Licensing Panel **(Licensing Act 2003 Functions)**	Brighton & Hove City Council

Subject:		**Application for a New Premises Licence under the Licensing Act 2003**
Premises:		**KFC, 22 - 23 London Road, Brighton, BN1 4JB**
Applicant:		**Supercharger Central Limited**
Date of Meeting:		**30 November 2026**
Report of:		**Corporate Director for City Operations**
Contact Officer:	**Name:**	**Sarah Cornell**
	Email:	**sarah.cornell@brighton-hove.gov.uk**
Ward(s) affected:		**West Hill & North Laine**

1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for KFC.

2. RECOMMENDATIONS:

2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for KFC.

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

3.1 The application is for a New Premises Licence under the Licensing Act 2003. The application proposes: ***"Quick service restaurant with dining in and takeway facilities."***

3.2 Section 18 of the application is detailed at Appendix A and the plan of the premises is attached at Appendix B.

	Proposed
Late Night Refreshment	**Every Day:** 23:00-05:00 **Indoors & Outdoors**
Hours premises are open to public	**Every Day:** 11:00-05:00

3.3 Summary table of proposed activities.

3.4 Special Stress Area: The premises falls within the Special Stress Area. This area is deemed an area of special concern in terms of the levels of crime, disorder, and public nuisance experienced within it. (See paragraphs 3.3 – 3.3.5)

Representations received

3.5 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

3.6 3 representations were received. They were received from a local Councillor, Sussex Police and The Licensing Authority.

3.7 Representations received had concerns relating to Prevention of Crime and Disorder, and Prevention of Public Nuisance.

3.8 Full details of the representations are attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

4. COMMENTARY ON THE LICENSING POLICY

4.1 The following extracts from Brighton & Hove City Council Statement of Licensing Policy are considered relevant to this application and **are numbered as they appear in the policy**:

1 Introduction

1.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the Act.

This policy takes effect from the 5 January 2026. The licensing authority is Brighton & Hove City Council.

The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions.

The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities.

This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted.

The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit.

The scope of this policy covers the following:

- Retail sales of alcohol.
- The supply of alcohol by or on behalf of a club, or to the order of, a member of

the club.
- The provision of regulated entertainment.
- The provision of late night refreshment.

1.2 The licensing objectives are:

(a) the prevention of crime and disorder.
(b) public safety.
(c) the prevention of public nuisance; and
(d) the protection of children from harm.

1.3 Scope

1.3.1 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity. Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the act.

