

Appendix C

REP A

**EG CON ENDS 07.01.2025
VALID PCD**

Police Station

John Street

Brighton

BN2 0LA

Email: brighton.licensing@sussex.police.uk

10th December 2024

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

Dear Emma Grant,

RE: APPLICATION TO VARY THE PREMISES LICENCE FOR BRIGHTON CHICKEN & PIZZA, 50 LONDON ROAD, BRIGHTON, EAST SUSSEX, BN1 4JD 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 variation application for the above premises 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 and the Public Health Framework.

This is a proposed variation 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: 12:00 - 04:00

You will of course be aware that Late Night Refreshments is from 23:00. The above hours are copied from the application form.

Opening hours

Every day: Not given a time on the application form.

Additionally the application refers to being permitted to operate:

24 Hours.

Extended hours in December and January but no hours stated.

During special events and public holidays to extended hours "such as 18 hours".

The above brings confusion as to what times are being applied for.

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, now known as West Hill & North Laine, which within the Brighton & Hove Public Health Framework for Assessing Alcohol Licensing 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 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

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.

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 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 into the weekend.

With the area already experiencing high number of incidents, 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.

Brighton Chicken & Pizza does already hold a late-night refreshments licence between the hours of 23:00 and midnight Sunday through to Thursday and until 02:00 on a Friday and Saturday.

Within the application to extend the hours the applicant, who is the premises licence holder, states they are fully committed to complying with all legal requirements and to operate responsibly. This unfortunately has not always been the case. In April 2024 we started looking into the premises as we were made aware that the licence had been suspended for a few years for non-payment of the licence fees. We were also made aware that the premises was open and trading until 05:00, far beyond current licence permissions.

When we managed to get hold of the person named on the licence, they advised they sold the business 5 years previous, and they thought the new owner had dealt with the relevant paperwork.

Although we are unable to support this application and are seeking refusal, we have drawn up a list of conditions which would supersede those offered within the application. Should the panel be minded granting the licence we ask you to consider imposing the attached conditions.

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 around take away. They are away from the control of the premises with risks of them becoming a victim of crime or them partaking in criminal activity. All this risk in turn falling to the emergency services to deal with. Or in relation to public nuisance, the local authority environmental officers to pick up.

The matrix approach within the Statement of Licensing policy, of which the applicant has not acknowledged, an application for a new or varied late night refreshments licence within the Special Street area is support until Midnight. Timings that the applicant already has in the week and extends until 02:00 at the weekend.

Although there is no presumption of refusal, it is for the applicant to evidence exceptional circumstances to depart from the policy. We do not believe what is being offered is in anyway exceptional.

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

Attached:

- 05:00 Trading evidence.
- Proposed list of conditions.

Yours sincerely,

REDACTED

Insp Daniel Eagle

Ops Planning and Events (inc. Licensing) Inspector

Brighton & Hove Division

Sussex Police

Brighton Chicken & Pizza, London Road, Brighton – Police Proposed 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.

Public safety

-

Prevention of public nuisance

8. 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.
9. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

Protection of children from harm

10. 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.

