), applicants are also expected to demonstrate an understanding of how the policy impacts on their application, any measures they will take to mitigate the impact, and why they consider the application should be an exception to the policy.

On looking at the application form, the applicant has referred to the use of CCTV and contracting a third-party security firm but has not referred to the (SoLP) and does not recognise the location of the Premises being in the Special Stress Area. They also have not demonstrated exceptional circumstances to depart from our policy or how the grant of a late-night refreshment licence would not impact on the existing issues of the area.

The Council's SoLP 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. The SoLP 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. Each application is still considered on its individual merit and there is discretion to depart from the Matrix approach policy in exceptional circumstances.

The decision-making Matrix on page 18 of the Council's SoLP clearly shows that late night takeaways in the Special Stress area should have a maximum terminal hour of midnight and the premises are already able to provide late night refreshment until midnight on Sundays to Thursdays and until 02:00am on Fridays and Saturdays. This application is asking for 4am every day. In light of these proposed hours, I would expect to see some more positive proposals to show how the application will not add to the problems faced in the area.

London Road has now become a Red Route. Vehicles are not allowed to stop or park. The only exemptions are for hackney carriage, private hire vehicles and blue badge holder who are allowed to stop to let passengers in and out. Police Officers are exempt only whilst carrying out legitimate enforcement activities.

On 19 April 2024 I emailed the applicant following an enquiry about how to transfer the premises licence. A copy of this email is attached as Appendix A. On 22 April 2024 a letter was received via email from the applicant. A copy of this letter is attached as Appendix B. On 26 April 2024 I responded to this letter. A copy of this email is attached as Appendix C.

In 2011 an application was submitted to change the use of 50 London Road from A1 to A5. Conditions attached to the grant of this application state that the premises shall not be open to customers or in use except between the hours of 09:00 – 24:00(midnight), Sundays to Thursdays and Bank Holidays, 09:00 to 02:00 Fridays to Saturdays. Although Licensing acknowledge that it is a separate regime to Planning, felt the Licensing Panel should be made aware of this application and the decision. A copy of the Planning Decision letter is attached as Appendix D.

It is my opinion, granting this application is likely to add to the additional burdens and problems in the Special Stress area. The Licensing Team act as guardians of the Council's SoLP and I make this representation on behalf the Licensing Authority as I believe the application made is contrary to our policy, I therefore invite the panel to refuse the application.

Yours sincerely

REDACTED

Donna Lynsdale

Licensing Officer

Licensing Team

Appendix A – Copy of email sent on 19 April 2024

Appendix B – Copy of letter received dated 22 April 2024

Appendix C – Copy of email sent on 26 April 2024

Appendix D – Copy of Planning Decision Letter dated 10 May 2011

Appendix A – Copy of email sent on 19 April 2024

From: Donna Lynsdale

Sent: 19 April 2024 10:52

To: REDACTED

Cc: Brighton.Licensing@sussex.police.uk

Subject: House Of Kebab Nite, 50 London Road, Brighton BN1 4JD - 2024/00849/LICPRM/EH

Importance: High

Good Morning

I have been passed your enquiry regarding transferring a premises licence without the consent of the previous Premises Licence Holder (PLH).

The Transfer Consent form needs to be signed by the current PLH. Please see guidance below:

Obtaining the permission of the existing licence holder

It is important for you to make every effort to obtain consent to the transfer from the existing licence holder before you make your application.

You must take all reasonable steps to obtain it and we can only exempt you from this requirement if you are able to satisfy us that all reasonable steps have been taken, and that if the application were granted that you would be in a position to use the premises for licensable activities.

If for whatever reason it is not possible for you to provide us with the existing licence holders signed consent form with the application, then it will be necessary for you to provide us with copies of (for example) any recorded delivery correspondence you may have sent to the licence holder or any other documentation which shows the steps taken to obtain it.

It may be possible to accept proof via your Solicitor that you have the permission to operate from the premises i.e., a Lease etc.

If you cannot provide such information, then your application will not be accepted.