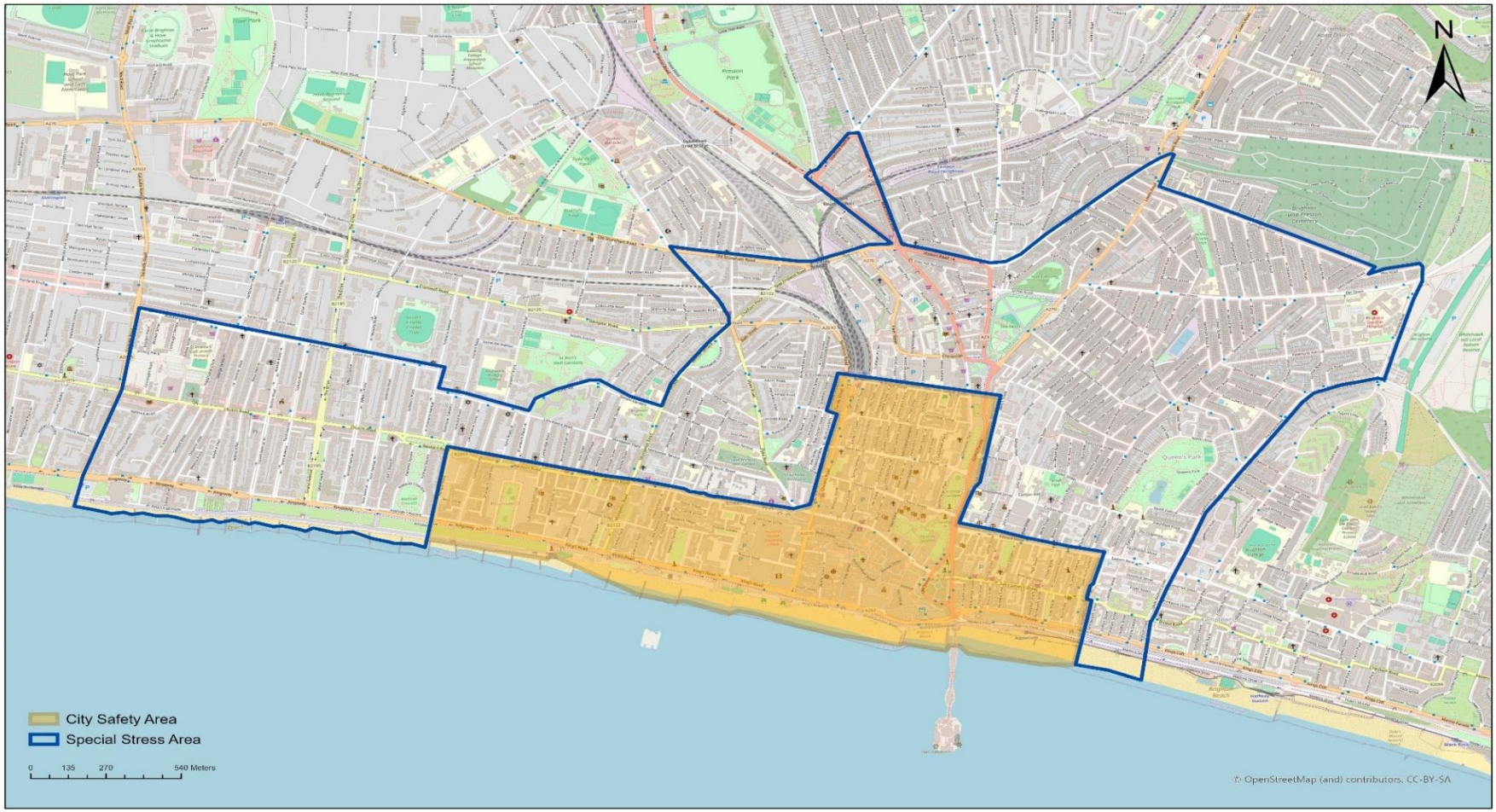
3. Special Policies and Initiatives

3.3 Special Stress Area

Since March 2008, the licensing authority has kept the Special Stress Area (SSA) under review which included in Nov 2018, expanding the SSA into Central Hove and in Nov 2020 it was expanded further into Preston Road and Beaconsfield Road.

3.3.1 The map below details the area of the city centre which borders the City Safety Area and which is deemed an area of special concern in terms of the levels of crime and disorder and public nuisance experienced within it. The area recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below delineated in blue.

City Safety Area and Special Stress Area, July 2025



Brighton and Hove City Council, Public Health Intelligence Team
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The Special Stress Area - an area bounded by and including: The west side of Hove Street/Sackville Road, northwards to the intersection with the north side of Blatchington Road, along north side of Blatchington Road and Eaton Road, southwards at the junction onto the east side of Palmeira Avenue and then eastwards at the junction onto the north side of Landsdowne Road; eastwards to the junction with Furze Hill, along the north side Furze Hill to its end and then due east along the north side of Victoria Road to its junction with Montpelier Road (west side), north to where Montpelier Road joins Vernon Terrace then north to Seven Dials; north west along the west side of Dyke Road until the junction with the Old Shoreham Road, then East along the north side of Old Shoreham Road, continuing on the north end of New England Road, north west at Preston Circus at the junction of New England Road and Preston Road along the west side of Preston Road until the junction with Stanford Avenue then and north east along the north side of Stanford Avenue until the junction with Beaconsfield Road, south along the east side of Beaconsfield Road until the junction at Preston Circus and Viaduct Road, eastwards along the north side of Viaduct Road, then at the junction with Ditchling Road, North East along the north side of Upper Lewes Road until the junction with Lewes Road; south along the Lewes Road to junction with Hartington Road, along the north side of Hartington Road until the junction with St. Helen's Road, south into the north side of May Road, eastwards until its junction with Freshfield Road (east side), then south into Upper Bedford Street, into Bedford Street to the mean water mark south of Bedford Street, then due west until the mean water mark south of Lower Rock Gardens; North on Upper Rock gardens, to the north side of Eastern Road, west along Eastern Road and Edward Street until Grand Parade, north along the Eastern side of Grand Parade to the junction of York Place and Trafalgar Street, West along the Northern boundary of Trafalgar Street, up to and including Surrey Street and then South along the Western boundary of Queens Road to the junction with Air Street, West along the north side of Air Street, South-west to the junction of Western Road Brighton, then West along the North side of Western Road Brighton, South along the West side of Holland Road to the mean water mark south of Kingsway and Kingsway Esplanade as far as the west side of Hove Street/ Sackville Road.