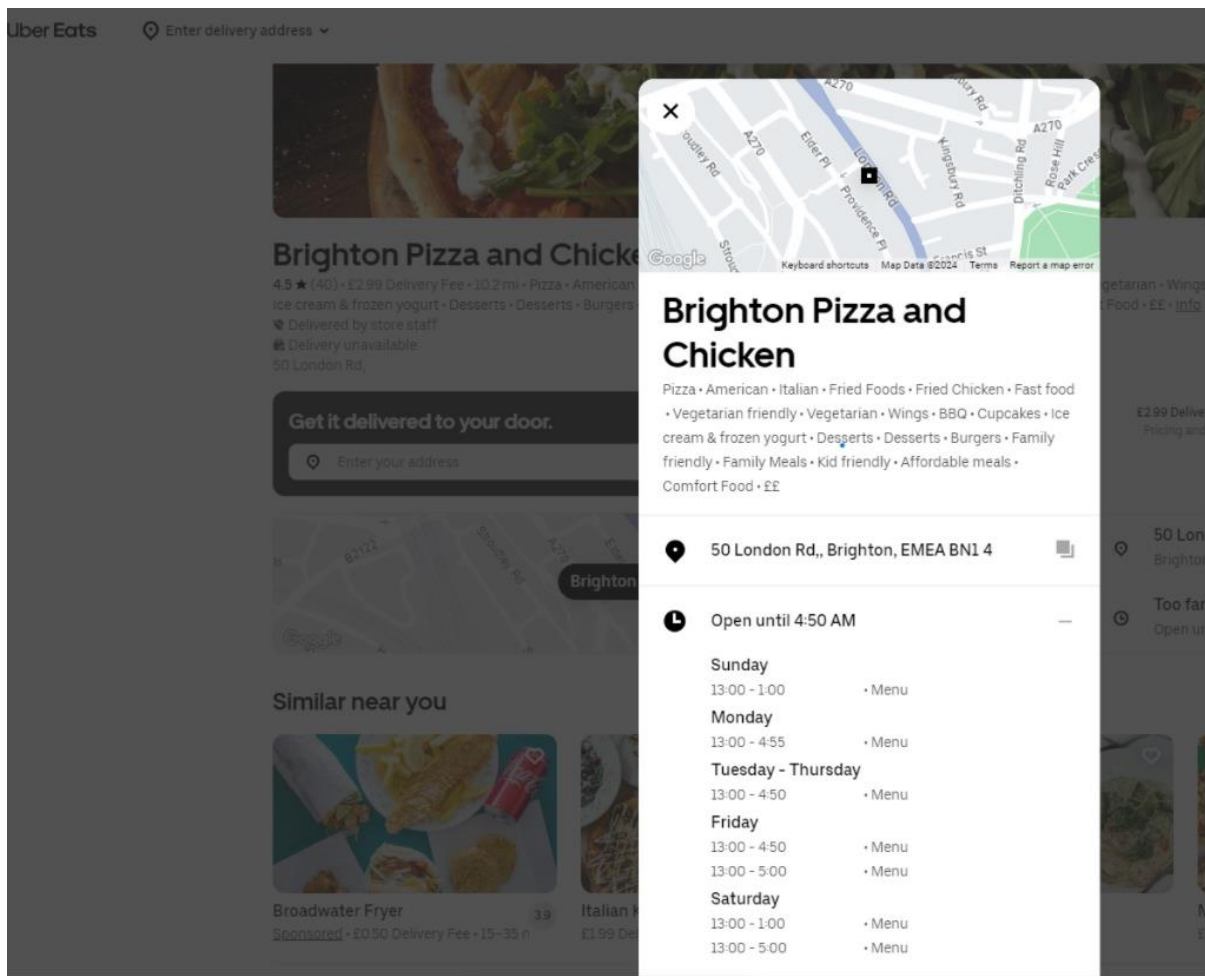
The operator will have a policy in place assisting staff in how to deal with such situations.

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.

REP A – Police Photos

EG CON ENDS 07.01.2025 VALID PCD





Brighton Pizza and Chicken



Payment Methods

Burgers, Pizza, Halal, Chicken

50 London Rd, Brighton, BN1 4JD GB

01273 567818

Cash On delivery

Card payment

OPENING HOURS

Monday	13:00 - 5:00
Tuesday	13:00 - 5:00
Wednesday	13:00 - 5:00
Thursday	13:00 - 5:00
Friday	13:00 - 5:00
Saturday	13:00 - 5:00
Sunday	13:00 - 1:00



Sarah Cornell

Date: 23 December 2024

Licensing Team

Our Ref: 2024/02969/LICREP/EH

Brighton & Hove City Council

Phone: 01273 292494

Bartholomew House

e-mail: REDACTED

Bartholomew Square

Brighton

BN11JP

Dear Sarah Cornell

Licensing Act 2003

Representation regarding the application for a Variation of Premises Licence

Brighton Chicken & Pizza, 50 London Road, Brighton BN1 4JD - 2024/05282/LAPREV

I refer to the application made by Brighton Chicken & Pizza, for a variation of a Premises Licence for the provision of Late-Night Refreshment at 50 London Road, Brighton BN1 4JD. The proposed hours on the application form are until 04:00 every day. The premises are already

permitted to provide late night refreshment until midnight on Sundays to Thursdays and until 02:00 on Fridays and Saturdays.