Please note that the Transfer application will need to be submitted by **13 May 2024**. After this date you will need to apply for a new premises licence.

Please ensure until you have submitted a valid Transfer application, you **do not** carry out any licensable activities.

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 legislations states that:-

- (1) A Person commits an offence if –
 - (a) 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
 - (b) 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.

Police licensing have been copied into this email.

Please acknowledge receipt of this email. When replying, please respond to all copied into this email.

Regards

Donna Lynsdale | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing),
Safer Communities
Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP
T 01273 292494 | M REDACTED | REDACTED

Appendix B – Copy of letter received dated 22 April 2024

From: Brighton Chicken & Pizza Date: 22/04/2024 50 London Road
Brighton BN1 4JD

To whom it may concern,

I am writing to formally request confirmation for our establishment's intention to operate a late-night takeaway service and to submit a First Information Report (FIR) as required by regulations.

As a director of Brighton Pizza and Chicken located at 50 London Road, Brighton, we have carefully assessed the demand within our community and have decided to extend our operating hours to cater to the needs of our customers. We understand the importance of adhering to all relevant laws and regulations, and it is with this in mind that we are submitting this application for your review and approval.

Our late-night takeaway service aims to provide a convenient dining option for individuals who may require meals outside of standard operating hours. We believe that by offering this service, we can better serve our community and contribute positively to the local economy.

In addition to this application, we have taken proactive measures to ensure the safety and security of our establishment and its patrons. Our premises are equipped with CCTV cameras, and our staff is well-trained in security protocols to handle any situation that may arise. We are committed to maintaining a safe environment for both our customers and employees at all times.

We understand the security concerns associated with late-night businesses and assure you that we have filed a FIR regarding our extended operating hours. Our primary goal is to provide a safe and enjoyable take away experience for our customers while contributing positively to the community. We are committed to upholding the highest standards of quality, safety, and customer service, and we will continue to work closely with the authorities to ensure compliance with all relevant regulations.

Furthermore, we have proactively engaged with our neighbours to address any potential concerns regarding noise levels and disturbance. We are pleased to inform you that our neighbours have expressed their understanding and support for our extended operating hours, and they have no objections to our late-night takeaway service.

Thank you for considering our application. Should you require any further information or clarification, I am more than happy to arrange face to face meeting or please do not hesitate to contact me at REDACTED or via post to the business address.

Yours sincerely,

Director of Brighton Pizza and Chicken

Appendix C – Copy of email sent on 26 April 2024

From: Donna Lynsdale
Sent: 26 April 2024 08:27
To: REDACTED; REDACTED
Cc: Brighton.Licensing@sussex.police.uk
Subject: 50 London Road, Brighton BN1 4JD - 2024/00849/LICPRM/EH
Importance: High

Good Morning

I have been passed your letter as a Licensing Officer to respond.

I note I wrote to you on 19 April 2024 (copy attached).

As previously advised you will need to submit a Transfer Application if you wish to operate under the current premises licence for the above address.

Please see again what you will need to do:

The Transfer Consent form needs to be signed by the current PLH.

Obtaining the permission of the existing licence holder

It is important for you to make every effort to obtain consent to the transfer from the existing licence holder before you make your application.

You must take all reasonable steps to obtain it and we can only exempt you from this requirement if you are able to satisfy us that all reasonable steps have been taken, and that if the application were granted that you would be in a position to use the premises for licensable activities.

If for whatever reason it is not possible for you to provide us with the existing licence holders signed consent form with the application, then it will be necessary for you to provide us with copies of (for example) any recorded delivery correspondence you may have sent to the licence holder or any other documentation which shows the steps taken to obtain it.

It may be possible to accept proof via your Solicitor that you have the permission to operate from the premises i.e., a Lease etc.

If you cannot provide such information, then your application will not be accepted.

Please note that the Transfer application will need to be submitted by **13 May 2024** or the existing premises licence will lapse. After this date you will need to apply for a new premises licence.