3.3.2 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 area will be kept under review.

3.3.3 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. Appendix A of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.

3.3.4 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.

3.3.5 The Licensing Authority will keep the City Safety Area and Special Stress Area under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening, the Special Policy will be reviewed.

3.4 The Matrix Approach
The Licensing Authority will support:

3.4.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety and Crime Reduction Strategy Community safety and crime reduction strategy 2023 to 2026 recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore supports: mixed use venues encouraging a wider age balance.

3.4.2 A 'Matrix' approach to licensing decisions has been adopted and is set out below. It provides a firm framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investors and businesses making applications. It underpins the City Safety Policy (see above at 3.1).

Matrix approach for licensing decisions in a Statement of Licensing Policy (times relates to licensable activities)

	City Safety Area	Special Stress Area	Other Areas
Food & dining venues	1 am	1 am	1 am
Fast food premises	No	Midnight Deliveries until 2am	Midnight Deliveries until 2am
Cafe	10pm	10pm	10pm
Performance venues	Midnight	Midnight	Midnight
Grassroots Music venues	Midnight	1am	1am
Nightclubs	No	No	No
Public houses and bars	No	Midnight	Midnight
Non-alcohol led venues	Midnight	Midnight	Midnight
Off licences	No	No	Yes (Up to 11pm – (see note f below)
Shared workplaces, co-working offices	Midnight	Midnight	Midnight
Members' clubs	11pm	Midnight	Midnight

3.4.3 Explanatory notes on matrix

Definitions: each venue will be considered individually, and the below definitions may need to be applied flexibly depending on the business model of the specific venue

Food and dining venues	• Provide substantial table meals to customers dining at the premises • Food is prepared on site • Alcohol is sold to customers ancillary to a substantial table meal for consumption at the premises (or in an associated outdoor dining area) only • If takeaway service is provided, must be ancillary to provision of substantial table meals
Fast food premises	• Provide late night refreshment of fast food intended for immediate consumption on the premises or takeaway • Food is served in disposable packaging
Cafes	• Sell alcohol to customers for consumption on the premises in addition to other food and drink products • Food and drink is served to customers seated at a table including to any outdoor designated area • Food is prepared on site and the premises will have a fully operational kitchen • A full menu of the hot and cold food items available will be clearly on display within the premises. • Generally operate in the daytime and early evening only.
Performance venues	• Provide performances of live music, theatre, dance and other creative arts to entertain an audience • Includes live music venues, concert venues, cabarets and theatres • Does not include karaoke or Grassroots Music Venues
Grassroots Music Venues	• Grassroots Music Venues are small, typically local venues that provide a platform for emerging and independent musicians to perform. They are often pubs, clubs, or other small spaces where artists can hone their craft, gain experience, and connect with a local audience. These venues play a crucial role in nurturing talent and supporting the development of the music scene. • A member of Music Venues Alliance Brighton or Music Venues Trust or similar
Nightclubs	• Provide regulated entertainment and the sale of alcohol • Main licensable activity is recorded and live music with provision of dance floors, sound systems and light displays • Generally, operate at night and into early hours of the morning
Public houses and bars	• Sell alcohol to customers for consumption on the premises

	• Sale of alcohol takes place at the bar • Includes tap rooms and craft beer pubs • May also carry out other licensable activities • Does not include cafes
Non-alcohol led venues	• Cultural venues such as art galleries, museums, theatres • Experiential entertainment venues such as escape rooms and social gaming venues • Alcohol is sold to customers for consumption on the premises • Supply of alcohol is ancillary to entertainment offering • Does not include shared workplaces and co-working offices
Off licences	• Supermarkets and convenience stores which supply alcohol for consumption off the premises in addition to other retail products • Includes alcohol delivery services fulfilling remote orders for sale of alcohol • Restrictions on ABV% e.g. the Sensible on Strength 6% condition
Shared workplaces, co-working offices	• Office premises in which individual workstations and meeting rooms are rented to solo workers and small businesses
Members' clubs	• Premises authorised to carry out licensable activities under a club premises certificate