The applicant has also included in their application:

Extended operating hours during the holiday season, from December to January to accommodate higher demand.

During special events or public holidays, the premise may operate extended hours, such as 18 hours.

As part of the proposed variation to extend operating hours, we believe the restriction on late night refreshment timings can be removed to allow 24-hour operation. This change would better accommodate customer demand, especially from late-night workers, students, and visitors, while aligning with other businesses in the area that operate late into the night.

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 the 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 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.

Guidance issued under S182 of the Licensing Act 2003 states that in completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. The guidance goes on to say that applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, SSA and matrix approach to decision making policies), applicants are also expected to demonstrate an understanding of how the policy impacts on their application, any measures they will take to mitigate the impact, and why they consider the application should be an exception to the policy.

On looking at the application form, the applicant has referred to the use of CCTV and contracting a third-party security firm but has not referred to the (SoLP) and does not recognise the location of the Premises being in the Special Stress Area. They also have not demonstrated exceptional circumstances to depart from our policy or how the grant of a late-night refreshment licence would not impact on the existing issues of the area.

The Council's SoLP includes a Matrix approach for licensing decisions with provisions for a terminal hour for all classes of licensed premises in a particular area. The Matrix Model recognises the diverse operation and different risks presented by different

classes of licensed premises. The SoLP 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 decision-making Matrix on page 18 of the Council's SoLP clearly shows that late night takeaways in the Special Stress area should have a maximum terminal hour of midnight and the premises are already able to provide late night refreshment until midnight on Sundays to Thursdays and until 02:00am on Fridays and Sundays. This application is asking for 4am every day. In light of these proposed hours, I would expect to see some more positive proposals to show how the application will not add to the problems faced in the area.

London Road has now become a Red Route. Vehicles are not allowed to stop or park. The only exemptions are for hackney carriage, private hire vehicles and blue badge holder who are allowed to stop to let passengers in and out. Police Officers are exempt only whilst carrying out legitimate enforcement activities.

On 19 April 2024 I emailed the applicant following an enquiry about how to transfer the premises licence. A copy of this email is attached as Appendix A. On 22 April 2024 a letter was received via email from the applicant. A copy of this letter is attached as Appendix B. On 26 April 2024 I responded to this letter. A copy of this email is attached as Appendix C.

In 2011 an application was submitted to change the use of 50 London Road from A1 to A5. Conditions attached to the grant of this application state that the premises shall not be open to customers or in use except between the hours of 09:00 – 24:00(midnight), Sundays to Thursdays and Bank Holidays, 09:00 to 02:00 Fridays to Saturdays. Although Licensing acknowledge that it is a separate regime to Planning, felt the Licensing Panel should be made aware of this application and the decision. A copy of the Planning Decision letter is attached as Appendix D.

It is my opinion, granting this application is likely to add to the additional burdens and problems in the Special Stress area. The Licensing Team act as guardians of the Council's SoLP and I make this representation on behalf the Licensing Authority as I believe the application made is contrary to our policy, I therefore invite the panel to refuse the application.

Yours sincerely

REDACTED

Donna Lynsdale

Licensing Officer

Licensing Team

Appendix A – Copy of email sent on 19 April 2024

Appendix B – Copy of letter received dated 22 April 2024

Appendix C – Copy of email sent on 26 April 2024

Appendix D – Copy of Planning Decision Letter dated 10 May 2011

Appendix A – Copy of email sent on 19 April 2024

From: Donna Lynsdale

Sent: 19 April 2024 10:52

To: REDACTED

Cc: Brighton.Licensing@sussex.police.uk

Subject: House Of Kebab Nite, 50 London Road, Brighton BN1 4JD - 2024/00849/LICPRM/EH

Importance: High

Good Morning

I have been passed your enquiry regarding transferring a premises licence without the consent of the previous Premises Licence Holder (PLH).

The Transfer Consent form needs to be signed by the current PLH. Please see guidance below:

Obtaining the permission of the existing licence holder

It is important for you to make every effort to obtain consent to the transfer from the existing licence holder before you make your application.