If you wish to apply for a new Premises Licence below are details on how to do this:

You may wish to look at our [Statement of Licensing Policy](#) (SoLP). This sets out the council's general approach to making licensing decisions.

[Statement of Licensing Policy](#) to help you make your application.

The Statement of Licensing Policy 2016 has been revised (January 2021). The changes include:

- Expand the Special Stress Area (SSA) to cover Preston Road and Beaconsfield Road (up to Stanford Avenue)
- Include Marina into "Other areas" of the Matrix to reflect the increased number of residential properties
- To amend the "Café" category of the Matrix by reducing the terminal time to 10pm for the sale of alcohol within the special stress area and "other areas"
- To amend notes of the Matrix for shopping parades and alcohol in shared workspaces
- Guidance on Shadow Licences and Alcohol Delivery

A [Public Health Framework for assessing Alcohol licensing annual report](#) is produced by the Brighton & Hove Drug and Alcohol Action team and the Community Safety team. It contains ward by ward analysis of crime and disorder data and health data and as such is a valuable tool in assessing the potential impact of new licences within a community.

In particular, you should be aware if the premises is located within the city's Special Stress Area (SSA), I direct you to Sections 3 - Special Policies and Initiatives (page 12-15) and 3.3.2 - The Matrix Approach (page 18 -20), which both explain the Licensing Authority's expectations for applicants applying for licences within the SSA.

With regard to being located in the SSA - you will be expected to complete an Operating Schedule as part of an application and this is where you describe your control measures, based on the four Licensing Objectives (the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm). In addition, [Guidance issued under S182 of the Licensing Act 2003](#) states in paragraph 8.41 that in completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. The guidance goes on to say in paragraph 8.43 that applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

As mentioned, the council's [SoLP](#) includes a Matrix Model approach for licensing decisions, which 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.

Venue	Cumulative Impact Area	Special Stress Area	Other Areas
Restaurant	Yes (midnight)	Yes (midnight)	Yes (midnight)
Cafe	Yes (10pm)	Yes (10pm)	Yes (10pm)
Late Night Takeaways	No	Yes (midnight)	Yes (midnight)
Night Club	No	No	No
Pub	No	Yes (11pm)	Yes (midnight)
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes (favourable)
Off-licence	No	No	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 and 8 below)
Members Club (club premises certificate)	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes

The Matrix Model, on pages 18-20 of the Council's [SoLP](#), gives an indication for licensing decisions within the CIA to certain types of premises. I understand that not all types of premises are covered, as it is impossible to cover all variances of licensed premises types, however it does give an indication of the type of licensed premises and terminal hours the council would like to see. It is important to note that the [SoLP](#) does state that each application is still considered on its individual merit and there is discretion to depart from the policy where justified. However, departure from the Matrix Model is only expected in exceptional circumstances.

As you may know, when a new or full variation application is submitted, there follows a legal 28-day consultation period during which anyone can make a representation (normally these are objection letters, but can include supporting letters). Your application will be sent to all of the Responsible Authorities to scrutinise your application, to assess whether they want to make a representation. I would therefore recommend that you contact the Sussex Police Licensing Team in Brighton, to pre-consult with them on your proposals. They can be contacted by either dialling **101** (the non-emergency number) and asking the controller to put you through to the Licensing Team, or you can email them on brighton.licensing@sussex.pnn.police.uk.

I would add that the council's Licensing Officers do not make decisions on applications made for premises licences. Instead, we have a duty to scrutinise and measure applications to make sure we believe they will promote the licensing objectives. Where we do not think an application goes far enough to explain how they will promote licensing objectives, we may make a representation (a type of objection letter) and the application would then follow a

democratic process, where a Licensing Sub-Committee would hear the application and make a decision on it.

I hope you find this email helpful. I appreciate there's quite a lot of information, so if you have any further queries, please don't hesitate to let me know. It is advisable also that you consider obtaining your own independent legal advice.

Please see link below to licensing pages on the Council's website, which I hope you will find useful.

