

Licensing Panel (Licensing Act 2003 Functions)	Agenda Item Brighton & Hove City Council
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Subject:	To consider the representation submitted under S53B(6) of the Licensing Act 2003 against the interim steps decision made under S53B(5) of the same Act.		
Premises:	Zaf'ron 99 North Road Brighton BN1 1YE		
Premises Licence Holder:	Zaf'ron Limited		
Date of Meeting:	11 August 2025		
Report of:	Corporate Director of City Operations		
Contact Officer:	Name:	Emily Fountain	
	Email:	emily.fountain@brighton-hove.gov.uk	
Ward(s) affected:	West Hill & North Laine		

NOT FOR PUBLICATION

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To consider a representation made by the Premises Licence Holder, Zaf'ron Limited against the decision made by the licensing authority regarding interim steps, pending a summary review of the premises licence issued for Zaf'ron.

2. RECOMMENDATIONS:

- 2.1 That the Panel consider the representation submitted by the Premises Licence Holder, consider whether the interim steps are appropriate for the promotion of the licensing objectives and determine whether to withdraw or modify the steps taken.

3. CONTEXT/BACKGROUND INFORMATION

- 3.1 On 5 August 2025 the licensing authority received a summary review application from Sussex Police, under S53A of the Licensing Act 2003, regarding Zaf'ron Limited. The summary review application was accompanied by a certificate issued by a senior officer of the rank of Superintendent, who was of the opinion that the premises are associated with serious crime.
- 3.2 As per the requirements of S53A(2)(a) and 53B of the Licensing Act 2003, on 6 August 2025 the licensing authority considered whether it is necessary to take interim steps pending the determination of the review applied for. The licensing authority decision was to suspend the licence with immediate effect.

- 3.3 On 7 August 2025, the Premises Licence Holder made representation to the licensing authority against the interim step decision, which has resulted in this hearing being arranged.

Documents received

- 3.4 The current premises licence can be viewed at Appendix A.
- 3.5 Details of the certificate which accompanied the summary review application can be viewed at Appendix B. The summary review application can be viewed at Appendix C. (Not for publication).
- 3.6 The licensing authority decision notice on interim steps can be viewed at Appendix D. (Not for publication).
- 3.7 The representation made against the interim step measures can be seen at Appendix E. (Not for publication).
- 3.8 Sussex Police have also made further representation to be considered at this hearing, which can be viewed at Appendix F. (Not for publication).

COMMENTARY ON THE LICENSING ACT 2003 AND GUIDANCE ISSUED UNDER S182 OF THE ACT

- 3.9 The following extracts are taken from Section 53B – Interim steps pending review:

53B Interim steps pending review

(1) This section applies to the consideration by a relevant licensing authority on an application under section 53A whether it is necessary to take interim steps pending the determination of the review applied for.

(2) The consideration may take place without the holder of the premises licence having been given an opportunity to make representations to the relevant licensing authority.

(3) The interim steps the relevant licensing authority must consider taking are—

- (a) the modification of the conditions of the premises licence;
- (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
- (c) the removal of the designated premises supervisor from the licence;
- (d) the suspension of the licence.

(4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.

(5) Where on its consideration of whether to take interim steps the relevant licensing authority does take one or more such steps—

(a) its decision takes effect immediately or as soon after that as that authority directs; but

(b) it must give immediate notice of its decision and of its reasons for making it to—

(i) the holder of the premises licence; and

(ii) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).

(6) Subject to subsection (9A), If the holder of the premises licence makes, and does not withdraw, representations against any interim steps taken by the relevant licensing authority, the authority must, within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.

(7) The relevant licensing authority must give advance notice of the hearing to—

(a) the holder of the premises licence;

(b) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).

(8) At the hearing, the relevant licensing authority must—

(a) consider whether the interim steps are appropriate for the promotion of the licensing objectives; and

(b) determine whether to withdraw or modify the steps taken.

(9) In considering those matters the relevant licensing authority must have regard to—

(a) the certificate that accompanied the application;

(b) any representations made by the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated); and

(c) any representations made by the holder of the premises licence.

(9A) Where the relevant licensing authority has determined under subsection (8) whether to withdraw or modify the interim steps taken, the holder of the premises

licence may only make further representations under subsection (6) if there has been a material change in circumstances since the authority made its determination.

(10) In computing the period of 48 hours mentioned in subsection (6) time that is not on a working day is to be disregarded.

- 3.10 The following extracts are taken from Guidance issued under Section 182 of the licensing Act 2003:

Making representations against the interim steps

12.17 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded. Where the licensing authority has already held a hearing to consider representations against the interim steps, the holder of the licence may only make further representations if there has been a material change in circumstances.

12.18 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and/or serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that the licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.

12.19 At the hearing to consider representations against interim steps the licensing authority must:

- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
- determine whether to withdraw or modify the steps taken.

12.20 When considering the case the licensing authority must take into account:

- the senior officer's certificate that accompanied the application;
- the chief officer's representations (if any); and
- any representations made by the premises licence holder.

12.21 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

5. LEGAL & OTHER IMPLICATIONS:

Legal Implications:

5.1 The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Simon Court

Date:

Equalities Implications:

5.2 Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

Sustainability Implications:

5.3 Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

SUPPORTING DOCUMENTATION

Appendices:

Appendix A - Part A of Premises Licence.

Appendix B - Certificate accompanying summary review application. (Not for publication).

Appendix C - Summary review application. (Not for publication).

Appendix D - Decision notice regarding interim steps. (Not for publication).

Appendix E – Representation against interim steps decision. (Not for publication).

Appendix F – Sussex Police representation (Not for publication)

Background Documents

Home Office, Revised guidance issued under section 182 of the Licensing Act 2003 (February 2025) [Revised guidance issued under section 182 of the Licensing Act 2003 \(February 2025\) \(accessible version\) - GOV.UK](#)