

## Appendix C

### REP A- CH valid on grounds of PPN and PCD

REDACTED

Licensing Team

Date: 27 April 2026

Brighton & Hove City Council

Our Ref: REDACTED

Hove Town Hall

Phone: REDACTED

Norton Road,

e-mail: REDACTED

Hove, BN3 3BQ

Dear REDACTED

**Licensing Act 2003 - Representation regarding the application for Variation of Premises Licence for Flames Kebab and Pizza, 36 Preston Road, Brighton**

**Premises Licence Application Reference – 2026/01230/LAPREV**

I refer to the application for a variation of the Premises Licence for Flames Kebab and Pizza, 36 Preston Road, Brighton.

The variation is to extend the permitted hours for the provision of late night refreshment to be until 04.00 the following day Sunday to Thursday and until 05.00 the following day Friday & Saturday. Service shall be by home delivery only after 01.30.

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.

While it is noted that Planning is a separate regime from the Licensing procedure the panel should be aware that there is a condition on the planning consent which states:-

***The premises shall not open or in use (including loading and unloading) except between the hours of 8am and 11pm on any day.***

The premises has previously been operating until 01:30 under the Licensing Act which is a breach of the planning consent. The applicant has a responsibility to ensure that all conditions relating to the premises are complied with and should be aware that the stricter of any conditions applies.

The applicant has been asked to submit a retrospective planning application which to date they have yet to do. The planning team have created a new planning enforcement case for the breach of the conditioned hours at the above address,

This premises is situated on Preston Road, which sits within the Licensing Authority's Special Stress Area (SSA).

As stated in the Council's Statement of Licensing Policy (SoLP), the SSA is deemed an area of special concern in terms of the levels of crime and disorder and nuisance experienced within it. 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.

The applicant has not proposed any additional conditions to cover the additional hours or demonstrated exceptional circumstances to depart from the Policy.

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 of the Council's SoLP clearly shows that late night refreshment in the Special Stress is supported until midnight for eating in and take away and from midnight until 02:00 for deliveries only.

Granting this application may 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 and therefore invite the panel to carefully scrutinise the application and decide if it constitutes exceptional circumstances to depart from our policy.

Yours sincerely

**REDACTED**

Licensing Officer

Licensing Team

Environmental Health and Licensing

Regulatory Services

**REP B - CH valid on grounds of PPN and PCD**

The Licensing Technical Support Officers  
Environmental Health,  
Brighton & Hove City Council

Dear **REDACTED**,

**RE: APPLICATION FOR A VARIATION OF THE PREMISES LICENCE FOR  
FLAMES KEBAB & PIZZA, 36 PRESTON ROAD, BRIGHTON, EAST SUSSEX,  
BN1 4QF UNDER THE LICENSING ACT 2003. 1445/3/2026/01230/LAPREV**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the above variation 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 (revised January 2026) and the Revised Guidance issued under section 182 of the Licensing Act 2003 (February 2026).

This is a proposed variation to a premises licence 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 to extend the licensable hours for late night refreshment.

The premises is currently licensed as

follows: Late Night Refreshment

**Everyday:**

23:00 – 01:30 Opening hours

**Everyday:** 17:00 – 01:30

They have applied to vary the licence to the following hours:

Late Night Refreshment (Indoors)

**Sunday - Thursday:** 23:00 – 04:00

**Friday - Saturday:** 23:00 – 05:00

Opening hours

**Sunday – Thursday:** 15:30 – 04:00

**Friday - Saturday:** 15:30 – 05:00

Paragraph 3.3.2 of the Brighton and Hove City Council 2026 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.”*

The licensing decision matrix on page 25 of the Council Statement of Licensing Policy (SoLP) suggests that new premises or premises licence variations asking for these licensable activities and hours are a ‘No’. ‘Delivery only’ may be considered until 02:00 but this application exceeds this by requesting Late Night Refreshment until 04:00 during the week and 05:00 on a Friday and Saturday.