3.4.4 **Each application will be considered on its own merits.** However, the Licensing Authority will apply the Matrix Approach in all cases unless there are exceptional circumstances which justify a different approach.

a). **Applications within the CSA** will be subject to a special policy requiring robust measures to be included in the operating schedule to promote safety. Applications within the SSA will be subject to the special stress policy set out in 3.3.

b). **Exceptional circumstances.** The Licensing Authority will determine exceptional circumstances on a case-by-case basis. An example of exceptional circumstances could be where the applicant has provided sufficient assurances to the responsible authorities that they do not make relevant representations against the application. Another example is where the application is for a variation to an existing premises licence and the applicant satisfies the criteria for a "good operator".

c). **Activities which the Licensing Authority values and wishes to encourage:** LGBTQ+ and TNBI venues; outdoor regulated entertainment; cafes; members' clubs; traditional pubs (outside the CSA); non-alcohol led licensable activities, especially within the city centre. The Licensing Authority will aim to permit these types of venues in appropriate locations, but will consider each case – including any relevant representations – on its own merits.

d). **Location.** Consideration will be given to the character of the area of the venue in every case. In residential areas, the Licensing Authority will pay particular

attention to the potential of a venue to cause public nuisance, especially noise disturbance, littering and anti-social behaviour. In these areas, an early closing time may be appropriate.

e). **Food and dining venues.** The Licensing Authority will require conditions to ensure that these venues are food-led, such as: alcohol to be sold only to customers taking a substantial table meal; no takeaway service of food for immediate consumption (an ancillary meal delivery service is acceptable). Where the venue has an agreement to use an adjacent outdoor area, the Licensing Authority will require evidence that a pavement licence has been granted for use of the highway (for highway land) or landowner's consent (for land other than a highway).

f). **Off licences.** Particular consideration will be given to applications for off-licences in areas which already have one or more off-licences in close proximity, due to concerns about street drinking, underage sales and anti-social behaviour. Where relevant representations are made raising these issues, the application is likely to be refused or – if it is appropriate to grant the application – granted subject to a terminal hour in line with neighbouring off licences.

g). **Outdoor events.** Outdoor events will generally be supported where they have been arranged through the Council's event planning process.

3.4.5 **Cafes** - The Licensing Authority will require conditions to ensure that cafes operate as genuine cafes and not as public houses. The licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following conditions that will prevent the premises becoming a public house.

- The sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables.

- Substantial food shall be available at all times. The licensing authority shall judge each case on its own merits but as a general rule, a bowl of crisps, nuts, or olives does not constitute substantial food.

- Food must be prepared on site and the premises will have a fully operational kitchen.

- A full menu of the hot and cold food items available will be clearly on display within the premises.

3.4.6 **Food & Dining Venues** - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following conditions.

- Intoxicating liquor shall not be supplied or sold on the premises otherwise than to persons taking table meals there and for the consumption by such a person as an ancillary to their meal. There will be no vertical drinking.

- Food & dining venues with outside service - the licensing authority will also consider applications from these venues that request to serve alcohol to

areas adjacent to or immediately outside their premises. In addition to the above conditions for cafes, the licensing authority will require evidence that the applicants have an agreement with the local authority to use the area as defined on a plan provided. The following condition may also apply:

- The sale and supply of alcohol for consumption off the premises shall be restricted to an area licensed by the Local Authority for use of the public highway as shown on the plan deposited and such area shall be defined by a physical barrier acceptable to the licensing authority.

3.5 Good Operator Policy

3.5.1 Good operators of licensed premises are valuable partners in assisting the Licensing Authority to promote the licensing objectives in Brighton and Hove and contributing to our city's unique and vibrant culture. The Licensing Authority has therefore decided to introduce a new policy measure – the Good Operator Policy – to reward and incentivise the responsible management of licensed premises. Under the Good Operator Policy, there will be a presumption in favour of granting applications to vary premises licences which are submitted by good operators as defined by this policy. This includes variations to trading hours beyond the hours indicated by the Matrix Approach. In general, the Licensing Authority will consider granting such applications to be appropriate for promoting the licensing objectives – unless there is clear and compelling evidence they would be undermined by granting the application.

