

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

10.00am 2 JUNE 2025

VIRTUAL

DECISION LIST

Part One

3 BURGER KING LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

Ward Affected: Goldsmid

RE: Licensing Act 2003 – Licensing Panel Hearing Notification of the Determination of Panel.

Licensing panel hearing held virtually via Teams on Monday 2nd June 2025 in respect of the application for a new premises licence for Burger King, Goldstone Retail Park, Newtown Road, Hove BN3 7PN.

The panel has read the report including the relevant representations and has had regard to the Statement of Licensing Policy (SoLP) and the statutory guidance and has listened carefully to all the submissions made today.

This is an application for a new premises licence. The application is for a 'Late-Night Refreshment' licence every day from 23:00 to 05:00 hours with potentially 24-hour opening hours. The premises are not within the Cumulative Impact Zone (CIZ) or Special Stress Area (SSA). The Matrix indicates yes for a 'Late-Night Refreshment' licence outside of these areas until Midnight, but each case must be considered on its individual merits.

28 representations were received. They were received from local residents, Residents Association, 3 local Councillors and the Licensing Authority, on the grounds of Prevention of Public Nuisance and the Prevention of Crime & Disorder.

A set of conditions have been agreed between the police and the applicant and environmental protection. These include that the premises will operate via a drive-thru facility from 23:00 hours and conditions concerning litter, noise, odour and fumes.

The main concerns expressed by the Councillor and residents both in writing and at the hearing were the following:

- Residential area, many properties impacted now and would be more in the future

- Ongoing disturbance throughout the night by cars and delivery vehicles
- Already issues of anti-social behaviour and noise in the area and this will increase if allowed to operate all night and the sound travels due to echo effect
- Air pollution and smell of the premises which would continue all night
- Issues with litter
- Conditions would not be able to deal with the issues adequately

The applicant's solicitor stated that they did recognise the concerns and wanted to address them. He made the following points:

- It was a private car park that would restrict vehicles to 10 minutes
- Conditions agreed to limit any noise disturbances and dialogue with residents
- Regular litter patrols
- Not previously aware of any issues with odour or fumes and don't believe there are any but would liaise with environmental protection.
- They were a local independent operator that could operate this licence without issue
- They wanted to have both delivery drivers and members of the public
- Would be willing to have mobile support security
- They were an exception to the Matrix due to the exceptional safeguards and conditions proposed

The panel has considered this application on its merits. It has taken into full consideration all the points made at the hearing. The panel considers that it has been established by the residents that there are already issues of noise and anti-social behaviour in this immediate area emanating from activity in the retail park. It also considers that there does appear to be an issue with odour emanating from the premises currently. Extending the hours of operation after 23:00 hours all through the night is only likely to exacerbate the problems residents already face. There will be vehicle activity at the premises during the night with associated noise and potential anti-social behaviour. The panel was not convinced by the applicant's responses that conditions would be effective in dealing with preventing public nuisance during this extended noise sensitive time. Furthermore, the panel did not consider that exceptional circumstances to depart from the Matrix had been shown and considered that any extension of the operation beyond 23:00 hours was likely to undermine the licensing objectives of prevention of public nuisance and prevention of crime and disorder. The application is therefore refused.

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