

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

10.00am 16 JUNE 2025

DECISION LIST

Part One

STATION GRILL LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

Ward Affected: West Hill & North Laine

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

Licensing panel hearing held virtually via Teams on Monday 16th June 2025 in respect of the application for a premises licence in respect of premises known as Station Grill, 62 Queens Road, Brighton, BN1 3XD

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

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

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

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

The application is for a restaurant and takeaway shop with late night refreshment from 23:00 to 03:00 every day. A similar application was previously submitted in October last year which was refused by the panel. The applicant

has appealed that decision and has also submitted this further application.

Two representations were received from Sussex Police and the Licensing authority. The representations had concerns regarding the prevention of crime and disorder, public nuisance and cumulative impact. The police had concerns about the location of these premises which was a busy road and main thoroughfare from the station to the city centre with a high number of incidents of crime and disorder. Offering food for takeaway for the hours applied for was likely to lead to an increase in incidents and hinder dispersal. The police had witnessed this first hand during a night shift when crowds were gathering at a late-night refreshment premises. The police were further concerned that the applicant still did not understand the policy concerns or fully understand licensing responsibilities and they had little confidence in him. They cited the example of issues with display of the Blue Notice. Although recommending refusal the police had put forward a set of conditions to mitigate some risk. The licensing authority was also concerned about the application in policy terms and whether there were any exceptional circumstances to depart from the policy.

The applicant had submitted a lengthy written submission just prior to the hearing. It was not formally accepted due to its late submission, but he was able to speak to it and did so. He made the following points:

- He was happy to accept the police conditions but would leave it to the panel to decide when he could do collections and deliveries from.
- He needed to stay open longer to avoid throwing food away and cater for demand.
- He had completed a door supervisor course and passed it and would soon receive his badge. He had gained relevant experience by working in a late-night kebab shop on West Street and had a certificate to verify this, so the circumstances of this application had changed.
- The exceptional circumstances to depart from policy were strong operational management and security measures, the fact this was a small restaurant with no alcohol, there was a high demand for his services, and it would contribute to the local economy.
- Other similar applications had been granted in the area, and it was discrimination against new businesses.
- The police visit demonstrated the high demand for his services and also that he complied with the closing time.
- He had customer support for his application.
- He did not need any further planning permission.
- Human rights were relevant as was fair treatment.
- If this application was granted he would withdraw his appeal.
- He disputed that the Blue Notice was not on display but had accepted extension of the notice period.

The panel and police were able to question the applicant and did so especially around staffing and his role as door supervisor and the security risk assessment.

The panel has carefully considered this application on its merits and is mindful of the location of the premises in Queens Road within the CIZ which

experiences high levels of crime and disorder and is a key late-night thoroughfare. The police representation illustrated this. Ultimately, the panel do not consider that the applicant has shown any exceptional circumstances to enable departure from the cumulative impact policy. The panel did not believe that the applicant properly appreciated or understood what the policy meant in terms of cumulative impact. He emphasised need as being relevant which is not a relevant licensing consideration. Overall, the panel shares the police concerns that the applicant lacks understanding of the licensing regime and his responsibilities. The panel considered there was some confusion shown by the applicant relating to the separate role of an SIA door supervisor and other members of staff and feared that there may be a blurring of roles. The panel were also concerned about the Blue Notice display issues. The panel lacks confidence in the applicant and in the absence of any exceptional circumstances, the panel believes granting the application is likely to add to problems of cumulative impact and undermine the licensing objectives. The panel is therefore refusing this application.