3.5.2 A ”good operator” is an applicant for an application to vary a premises licence who satisfies all of the following criteria:

- at the time of making the variation application, and at the time the application is determined, they are the holder of the premises licence subject to the application
- in the 3 to 5 year period prior to submitting the application, the applicant has not been subject to any formal intervention by the responsible authorities in connection with that [or any other] premises in Brighton and Hove.
- Formal intervention includes the following; a formal written warning; an application for review or summary review; a closure notice or closure order; a prosecution for an offence under the Licensing Act 2003; a penalty for employing illegal workers; or an abatement notice.

6. Prevention of Crime and Disorder

The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.

6.1.1 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programs which will raise their awareness of the issues relating to spiking, drugs and

violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programs to help identify children at risk and issues of basic child protection and vulnerable individuals. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence and their responsibility to uphold all four licensing objectives.

6.1.3 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

6.1.4 Measures put in place should support the intentions of Operation Marble (police operational order), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the city centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

6.2 Sussex Police

6.2.1 Sussex Police have a specific Operation relating to the night-time economy called Operation Marble (detailed in 4.3.7) and work closely with partners to ensure a safe and vibrant city centre. Police data shows the correlation between intoxication and violent crime is highest in the city centre. There continues to be an increasing demand for resources further into the early hours of the morning with the highest sustained risk during the week occurring on a Friday into Saturday between 22:00 – 04:00 (with moderately high risk until 05:00) and a Saturday into Sunday between 21:00 – 04:00 (again with a moderately high risk until 05:00). For full details of these statistics see the Police Data set at Appendix E.

6.2.2 The dealing and use of drugs remains an issue across the city and Sussex Police welcome proactive policies from licensed premises. A drug safe and seizure recording initiative is in place of which further details can be obtained by contacting Brighton & Hove Police Licensing (brighton.licensing@sussex.police.uk). This initiative encourages licensed premises with Door Supervisors to search and seize drugs from persons attempting to enter their premises and ensures that once drugs are removed from persons, they can be safely collected and destroyed by Sussex Police. We ask that licensed premises make regular contact with Police Licensing to get seized items collected.

6.2.3 Dispersal from the city centre during the late evening and early morning remains a policing challenge. Over recent years, there has been a proliferation of off-licences and late night refreshment venues offering walk in/take away services along the city's arterial routes. This has led to incident 'hot spots' where patrons from the night time economy continue to interact, albeit away from any safety measures afforded by on-licences. As such, Sussex Police support the Council's

Special Policy in offering guidance to both applicants and the Licensing Committee in relation to off-licences and late night refreshment licences.

6.2.4 Sussex Police have continuing concerns that, despite staff training in age-restricted sales, under age individuals are still being served alcohol both on and off the premises in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted to highlight premises where sales are taking place and ensure appropriate enforcement action is taken to prevent further sales. The introduction of identification scanning machines at premises throughout the city has proved successful in mitigating some risk, but operators must maintain vigilance regarding the fraudulent use of genuine IDs. Sussex Police continue to work alongside the Brighton Crime Reduction Partnership (BCRP) to tackle the problem of those who use false or another's identification to enter licensed premises and purchase alcohol. The advent of digital identification means that the ID process is continually evolving. There is an expectation by Sussex Police and the Local Authority that licensed premises are proactive around staying informed and abreast of any changes and providing training / support to their staff as required.

6.2.5 Sussex Police work closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. As well as work to prevent under age sales, vulnerability training is offered to identify persons who may have been made vulnerable through alcohol or drugs. Additionally, spiking awareness training has regularly been organised by the BCRP, the PCC and other external providers. Sussex Police also support initiatives such as (but not limited to) safe spaces, night safety marshals, mobile teams of volunteers actively checking people's well-being and the Beach Patrol.

6.2.6 Public Space Protection Orders have proved an effective tool for Sussex Police in targeting enforcement action in problem areas of the city. It *'allows Police Officers and Police Community Support Officers to remove alcohol from any person in a public place if that person is involved in anti-social behaviour (ASB) or the officer believes that by having alcohol in their possession there is an increased risk of ASB. It is an offence to refuse to hand over alcohol when required to do so.'* They have been particularly effective in the day time economy where members of the street community are causing ASB issues for members of the public and local businesses, especially during the summer months where there is a large influx of visitors to Brighton & Hove.

