BRIGHTON & HOVE CITY COUNCIL

LICENSING PANEL

Licensing Act 2003

Application to Vary the Late Night Refreshment (LNR) Premises Licence (currently delivery only till 03.00 and dine-in till midnight)

Taco Bell, 134-135 London Road, Brighton

Premises Licence No. 2025/00906/LAPREN

SUBMISSIONS ON BEHALF OF KARALI QSR LIMITED

Introduction

These submissions are made on behalf of Karali QSR Limited ("the Applicant") the franchisee operator of Taco Bell at 134-135 London Road, Brighton.

They should be read in conjunction with the various attachments (see below).

The Applicant respectfully submits that the variation application should be granted as amended and subject to the conditions agreed with Sussex Police together with the further volunteered safeguard conditions set out below.

At the outset it is important to recognise the nature of the application before the Panel. This is not an application for a new late-night premises. The premises already benefits from Premises Licence No. 2025/00906/LAPREN, granted on 14 May 2025, which authorises the provision of home delivery until 03:00 hours and customer dine-in until 00.00. That licence was granted without objection from Sussex Police or the Licensing Authority notwithstanding that the authorised hours exceed those suggested within the Council's Licensing Matrix.

The issue for the panel is whether late-night takeaway as well as home delivery until 03.00 and dine-in till 00.30 can safely take place from these premises without undermining the licensing objectives.

The Applicant respectfully submits that the evidence demonstrates that it can.

Existing Operation and Trading History

The Applicant relies heavily upon the actual operational history of the premises.

Taco Bell has traded from this address since the 1st November 2021. Both prior to and since the grant of the premises licence, Taco Bell has traded without any incidents linked to the premises and without any evidence of crime and disorder, public nuisance or anti-social behaviour attributable to its operation.

This is a particularly important consideration as the premises already operates home delivery until 03:00 hours and dine-in till midnight pursuant to its premises licence.

The evidence before the Panel is therefore not speculative. The Applicant has already demonstrated that late-night delivery may be provided from the premises without undermining the licensing objectives.

The Applicant submits that actual operational experience should carry significantly greater weight than theoretical concerns as to what may occur in the future.

The Amended Application

The Panel will be aware that the application originally sought authority for both takeaway and later dine-in use.

Following discussions with Sussex Police, the Applicant carefully reviewed the concerns raised and took the decision to amend the application substantially.

The application no longer seeks authority for customers to remain within the premises consuming food and drink after 00:30 hours.

Instead, the premises will operate solely as a takeaway and delivery facility during the later hours of operation.

This amendment directly addresses concerns relating to customer congregation and prolonged dwell times and demonstrates the Applicant's willingness to engage constructively with responsible authorities.

The Applicant submits that considerable weight should be attached to that constructive approach.

Positive Engagement with Sussex Police

The Applicant respectfully submits that the documentary evidence demonstrates a positive working relationship between the premises and Sussex Police.

Throughout the operation of the premises there has been regular dialogue and engagement with Sussex Police officers, including Pc Mark Thorogood and Pc Wade.

In correspondence following meetings attended by Fazeel Mohammed and Mina on behalf of the premises Mark Thorogood expressly refers to the positive and productive engagement that had taken place between Sussex Police and representatives of Taco Bell.

Karali asserts that correspondence provides an important insight into the nature of the relationship between the premises and Sussex Police.

The record presents a picture of an operator that engages openly with responsible authorities, seeks guidance where appropriate and is willing to adopt practical solutions to address concerns.

The Applicant respectfully submits that the tone and content of that correspondence sits comfortably with the description of a responsible operator and should be taken into account when assessing the weight to be afforded to the representation.

Alleged Breaches and the Applicant's Response

The Applicant recognises that allegations of licence breaches have been raised during the consultation process.

The Applicant does not seek to diminish the importance of compliance with licence conditions.