You must take all reasonable steps to obtain it and we can only exempt you from this requirement if you are able to satisfy us that all reasonable steps have been taken, and that if the application were granted that you would be in a position to use the premises for licensable activities.

If for whatever reason it is not possible for you to provide us with the existing licence holders signed consent form with the application, then it will be necessary for you to provide us with copies of (for example) any recorded delivery correspondence you may have sent to the licence holder or any other documentation which shows the steps taken to obtain it.

It may be possible to accept proof via your Solicitor that you have the permission to operate from the premises i.e., a Lease etc.

If you cannot provide such information, then your application will not be accepted.

Please note that the Transfer application will need to be submitted by **13 May 2024**. After this date you will need to apply for a new premises licence.

Please ensure until you have submitted a valid Transfer application, you **do not** carry out any licensable activities.

Supply of Late-Night Refreshment is a licensable activity under the Licensing Act 2003. Any hot food or hot drink sold between 11pm and 5am is classed as the licensable activity of supply of Late-Night Refreshment.

It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislations states that:-

- (1) A Person commits an offence if –
 - (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
 - (b) he knowingly allows a licensable activity to be carried on.
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Police licensing have been copied into this email.

Please acknowledge receipt of this email. When replying, please respond to all copied into this email.

Regards

Donna Lynsdale | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing),
Safer Communities
Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP
T 01273 292494 | M REDACTED | REDACTED

Appendix B – Copy of letter received dated 22 April 2024

From: Brighton Chicken & Pizza Date: 22/04/2024 50 London Road
Brighton BN1 4JD

To whom it may concern,

I am writing to formally request confirmation for our establishment's intention to operate a late-night takeaway service and to submit a First Information Report (FIR) as required by regulations.

As a director of Brighton Pizza and Chicken located at 50 London Road, Brighton, we have carefully assessed the demand within our community and have decided to extend our operating hours to cater to the needs of our customers. We understand the importance of adhering to all relevant laws and regulations, and it is with this in mind that we are submitting this application for your review and approval.

Our late-night takeaway service aims to provide a convenient dining option for individuals who may require meals outside of standard operating hours. We believe that by offering this service, we can better serve our community and contribute positively to the local economy.

In addition to this application, we have taken proactive measures to ensure the safety and security of our establishment and its patrons. Our premises are equipped with CCTV cameras, and our staff is well-trained in security protocols to handle any situation that may arise. We are committed to maintaining a safe environment for both our customers and employees at all times.

We understand the security concerns associated with late-night businesses and assure you that we have filed a FIR regarding our extended operating hours. Our primary goal is to provide a safe and enjoyable take away experience for our customers while contributing positively to the community. We are committed to upholding the highest standards of quality, safety, and customer service, and we will continue to work closely with the authorities to ensure compliance with all relevant regulations.

Furthermore, we have proactively engaged with our neighbours to address any potential concerns regarding noise levels and disturbance. We are pleased to inform you that our neighbours have expressed their understanding and support for our extended operating hours, and they have no objections to our late-night takeaway service.

Thank you for considering our application. Should you require any further information or clarification, I am more than happy to arrange face to face meeting or please do not hesitate to contact me at REDACTED or via post to the business address.

Yours sincerely,

Director of Brighton Pizza and Chicken

Appendix C – Copy of email sent on 26 April 2024

From: Donna Lynsdale
Sent: 26 April 2024 08:27
To: REDACTED; REDACTED
Cc: Brighton.Licensing@sussex.police.uk
Subject: 50 London Road, Brighton BN1 4JD - 2024/00849/LICPRM/EH
Importance: High

Good Morning

I have been passed your letter as a Licensing Officer to respond.

I note I wrote to you on 19 April 2024 (copy attached).

As previously advised you will need to submit a Transfer Application if you wish to operate under the current premises licence for the above address.

Please see again what you will need to do:

The Transfer Consent form needs to be signed by the current PLH.

Obtaining the permission of the existing licence holder

It is important for you to make every effort to obtain consent to the transfer from the existing licence holder before you make your application.

You must take all reasonable steps to obtain it and we can only exempt you from this requirement if you are able to satisfy us that all reasonable steps have been taken, and that if the application were granted that you would be in a position to use the premises for licensable activities.