<https://www.brighton-hove.gov.uk/content/business-and-trade/licensing-and-gambling>

Regards

Donna Lynsdale | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing),
Safer Communities
Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP
T 01273 292494 | REDACTED

REP B

Appendix D - Copy of Planning Decision Letter dated 10 May 2011



Planning & Public Protection
Hove Town Hall
Norton Road
Hove BN3 3BQ

Application No: BH2010/03813

REDACTED
REDACTED
REDACTED
REDACTED

BRIGHTON AND HOVE CITY COUNCIL
Town and Country Planning Act 1990
PERMISSION TO DEVELOP LAND

IN PURSUANCE of their power under the above-mentioned Act, the Council hereby notify you that they **PERMIT** the following development:

Situation: 50 London Road Brighton

Description: Change of use from retail (A1) to hot food take-away (A5) including installation of extract duct at rear.

In accordance with the application and plans (as modified by any under mentioned conditions) submitted to the Council on 09 December 2010 and **SUBJECT** to

compliance with any condition(s) specified hereunder:

1. The development hereby permitted shall be commenced before the expiration .of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no.10.12.02/1 and 2 received on 24/01/2011 and drawing no.10.12.02/3A received on 25/02/2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The recommendations and equipment specifications contained within the acoustic report by Messrs Sound Solution Consultants dated March 2011 Document 10561
R1 shall be implemented in full unless an alternative is agreed in writing by the Local Planning Authority. Reason: To safeguard the amenity of the occupiers of surrounding properties and to comply with policies SU 10 and QD27 of the Brighton & Hove Local Plan.
4. The use hereby permitted shall not be open to customers except between the hours of 0900 to 2400 Sundays to Thursdays and Bank Holidays, 0900 to 0200 Fridays to Saturdays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Telephone: 01273 290000
www.brighton-hove.gov.uk
Printed on recycled, chlorine-free

paper

Informatives:

1. This decision to grant Planning Permission has been taken:

(i) having regard to the policies and proposals in the Brighton and Hove Local Plan set out below, including Supplementary Planning Guidance:

Brighton and Hove Local Plan:

SR4 Regional shopping centre

QD27 Protection of Amenity

SU9 Pollution and nuisance control

SU 1 O Noise Nuisance

TR 1 Development and the demand for travel

(ii) for the following reasons:-

The development would not harm the function, vitality or viability of the London Road District Centre in that a predominance of Class A 1 uses would be maintained, there would not be a significant break in the shopping frontage of more than 15 metres, and the Class A3 use would potentially attract pedestrian activity to the centre. The

development would not result in harm to neighbouring amenity through increased noise or disturbance.

Dated this 10 May 2011

REDACTED

Head of Service

Planning and Public Protection

NOTICE is given that Section 35 of the East Sussex Act 1981 may apply to this development. This gives Local Authorities the power to reject applications deposited under the Building Regulations, unless after consultation with the fire authority they are satisfied that the plans show adequate means of access for the fire service.

NOTE: This decision does not give approval of plans for the purposes of the Building Regulations 1991. If an application for such approval has been made a decision has or will be given separately.

Agreed conditions between Environmental Protection and Applicant

Hello Mr Omare,

Thank- you for replying to my email and agreeing to my proposed conditions. The proposed conditions are listed below:

1. The management will ensure that delivery vehicles waiting or arriving to collect orders will be parked/waiting legally and not causing a public nuisance by way of obstructing the highway or footpaths
2. Litter patrols to be conducted half hourly during hours of operation in the vicinity of the premises.
3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave quietly.
4. No fumes, steam or odours shall be omitted from the premises so as to cause a public nuisance to any persons living or carrying on a business in the area where the premises is situated.
5. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
6. Deliveries to the premises shall not take place between the hours of 21-00hrs -06-00hrs daily.
7. Recycling and rubbish should not be placed outside or collected from the premises between the hours of 21-00hrs -06-00hrs daily.

As you can see I have copied in my colleagues in the Councils licensing team advising them that you do agree. Should the licence be granted at the hearing these conditions will be added to the premises licence.

Many thanks
Mylene Hayward

Appendix D