However, the Panel is invited to consider not merely the allegations themselves but also the manner in which the Applicant responded once concerns were identified.

The evidence of David Pratt explains the circumstances giving rise to those concerns and the subsequent engagement with Sussex Police.

Importantly, there has been no attempt to disregard the concerns raised by responsible authorities.

Meetings were swiftly attended, responses were provided, correspondence exchanged, operational practices were reviewed and further safeguards were considered and implemented.

The Applicant submits that this response is highly relevant when considering operator history and management standards.

The Licensing Matrix recognises the importance of responsible management and good operator status.

The evidence demonstrates a business that engages with regulators, listens to concerns and takes positive steps to address them.

The Applicant respectfully submits that the totality of the evidence supports the conclusion that Taco Bell is a responsible operator committed to compliance and promotion of the licensing objectives.

Temporary Event Notices

The premises has also operated successfully with takeaway sales under a number of Temporary Event Notices as follows:

23rd May to 25th May 2025 (Spring BH)

31st December 2026 to 1st January 2027 (New Years Eve)

1st August to 3rd August 2026 (Pride weekend until 04.00 when in accordance with its risk assessment the premises voluntarily deployed two SIA registered door supervisors.)

28th August to 30th August 2026 (Last week of Summer holidays)

All TEN's were approved without objection and all proceeded without incident.

Whilst the Applicant accepts that Temporary Events in themselves do not determine the outcome of the present application, they provide valuable evidence that the premises is capable of managing later trading hours responsibly and effectively for both takeaway and home delivery.

They also demonstrate a willingness to deploy enhanced control measures where circumstances require.

Comparable Licensed Premises

The Panel is entitled to take account of comparable premises operating within the locality.

The nearby KFC London Road premises benefits from an authorisation permitting takeaway and delivery operations until 03:00 hours as well as dine-in till 00.30.

That licence was granted following a contested hearing.

The Applicant accepts that each application must be considered on its own merits.

However, consistency remains an important feature of public decision-making.

The Applicant respectfully submits that there is no evidential basis for treating Taco Bell less favourably than a comparable operator situated only a short distance away, particularly where Taco Bell already benefits from a licence permitting takeaway operation until 03:00 hours and has demonstrated responsible management and constructive engagement with responsible authorities.

Additional Safeguards

The Applicant has agreed the conditions proposed by Sussex Police.

In addition, the Applicant voluntarily offers the following safeguards.

Additional Condition 1

After 00:30 hours all customer tables and chairs shall be cleared from the customer area. No seating shall be made available, and no customer shall be permitted to consume food or drink within the premises.

Until the terminal hour for late night refreshment, customers may enter only to order takeaway food at the counter, collect an order or use the toilet whilst awaiting an order.

Delivery riders may enter to collect orders and use the toilet.

Customers and delivery riders shall leave promptly after collecting their orders.

1. This condition formalises the amended application.
2. It removes any prospect of late-night dine-in activity.

3. It ensures that the premises operates as a takeaway and delivery business only after 00:30 hours.
4. It materially reduces opportunities for congregation and prolonged customer dwell time.

Additional Condition 2

Whenever the premises trades after midnight this Late Night Safeguarding Procedure shall be in operation.

A designated delivery host shall oversee the orderly queuing and prompt departure of takeaway customers and delivery riders and prevent loitering within the premises.

The host shall monitor the premises frontage, ask customers not to consume food or drink immediately outside the premises and take reasonable steps to disperse those who do.

The duty manager and staff engaged in late-night customer service shall be briefed on the procedure which shall include:

• Assistance to persons who appear vulnerable or at risk;

• Refusal of service where conduct presents a risk;

• Contacting emergency services where necessary; and

• Recording relevant incidents and actions taken.

The procedure and incident log shall be available for inspection by the Police or an authorised officer upon request.