Paragraph 3.3.3 states *“for all new and varied applications for premises and club premises certificates within the SSA 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 did not pre consult with Sussex Police before submitting this application or a previous application in March 2026 (subsequently withdrawn). This is despite communication prior to their first variation application in July 2025 that was refused at a Panel Hearing held on Friday 1<sup>st</sup> August 2025. Sussex Police did attempt to contact **REDACTED** (the applicant) during the March 2026 application but did not receive a response (this email is supplied at Appendix 1). This may be because they believed the Police position remained unchanged but was disappointing to note as open dialogue is always preferred and further advice and discussion could have been had.

**REDACTED** has engaged an Agent for this variation application (April 2026) and I note that a ‘SSA statement’ has been included within the paperwork under section 16 on page 22. This does make reference to the Special Stress Area and states that the premises will be closed to the public from 01:30am. However, Sussex Police do not believe this goes far enough to evidence why their application would be an exception to policy or why the SoLP matrix should be departed from.

Additionally, we would welcome clarity from the applicant in the Hearing regarding the following statement also included in section 16 of their application:

*The Applicant holds a valid SIA Door Supervisor Licence and shall be available to provide security at the premises if & when required.’*

Sussex Police don’t believe this has been fully elaborated on and with no SIA risk assessment condition offered, there are concerns around **REDACTED** potentially performing a ‘dual-role’ e.g. working behind the counter but also as SIA security. This would not be recommended by Police and a clear distinction would need to be made at the start of any shift that **REDACTED** was completing.

As mentioned, the applicant has offered some information under Section 16 of their application including proposed conditions. Crime prevention measures such as CCTV are welcomed as well as restrictions around access to the premises after 01:30 (the current closing time) *‘b) the restaurant door shall be shut and locked after*

*01.30 and no customers shall be permitted to enter or remain in the premises after that time.*’ However, Sussex Police do not believe these go far enough to help mitigate any potential risk in this area of the City or provide evidence why this application is an exception to the BHCC Special Policy.

Sussex Police acknowledge that the in person takeaway/collection element of the August 2025 application has been removed but cannot see what else has additionally been offered between the application that was refused by a Panel in August 2025 and the application being considered now. In fact, the applicant has applied for an additional hour more on Friday & Saturdays than the refused August 2025 variation application (where the hours applied for were 01:30 – 04:00 every day for LNR).

Paragraph 1.5 of the Secretary of State’s Guidance to the Licensing Act 2003 (February 2026) sets out the Licensing objectives and aims and states that included in the ‘principle aims for everyone involved in licensing work’ is the requirement for:

- *‘protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;’*

The premises is surrounded by residential properties including flats above the commercial ground floor properties for much of the length of the road. While this application is now for delivery only from 01:30, there is still a risk of anti-social behaviour and noise nuisance from an increase in vehicle traffic and delivery drivers congregating outside while waiting to collect orders until 05:00 at the weekends. Having considered premises in the vicinity Police have provided a table of other venues with late night refreshment nearby which to evidence that no other premises in the area currently provides services until 05:00 (Appendix 2).

The SoLP notes at Section 3.3.4 that:

*‘On receipt of any application in the SSA, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in Appendix A, Licensing Best Practice Measures. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.’*

Therefore, it is for the applicant to a) make positive proposals (including suitable conditions) to ensure they will not add to the existing issues in an area and b) provide clear evidence of their ‘exceptional circumstances’ and why the ‘Matrix Approach’ should not apply to their application. We bring this application before the Panel to allow careful scrutiny as Sussex Police do not believe the applicant has done this and what is offered does not evidence why the Panel should depart from the decision-making matrix or the BHCC Statement of Licensing Policy. Therefore, Sussex Police invite the Licensing Authority to seriously consider refusing this application in light of the Police concerns, local issues and Local Authority special policy.

While we are unable to support this application and are seeking refusal, we have drawn up a list of potential conditions which go beyond what has been offered within the application.

