

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

10.00am 2 JUNE 2025

VIRTUAL

MINUTES

Present: Councillors Cattell, Pickett and Czolak

Officers: Corinne Hardcastle, Donna Lynsdale, Rebecca Siddell and Shaun Hughes

PART ONE

1 TO APPOINT A CHAIR FOR THE MEETING

1.1 Councillor Cattell was appointed Chair for the meeting.

2 PROCEDURAL BUSINESS

a) Declaration of Substitutes

Councillor Czolak substituted for Councillor Fowler.

b) Declarations of Interest

There were none.

c) Exclusion of the Press and Public

In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Licensing Panel considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

RESOLVED - That the press and public will not excluded from the meeting.

3 BURGER KING LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

3.1 The Fair-Trading officer introduced the application to the panel.

Answers to questions for the Fair-Trading officer

3.2 Councillor O'Quinn was informed that the licensing team had not withdrawn their objections.

3.3 The Licensing officer addressed the committee.

Answers to questions for the licensing officer

3.4 Councillor Cattell was informed that the planning conditions stipulated open times of 05.00 to 22.30 Monday to Thursday, 23.00 the remaining days and bank holidays. A planning application has not been submitted to alter the opening times.

3.5 Ward Councillor O'Quinn addressed the panel and stated that they objected to the application. Residents' objections relate to increase in public nuisance, noise from the retail park, delivery times, and opening times of the retail park. Currently the park closes at 23.00 and noise from congregating cars and bikes stops. The location is far from the city centre and currently quiet. The neighbourhood forum is strongly against the application. The panel were requested to refuse the application.

3.6 Robert Glick addressed the panel as an objecting resident and stated that there already was anti-social behaviour on the site and litter. Bike 'wheelies' were common at night. There is no police presence at the site. There are smells from the food outlets on the site. Waste collection trucks are a noise nuisance day and night.

3.7 Tony Moon addressed the panel as an objecting resident and stated that they considered Burger King to be a polluter in the road, with a plume of smoke emitting from the building and entering neighbouring houses. The proposed 24hr opening was not wanted by residents.

3.8 Barry Robinson addressed the panel as an objecting resident and stated that there had been car meets in the car park and closing the park gates had stopped them. Leaving the gates opening could lead to further meet ups. Out of hours delivery times for other businesses have been rejected in the past.

Answers to questions for the speakers

3.9 Councillor Czolak was informed by Robert Glick that they considered waste collection were likely to increase. Tony Moon stated the pollution was from the smoke plume emitting from Burger King.

3.10 Councillor Pickett was informed by Barry Robinson that there had been less issues at the park since the gates have been closed at night. Robert Glick confirmed that deliveries to all the businesses at the park take place from 07.00 and that customers at the park have also created noise.

3.11 Councillor Cattell was informed by Barry Robinson that currently the last person leaving the park closes the gates. Tony Moon confirmed that both Burger King and Nando's emit smells.

3.12 Alex Tomlinson addressed the panel as the agent representing the applicant and stated that the franchise operator had been at the site since 1999. It was considered that cars

would only wait 10mins maximum after 23.00. The landlord has responsibility for the gates to the park. CCTV is located at the restaurant inside and outside, as well as car registration identification cameras at the park. All staff are trained to report criminal activity. It was noted that noise and public nuisance are issues. After 23.00 the restaurant will be drive through only. There will be information available with a direct dial number to the manger to report any issues. The conditions attached to the application have been agreed with environmental health team and the extractor fans are not considered a noise issue. Burger King is known to the police in a positive way. Litter patrols are employed. No alcohol or entertainment will take place at the site. The application is an exception to the licensing matrix and should be granted.

Answers to questions to the agent

- 3.13 Councillor Pickett was informed that the CCTV was for Burger King only and the car registration identification system was for the retail park. The litter patrols could not be extended to a wider range as this would put staff at risk. The toilets will not be open after 23.00. The manager is not aware of any issues with residents regarding ventilation fans. Happy to have ongoing checks by the environmental health team. Third party pick-ups will continue with the drive through arrangement.
- 3.14 Councillor Czolak was informed that the security patrols will assist moving persons on if they remain on the outside seating. The landlord co-ordinates the locations of the car registration cameras. Happy to resolve any environmental issues.
- 3.15 Councillor Cattell was informed that safeguards have been put in place, there will only drive through after 23.00 and the operator has an exceptional track record. The residents have not contacted the restaurant until the application was submitted regarding noise. The applicant, Jason Kennedy, confirmed they had visited the restaurant and found no smoke and the extractor fan was replaced 3 years ago. It was also noted that there were no smells when the site was visited, and ventilation systems are very different from the past. The security company is local.
- 3.16 Ward Councillor O'Quinn was informed that after 23.00 it is not predicted that vehicles will stay more than 10mins in the drive through. The organisation is well run, and the conditions are standard.
- 3.17 Councillor Czolak was informed that any issues with third party collection drivers would be reported directly to the company. The manager stated there were systems to record issues and to give instant feedback. It was noted that staffing for the 24hr opening would need to be looked into.
- 3.18 Tony Moon noted that complaints were made about the restaurant before the application was submitted. The agent stated they were happy to discuss any issues with residents.
- 3.19 Barry Robinson was informed that lights for Burger King would stay on all night, however, the car park was the landlord's responsibility and planning permission would be required to change the lighting conditions.
- 3.20 Robert Glick stated they had objected in the past regarding litter and discarded food, which attracts vermin.