1. This condition establishes a proactive management regime aimed specifically at safeguarding, dispersal, queue management and prevention of public nuisance.
2. It directly addresses concerns regarding congregation, anti-social behaviour and the welfare of vulnerable persons.
3. The Applicant submits that the proposed safeguards go significantly further than is often encountered in comparable late-night takeaway operations.

The Police and LA Representations

The Applicant fully respects the role of Sussex Police and acknowledges the importance of their contribution to the licensing process. The same of course can be said of the Licensing Authority.

However, the Applicant respectfully submits that there is a significant difference between evidence demonstrating a likelihood of harm and concerns based upon what might happen.

The premises already operates delivery until 03:00 hours.

There is no evidence of crime and disorder or public nuisance arising from the operation of the premises.

The premises has successfully operated under Temporary Event Notices extending LNR until 04:00 hours with both takeaway and delivery.

The Applicant has engaged positively with Sussex Police throughout.

The Applicant has accepted the conditions proposed by Sussex Police.

Additional safeguards are now voluntarily offered.

Viewed objectively, the evidence points towards responsible operation rather than risk.

The Legal Framework

The Panel is required to determine the application with a view to promoting the licensing objectives.

Any decision must be evidence-based, proportionate and justified by the material before the Panel.

The Applicant relies upon the principles identified by the High Court in *Daniel Thwaites plc v Wirral Borough Magistrates' Court* [2008] EWHC 838 (Admin).

That authority confirms the importance of evidence-based decision-making in licensing matters and serves as a reminder that concerns, assumptions or generalised fears cannot properly substitute for evidence.

The Applicant submits that the principle has direct relevance to this application.

The objective evidence before the Panel demonstrates:

- an existing premises licence permitting delivery until 03:00 hours;
- a history of responsible operation;
- no evidence of crime and disorder attributable to the premises;
- successful operation of takeaway and delivery under TENs until 04:00 hours;
- positive engagement with Sussex Police;
- constructive responses to compliance concerns;
- agreement to police conditions; and
- additional safeguards volunteered by the Applicant.

Against that evidential background, the Applicant respectfully submits that there is no proper basis for concluding that the variation sought is likely to undermine the licensing objectives.

National Licensing Policy Framework

The National Licensing Policy Framework, published on 26 November 2025, encourages licensing authorities to consider expressly the scope for their decisions to promote growth and deliver economic benefits alongside safeguarding the licensing objectives. Section 4.2 confirms that authorities should take it into account as guidance, alongside the Licensing Act 2003, the section 182 Guidance and their own licensing policies. It is accordingly submitted that the Sub-Committee should consider the application in the light of that national policy direction.

Of particular relevance, section 5.3 states that licensing should be “permissive by design” and advocates a light-touch approach to responsible operators. Authorities are encouraged to avoid unnecessary prescription and allow businesses to demonstrate how their arrangements will control risks effectively and proportionately. This supports an assessment of the Taco Bell premises, the evidence and the safeguards proposed, with restrictions tailored to identified risks. It is submitted that this approach should inform the determination of the present application, giving proper weight to the operator’s proposed measures.

Conclusion

The Applicant respectfully submits that the evidence before the Panel demonstrates a well-managed premises with a proven history of responsible operation.

The premises already trades with takeaway until 03:00 hours and dine-in till midnight.

The use of TEN's provides evidence that takeaway can be safely provided without issue.

The Applicant has engaged positively with Sussex Police.

Concerns have been addressed through amendments to the application.

Police conditions have been accepted.

Additional safeguards have been volunteered.

A comparable competitor of ours located a small distance along the same road and also within the Council's 'stress area' was granted a premises licence only two years ago for exactly what we are now asking for.

There is no evidential basis for concluding that the variation sought will undermine the licensing objectives and based on the evidence, this application meets the 'exceptional circumstances' as required by the Statement of Licensing Policy.

Accordingly, the Applicant respectfully invites the Panel to grant the application as amended and subject to the agreed and volunteered conditions.