

Appendix C

REP A

From: Cllr Sue Shanks REDACTED
Sent: Monday, September 2, 2024 11:56 AM
To: Jim Whitelegg REDACTED; EHL Licensing <EHL.Licensing@brighton-hove.gov.uk>
Subject: councillor objection

DL CON ENDS 12.09.2024 VALID PPN (A)

I am objecting to the extension of hours for KFC on London Road

2024/02999/LAPREN KFC Date Received: 15/08/2024

23 London Road

Brighton

BN1 4JB

Licence Type: Premises - new

Consultation period closes: 12/09/2024

The Deliveroo drivers here already cause disruption to local residents especially to residents on Francis street so later activity will increase issues of noise and disturbance.

REP B



Safer Communities - Licensing Team
Brighton & Hove City Council
2nd Floor Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Ms Lynsdale
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN11JP

Date: 11 September 2024
Our Ref: 2024/02065/LICREP/EH
Phone: REDACTED
Email: REDACTED

DL CON ENDS 12/09/2024 VALID PCD & PPN (B)

Dear Ms Lynsdale,

**Licensing Act 2003 - Representation regarding the application for a New Application for: KFC, 22-23 London Road, Brighton, BN1 4JB
Premises Licence Application Reference - 2024/02999/LAPREN**

I refer to the application made by Supercharger Central Limited for a new Premises Licence for the provision of Late Night Refreshment at KFC, 22-23 London Road, Brighton.

The proposed hours are from 23:00 until 03:00, every day of the week. By way of background these premises already benefit from a premises licence that permits Late Night Refreshment every day until 12:00 midnight.

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 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 relatively high 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.

The applicant has offered conditions within the operating schedule. However, I do not believe they have demonstrated exceptional circumstances to depart from our policy

or how the grant of a late-night refreshment licence until 03:00 would not impact on the existing issues of the area.

The Council's SoLP also includes a Matrix approach for licensing decisions. The Matrix 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 Licensing Team makes this representation to uphold the council's Statement of Licensing Policy, which we believe this application contradicts, as The Matrix states that no late-night takeaways beyond 12:00midnight should be granted in the Special Stress Area.

I would therefore ask that the Panel determine the outcome of this application and whether the applicant has demonstrated exceptional circumstances to depart from our policy.

Yours sincerely

REDACTED

Corinne Hardcastle
Licensing Officer
Licensing Team

REP C



Sussex Police
Serving Sussex

www.sussex.police.uk

Brighton & Hove Licensing Unit

Police Station
John Street
Brighton
BN2 0LA

12th September 2024

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

DL CON ENDS 12.09.2024 VALID PPN & PCD (C)

Dear Donna Lynsdale,

RE: APPLICATION FOR A NEW PREMISES LICENCE FOR KFC, 22 - 23 LONDON ROAD, BRIGHTON, EAST SUSSEX, BN1 4JB 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 above application 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.

This is a proposed new licence 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: 23:00 – 03:00

Opening hours

Every day: 11:00 – 03:00

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 which within the Brighton & Hove Public Health Framework for Assessing Alcohol Licensing and 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 premises 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 flats and 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.

Recent 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 of which KFC sits, 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 from Thursdays into the weekend. At the weekends approximately 7-8% of all accidents occur during the night.

With the area already experiencing high number of incidents mostly during the daytime, 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.

KFC London Road does already hold a late-night refreshments licence between the hours of 23:00 and midnight 7 days a week. Currently under this licence they advertise hours until midnight only on a Friday and Saturday. The rest of the week their advertised hours are only until 23:00.

Other similar operators along London Road and their advertised opening hours (as at today’s date) and licence permitted hours are:

Subway London Rd advertises open until 23:00 Sunday – Thursday and Midnight Friday and Saturday as per their licence.

McDonalds London Rd advertises open until 23:45 7 days a week. Their licence permits Midnight.

Nando's London Rd advertises open until 22:00 7 days a week. Their licence permits Midnight.

Salt & Charcoal London Rd advertises open until midnight 7 days a week as per their licence.

Dominos London Rd advertises open until 03:00 walk in and 04:00 delivery – no dine in facilities, all takeaway only. Licence permits 04:00 7 days a week and was granted in August 2011.

Fatto A Mano London Rd advertises open until 22:00 Monday – Thursday, 22:30 on Friday & Saturday and 21:30 Sunday. Licence permits 23:00 Monday – Saturday and 22:00 Sunday.

Brighton Chicken & Pizza London Rd advertises open until Midnight Monday – Thursday, 02:00 Friday and Saturday as per their licence which was granted in Feb 2011.

Although we are unable to support this application and are seeking refusal, working with the applicant and their agent we have drawn up a list of conditions which supersede those offered within the application. The applicant has agreed to these conditions should the panel be minded granting. 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 once customers have departed. The risks of them becoming a victim of crime or them partaking in criminal activity is one that will need to be dealt with by the emergency services. Or if public nuisance issues occur, then this will be for the environmental officers to pick up.

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

- Attached agreed conditions.

Yours sincerely,

REDACTED

Insp Daniel Eagle
Ops Planning and Events (inc. Licensing) Inspector
Brighton & Hove Division
Sussex Police

REP C Agreed Conditions

KFC, London Road, Brighton 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.
8. A Staffsafe™ system with both audio and visual monitoring capability shall be installed and maintained in the premises. This system should be capable of being activated by either fixed or mobile panic buttons.
9. Signage stating that “StaffSafe antisocial behaviour monitoring system is in place and operating at the premises” shall be displayed at the premises.
10. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
11. Signage stating that “anti-social behaviour and/or disorder shall not be tolerated” shall be displayed at the premises.

Public safety

12. Suitable measures will be put in place to prevent members of the public from accessing hot food in the kitchen and preparation areas.

Prevention of public nuisance

13. 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.
14. Litter patrols to be conducted half hourly during hours of operation in the vicinity of the premises.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

16. 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 businesses in the area where the premises is situated.
17. No noise shall emanate from the premises not vibration be transmitted through the structure of the premises that give rises to a public nuisance.
18. Deliveries to the premises shall not take place between the hours of 2100 - 0600hrs daily.
19. Recycling and rubbish should not be placed outside or collected from the premises between the hours of 2100 - 0600hrs daily.

Protection of children from harm

20. 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.