Should the panel be minded to grant this application in full or part, we ask you to consider imposing the conditions attached at Appendix 3. These can be added to or amended depending on what clarification the applicant provides.

Yours sincerely,  
**REDACTED**

Operations (inc. Licensing) Inspector  
Brighton & Hove Division

Sussex Police

Attachments:

- Appendix 1 – email from Sussex Police Licensing to the applicant – March 2026
- Appendix 2 – table of nearby premises timings for LNR/opening hours
- Appendix 3 – potential conditions

*Please address all future correspondence to Brighton & Hove Licensing Unit, Police Station, John Street, Brighton, BN2 0LA.*

## **Email to Applicant March 2026**

From: Brighton Licensing

To: **REDACTED**

Subject: New Variation Application for Flames Kebab & Pizza, 36 Preston Road

Date: 11 March 2026 16:27:38

Attachments: Statement of Licensing Policy 2026.pdf

Dear **REDACTED**,

Sussex Police Licensing are in receipt of your new variation application for Flames Kebab & Pizza. You may remember me from our correspondence last year when you first applied to vary the licence. The application went to Panel in August 2025 and your variation was refused.

Can I please ask what has changed in this time? I note that this variation application asks for delivery only rather than the collection/in person takeaway but I cannot see that any other circumstances have changed.

The Brighton & Hove City Council Statement of Licensing Policy (SoLP) was revised and republished in January 2026 and I attach a copy for your reference. Can I ask again if you have had sight of this policy please? I have attached a copy for reference

and it can also be found on the Brighton & Hove City Council Licensing pages:  
Statement of Licensing Policy 2026

The new policy places a number of expectations on applicants within the city and asks that a wider range of matters are considered when making an application. Sussex Police would therefore expect specific reference to be made to the Statement of Licensing Policy but cannot see that this is the case with your application currently. This is surprising based on the interactions we have had before and the feedback you were given previously and in the August 2025 Hearing.

If you look at the decision making matrix on page 25 of the new SoLP you note that in the Special Stress Area (SSA) which is where your premises lies, fast food premises will generally be considered with deliveries until 02:00am. Can I therefore ask why you have chosen to apply for hours until 04:00 which is against Council policy? Generally new premises licence applications and variations for Late Night Refreshment, even without alcohol and delivery only, in the Special Stress Area until 04:00 would not be supported by Sussex Police. Therefore, as it stands it is highly likely Sussex Police will be raising a representation to your variation application to allow it to be heard by a Licensing Panel.

Would you give any consideration to reducing the hours of delivery you are applying for? Or would you prefer for the variation application to go before a Panel as it stands?

I look forward to hearing back from you.

Kind regards,

**REDACTED**

Police Licensing Officer

Level 4 PALO Qualification

(she/her/hers)

Brighton & Hove Licensing Unit

Sussex Police | John Street | Brighton | BN2 0LA

**Licensed premises with Late Night Refreshment (LNR) within a 0.1 mile radius of Flames Kebab & Pizza, 36 Preston Road**

For context this covers an area roughly from the viaduct to the north down to north side of Preston circus to the south, Winchester Street to the east and Argyle Road to the west.