If for whatever reason it is not possible for you to provide us with the existing licence holders signed consent form with the application, then it will be necessary for you to provide us with copies of (for example) any recorded delivery correspondence you may have sent to the licence holder or any other documentation which shows the steps taken to obtain it.

It may be possible to accept proof via your Solicitor that you have the permission to operate from the premises i.e., a Lease etc.

If you cannot provide such information, then your application will not be accepted.

Please note that the Transfer application will need to be submitted by **13 May 2024** or the existing premises licence will lapse. After this date you will need to apply for a new premises licence.

If you wish to apply for a new Premises Licence below are details on how to do this:

You may wish to look at our [Statement of Licensing Policy](#) (SoLP). This sets out the council's general approach to making licensing decisions.

[Statement of Licensing Policy](#) to help you make your application.

The Statement of Licensing Policy 2016 has been revised (January 2021). The changes include:

- Expand the Special Stress Area (SSA) to cover Preston Road and Beaconsfield Road (up to Stanford Avenue)
- Include Marina into "Other areas" of the Matrix to reflect the increased number of residential properties
- To amend the "Café" category of the Matrix by reducing the terminal time to 10pm for the sale of alcohol within the special stress area and "other areas"
- To amend notes of the Matrix for shopping parades and alcohol in shared workspaces
- Guidance on Shadow Licences and Alcohol Delivery

A [Public Health Framework for assessing Alcohol licensing annual report](#) is produced by the Brighton & Hove Drug and Alcohol Action team and the Community Safety team. It contains ward by ward analysis of crime and disorder data and health data and as such is a valuable tool in assessing the potential impact of new licences within a community.

In particular, you should be aware if the premises is located within the city's Special Stress Area (SSA), I direct you to Sections 3 - Special Policies and Initiatives (page 12-15) and 3.3.2 - The Matrix Approach (page 18 -20), which both explain the Licensing Authority's expectations for applicants applying for licences within the SSA.

With regard to being located in the SSA - you will be expected to complete an Operating Schedule as part of an application and this is where you describe your control measures, based on the four Licensing Objectives (the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm). In addition, [Guidance issued under S182 of the Licensing Act 2003](#) states in paragraph 8.41 that in completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. The guidance goes on to say in paragraph 8.43 that applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

As mentioned, the council's [SoLP](#) includes a Matrix Model approach for licensing decisions, which recognises the diverse operation and different risks presented by different classes of licensed premises. It 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.

Venue	Cumulative Impact Area	Special Stress Area	Other Areas
Restaurant	Yes (midnight)	Yes (midnight)	Yes (midnight)
Cafe	Yes (10pm)	Yes (10pm)	Yes (10pm)
Late Night Takeaways	No	Yes (midnight)	Yes (midnight)
Night Club	No	No	No
Pub	No	Yes (11pm)	Yes (midnight)
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes (favourable)
Off-licence	No	No	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 and 8 below)
Members Club (club premises certificate)	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes

The Matrix Model, on pages 18-20 of the Council's [SoLP](#), gives an indication for licensing decisions within the CIA to certain types of premises. I understand that not all types of premises are covered, as it is impossible to cover all variances of licensed premises types, however it does give an indication of the type of licensed premises and terminal hours the council would like to see. It is important to note that the [SoLP](#) does state that each application is still considered on its individual merit and there is discretion to depart from the policy where justified. However, departure from the Matrix Model is only expected in exceptional circumstances.

As you may know, when a new or full variation application is submitted, there follows a legal 28-day consultation period during which anyone can make a representation (normally these are objection letters, but can include supporting letters). Your application will be sent to all of the Responsible Authorities to scrutinise your application, to assess whether they want to make a representation. I would therefore recommend that you contact the Sussex Police Licensing Team in Brighton, to pre-consult with them on your proposals. They can be contacted by either dialling **101** (the non-emergency number) and asking the controller to put you through to the Licensing Team, or you can email them on brighton.licensing@sussex.pnn.police.uk.

I would add that the council's Licensing Officers do not make decisions on applications made for premises licences. Instead, we have a duty to scrutinise and measure applications to make sure we believe they will promote the licensing objectives. Where we do not think an application goes far enough to explain how they will promote licensing objectives, we may make a representation (a type of objection letter) and the application would then follow a

democratic process, where a Licensing Sub-Committee would hear the application and make a decision on it.

