

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

11.30am 1 AUGUST 2025

VIRTUAL

DECISION LIST

Part One

FLAMES KEBAB & PIZZA LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

Ward Affected: Preston Park

Licensing Panel (Licensing Act 2003 Functions) - Notification of the Determination of Panel.

Licensing panel hearing held virtually via Teams on Friday 1st August 2025 in respect of the application for a variation of a premises licence in respect of premises known as Flames Kebab & Pizza, 36 Preston Road, Brighton BN1 4QF

The panel has read all the papers and has considered the written representations, letter from the Applicant, and all submissions made at the hearing. The panel has also had regard to its Statement of Licensing Policy (SoLP) and the statutory guidance.

The application is within the Special Stress Area (SSA) as defined in the Statement of Licensing Policy which is an area of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced with in it.

The application is to extend the hours for the provision of late-night refreshment both for collection and delivery from 01:30 to 04:00 every day.

Relevant representations were received from Sussex Police, and the Licensing Authority. The Environmental Protection Teams had agreed conditions with the Applicant should the panel be minded to grant. The concerns raised by the Responsible Authorities related to the prevention of crime and disorder, prevention of public nuisance and cumulative Impact. It is also maintained that there are no policy grounds for granting an extension in this challenging area and no exceptional circumstances shown to depart from the Matrix.

The applicant and his associate stated that other premises are open until 5am

and there was demand for later hours and it would be good for business. They did not sell alcohol. They had CCTV. They did not see crime as an issue but there would be a security guard. The applicant was asked about some of the conditions the police had suggested for instance regarding the Brighton Crime Reduction Partnership (BCRP) and the applicant struggled to answer or demonstrate any knowledge or understanding.

The panel has considered this application on its merits and is mindful of the location of the premises within the SSA and the need to demonstrate exceptional circumstances to depart from the policy. The panel does not consider that any exceptional circumstances have been shown. The fact that other premises who were granted licences a long time ago had later hours does not constitute exceptional reason. The panel shares the concerns of the Responsible Authorities and does not have confidence in the applicant to operate or manage such an extension. In response to questions, it was clear that the applicant had very limited knowledge or appreciation of late-night concerns especially regarding crime and disorder and the BCRP. The panel does not consider it is appropriate to grant this extension of hours in this challenging location which it considers would undermine the licensing objectives.

The variation application is therefore refused.

HOVE PIZZA PLAICE LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

Ward Affected: Westbourne & Poets' Corner

Licensing Panel (Licensing Act 2003 Functions) - Notification of the Determination of Panel.

Licensing panel hearing held virtually via Teams on Friday 1st August 2025 in respect of the application for a premises licence in respect of premises known as Hove Pizza Plaice, 162 Portland Road, Hove BN3 5QL

The panel has read all the papers and has considered the written representations, and all submissions made at the hearing. The panel has also had regard to its Statement of Licensing Policy (SoLP) and the statutory guidance.

The application is for the provision of late-night refreshment for collection and delivery from 23:00 hours to 04:00 hours every day. During the hearing the applicant amended the application to 02:00 hours every day for delivery only and indicated agreement to the police conditions. The premises are not in the Cumulative Impact Zone or Special Stress area, but the Matrix approach in the SoLP indicates midnight terminal hour for takeaways in other areas.

Relevant representations were received from Sussex Police, the Licensing Authority and Environmental Protection Team. The concerns raised related to

the prevention of crime and disorder, and prevention of public nuisance. The police had put forward a set of conditions to mitigate risk should the panel be minded to grant the application.

The police concerns focus on the residential nature of the area and the existence of crimes during the day and the likelihood of these increasing into the night. They did not believe any exceptional circumstances had been shown. Their conditions were based on the premises operating for deliveries only to 01:00.

The environmental protection officer spoke to her representation and the complaint from the flat above regarding noise and odour from the extraction unit and oven. Her concern was that there was likely to be more impact in terms of noise and disturbance at noise sensitive times after 23:00 hours so as to cause a public nuisance. The premises had taken some steps to reduce the noise and vibration, and the complaints had subsided but there was still potential for noise nuisance. She had put forward some conditions to mitigate risk if the panel granted the application but did not support it.

The licensing authority welcomed the reduction in hours by the applicant but the application was still contrary to the Matrix. The area did not have late night opening much beyond 1am.

The applicants said that public nuisance would be prevented by closing the premises to the public and operating deliveries only. They would have measures in place such as notices and were willing to join the BCRP. Care would be taken to ensure delivery drivers were quiet and respected residents. They had taken measures to reduce noise from the oven and extraction fan and wanted to work with all the authorities.

The panel and other parties were able to question the applicant and canvass measures and conditions.

The panel has considered this application carefully on its merits and in view of the concerns raised. Taking into account the nature of the area which is residential in the surrounding roads, the panel considers it is appropriate to grant the application for late night refreshment from 23:00 to Midnight (00:00) Sunday to Thursday and from 23:00 hours to 02:00 hours Friday (into Saturday) and Saturday (into Sunday). This will be for deliveries only. The panel considers that the applicants demonstrated a willingness to minimise noise and deal with the extraction fan and oven. They had met the requirements of the Responsible Authority in terms of the Police and were willing to agree to the additional condition of joining the BCRP. The panel is therefore willing to permit a departure from the Matrix for Friday and Saturday. The panel considers it is justified in imposing earlier closing times during the week given the nature of the area and the potential for public nuisance and this is in line with the SoLP. The panel considers that the robust set of conditions agreed with the police and some of those from Environmental Protection will promote the licensing objectives.

The application is therefore granted with the hours as above and with the

conditions agreed with the police 1 to 14 amended to reflect the revised hours granted. Thus condition 8 should read: *All deliveries will leave the premises by 0:00 (midnight) Sunday to Thursday and by 02:00 hours Friday (into Saturday) and Saturday (into Sunday) and the premises will be closed after those times.*

There will be a new condition 15 as follows: *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.*

The panel attaches 2 further conditions from Environmental Protection team:

- 16: *Delivery personnel will only collect at the counter and will wait quietly to collect the orders to be delivered, and;*
- 17: *The premises license holder shall ensure that any extraction system associated with the premises is satisfactorily operated and maintained to prevent noise, smoke/fumes and/or odour from causing a nuisance.*