| <b>Premises Name</b>            | <b>Premises Address</b>                 | <b>LNR timings</b>   | <b>Opening hours</b>   |
|---------------------------------|---|--|--|
| X-Press Pizza                   | 9-10 Circus Parade,<br>New England Road | Everyday: 23:00 – 00:00  | Everyday: 16:30 – 00:00  |
| The Joker                       | 2 Preston Road                          | Sunday – Thursday: 23:00 – 00:00<br>Friday – Saturday: 23:00 – 02:00                             | Sunday – Thursday: 23:00 – 00:30<br>Friday – Saturday: 23:00 – 02:30                             |
| Papa John's                     | 13 Preston Road                         | Everyday: 23:00 – 04:00  | Everyday: 11:00 – 04:00  |
| Turkish Delight Kebab           | 15 Preston Road                         | Sunday – Wednesday: 23:00 – 00:00<br>Thursday: 23:00 – 01:00<br>Friday – Saturday: 23:00 – 03:00 | Sunday – Wednesday: 23:00 – 00:00<br>Thursday: 23:00 – 01:00<br>Friday – Saturday: 23:00 – 03:00 |
| Spice Bros                      | 16-18 Preston Road                      | No LNR   | No specified opening hours   |
| Korean Barbecue                 | 24 Preston Road                         | Sunday – Thursday: 23:00 – 23:30<br>Friday – Saturday: 23:00 – 00:00                             | Sunday – Thursday: 17:00 – 23:30<br>Friday – Saturday: 17:00 – 00:00                             |
| Paradiso Dining                 | 38 Preston Road                         | No LNR   | Monday – Friday: 08:00 – 23:00<br>Saturday: 10:00 – 23:00<br>Sunday: 10:00 – 22:00               |
| Café Rust                       | 50 Preston Road                         | Everyday: 23:00 – 00:00  | Everyday: 07:00 – 00:30  |
| Natty's Jerk Kitchen & Rum Stop | 70 Preston Road                         | Everyday: 23:00 – 00:00  | Everyday: 07:00 – 00:30  |
| Pizza 500                       | 83 Preston Road                         | No LNR   | Everyday: 08:00 – 23:00  |

## **Flames Kebab & Pizza, 36 Preston Road, Brighton – Proposed Conditions**

**Proposed by Sussex Police**

**Proposed by the Applicant**

### **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.
2. After 01.30 service shall only be by pre-ordered and prepaid home delivery. Orders shall be received via online platforms or phone calls only.
3. The restaurant door shall be shut and locked after 01.30 and no customers shall be permitted to enter or remain in the premises after that time. Only delivery drivers or riders shall be admitted to the premises after that time to collect orders.
4. All delivery drivers / riders shall be required to remove helmets and or face coverings whilst picking up items for delivery (excluding any face coverings worn for faith religious reasons) within an area that is covered by CCTV.
5. A minimum of two (2) trained staff shall be on duty in the premises after 23.00 during permitted licensed hours.

### **Prevention of crime & disorder**

6. Customers shall not be permitted to take alcohol into the restaurant or consume alcohol on the premises at any time.
7. 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](mailto: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.

8. SIA licensed door supervisors shall be employed on any 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.
9. 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.
10. 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.
11. An incident log shall be kept at the premises and must be completed within 24 hours of the incident. It can be in paper or electronic form and will record the following:
  - a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder
  - e) all seizures of drugs or offensive weapons
  - f) any visit by a relevant authority or emergency service.
  - g) any customer complaints raised via the direct telephone number
12. The incident log will:
  - a) be inspected and signed off by a manager at least once a month.
  - b) 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 or as listed in condition 11 above.

- c) be used to give feedback to staff to ensure that the log is used on each occasion that an ejection or incident occurs at the premises and to identify any patterns or trends.
- d) be kept for a minimum of twenty four (24) months.

### **Public safety**

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### **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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 15. All delivery drivers / riders shall be instructed to wait inside the premises between orders and not to leave engines running, to close car doors quietly and not to play loud music whilst outside the shop or customers premises.
- 16. All delivery drivers / riders shall be instructed to park legally & safely.
- 17. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance at the nearest noise sensitive premises.
- 18. A direct telephone number for the premises shall be publicly available at all times the premises is open. All complaints shall be investigated by Management and resolved with brief details recorded in the Incident Book.
- 19. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
- 20. Commercial waste shall not be collected between the hours of 2300 and 05.00 hours.

### **Protection of children from harm**

- 21. No children under the age of eighteen (18) will be allowed to remain in the premises unaccompanied from 23:00.
- 22. (a) All staff will be trained in:
  - Identifying persons who are vulnerable for reasons which could include, but are not limited to: their age, 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.

(b) 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.

(c) 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.