I hope you find this email helpful. I appreciate there's quite a lot of information, so if you have any further queries, please don't hesitate to let me know. It is advisable also that you consider obtaining your own independent legal advice.

Please see link below to licensing pages on the Council's website, which I hope you will find useful.

<https://www.brighton-hove.gov.uk/content/business-and-trade/licensing-and-gambling>

Regards

Donna Lynsdale | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing),
Safer Communities
Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP
T 01273 292494 | REDACTED

REP B

Appendix D - Copy of Planning Decision Letter dated 10 May 2011



Planning & Public Protection
Hove Town Hall
Norton Road
Hove BN3 3BQ

Application No: BH2010/03813

REDACTED
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**BRIGHTON AND HOVE CITY COUNCIL
Town and Country Planning Act 1990
PERMISSION TO DEVELOP LAND**

IN PURSUANCE of their power under the above-mentioned Act, the Council hereby notify you that they **PERMIT** the following development:

Situation: 50 London Road Brighton

Description: Change of use from retail (A1) to hot food take-away (A5) including installation of extract duct at rear.

In accordance with the application and plans (as modified by any under mentioned conditions) submitted to the Council on 09 December 2010 and SUBJECT to

compliance with any condition(s) specified hereunder:

1. The development hereby permitted shall be commenced before the expiration .of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no.10.12.02/1 and 2 received on 24/01/2011 and drawing no.10.12.02/3A received on 25/02/2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The recommendations and equipment specifications contained within the acoustic report by Messrs Sound Solution Consultants dated March 2011 Document 10561
R1 shall be implemented in full unless an alternative is agreed in writing by the Local Planning Authority. Reason: To safeguard the amenity of the occupiers of surrounding properties and to comply with policies SU 10 and QD27 of the Brighton & Hove Local Plan.
4. The use hereby permitted shall not be open to customers except between the hours of 0900 to 2400 Sundays to Thursdays and Bank Holidays, 0900 to 0200 Fridays to Saturdays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Telephone: 01273 290000
www.brighton-hove.gov.uk
Printed on recycled, chlorine-free

paper

Informatives:

1. This decision to grant Planning Permission has been taken:

(i) having regard to the policies and proposals in the Brighton and Hove Local Plan set out below, including Supplementary Planning Guidance:

Brighton and Hove Local Plan:

SR4 Regional shopping centre

QD27 Protection of Amenity

SU9 Pollution and nuisance control

SU 1 O Noise Nuisance

TR 1 Development and the demand for travel

(ii) for the following reasons:-

The development would not harm the function, vitality or viability of the London Road District Centre in that a predominance of Class A 1 uses would be maintained, there would not be a significant break in the shopping frontage of more than 15 metres, and the Class A3 use would potentially attract pedestrian activity to the centre. The

development would not result in harm to neighbouring amenity through increased noise or disturbance.

Dated this 10 May 2011

REDACTED

Head of Service

Planning and Public Protection

NOTICE is given that Section 35 of the East Sussex Act 1981 may apply to this development. This gives Local Authorities the power to reject applications deposited under the Building Regulations, unless after consultation with the fire authority they are satisfied that the plans show adequate means of access for the fire service.

NOTE: This decision does not give approval of plans for the purposes of the Building Regulations 1991. If an application for such approval has been made a decision has or will be given separately.

Agreed conditions between Environmental Protection and Applicant

Hello Mr Omare,

Thank- you for replying to my email and agreeing to my proposed conditions. The proposed conditions are listed below:

1. 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
2. Litter patrols to be conducted half hourly during hours of operation in the vicinity of the premises.
3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave quietly.
4. 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 business in the area where the premises is situated.
5. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
6. Deliveries to the premises shall not take place between the hours of 21-00hrs -06-00hrs daily.
7. Recycling and rubbish should not be placed outside or collected from the premises between the hours of 21-00hrs -06-00hrs daily.

As you can see I have copied in my colleagues in the Councils licensing team advising them that you do agree. Should the licence be granted at the hearing these conditions will be added to the premises licence.

Many thanks
Mylene Hayward