6.2.7 Policing the night time economy continues to provide a challenge and in the climate of limited resources and newly emerging problems, Sussex Police support maintaining a Special Policy in the city centre which defines areas of high crime and risk and offers restrictions around types of premises that will be granted to ensure that existing issues are not extended. Police will continue to take enforcement action where appropriate if the actions of a Premises Licence Holder, Designated Premises Supervisor, Door Supervisors or Staff have fallen below the high standard expected across the city. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton & Hove a safe and enjoyable city.

6.3 Care, control and supervision of premises

6.3.1 The Licensing authority supports the Brighton Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of best practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.

6.3.2 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, eg type of licence, capacity, operating hours restrictions.

6.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.

6.3.4 This policy recognises the use of registered Door Supervisors. All Door Supervisors will be licensed by the Security Industry Authority. Mobile security units and similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. This policy endorses the use of units following such guidance and standards in appropriate circumstances.

6.3.5 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.

6.3.6 Enforcement will be achieved by the enforcement policy appended (Appendix B).

7.1.1 **Preparing for Martyn's Law Requirements**

Licence holders should familiarise themselves with the requirements of Martyn's Law (the Terrorism (Protection of Premises) Act 2025), which will require certain premises and events to consider how they would respond to a terrorist attack. While the Act will not come into force for at least 24 months (from April 2025), early preparation will help ensure compliance and enhance the safety and security of staff and visitors. The Government will publish guidance during the implementation period to assist in understanding the specific requirements. For further information please go to: Martyn's Law Factsheet – Home Office in the media

8. Prevention of Public Nuisance

The following details and measures are intended to address the need for the prevention of public nuisance which may be associated with licensed premises and certificated club premises:

8.1.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke).

8.1.2 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

8.1.3 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 8.2 below).

8.2 Smoking Advice

8.2.1 Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on their premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.

- Ensure that any structures used by smokers comply with the design criteria detailed in the Health Act 2006 and that any structures, awnings, retractable canopies, etc have the relevant planning permission.

- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.

- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence it may be necessary to request a variation of your licence.

- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.

- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks and reminding customers not to leave unattended items.

- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.

- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.

- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.

- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.

- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for rapid police response and alert other venues where customers and staff are endangered.

- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.

- Use CCTV to manage outside areas.

8.2.2 Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

10. Integration of Strategies

10.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by: -

- Liaising and consulting with Sussex Police, Community Safety Partnership Board, sustainability commission representatives and following the guidance in community safety and crime and disorder strategy
- Liaising and consulting with Public and Drug and Alcohol Programme Board
- Liaising and consulting with the East Sussex Fire & Rescue Service
- Liaising and consulting with the Safety Advisory Group (Emergency Planning)
- Liaising and consulting with the Planning authority
- Liaising and consulting with the Highways authority
- Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
- Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice

10.1.1 In line with statutory requirements and the council's Public Sector Equality Duty, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between all people. This includes people who share protected characteristics, including but not limited to LGBTQIA+ people, disabled people, people from diverse ethnic and cultural backgrounds and people of all faiths and none.

10.1.2 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.

10.1.3 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.

10.1.4 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.

10.1.5 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

10.3 **Enforcement**

10.3.1 The Enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at Appendix D (Lead Agency Status) of the Statement of Licensing Policy. In addition, the Licensing Authority will have regard to its published Licensing Enforcement Policy in making enforcement decisions in accordance with Brighton & Hove City Council's Statement of Licensing Policy (Appendix B). In order to better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements.

10.3.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the protocol. A number of other council and government policies, strategies and guidance documents must be considered to complement the policy, including:

- Community Safety & Crime Reduction Strategy
- Drugs and alcohol strategies – local alcohol harm reduction strategy
- Objectives of the Security Industry Authority
- The Anti Social Behaviour Act 2003/ASBPC Act 2014
- The Health Act 2006
- The Violent Crime Reduction Act 2006
- Policing and Crime Act 2009

APPENDIX A – Licensing Best Practice Measures

Best Practice Measures to be included for consideration, in the CSA and the SSA

Matters that would normally be expected in operating schedules:

- A general knowledge and understanding of the Licensing Act 2003 (The Act).
- The adoption of a policy (e.g. Challenge 25) with acceptable proof of ID.
- A smoking policy which includes an assessment of noise and litter created by premises users
- The use of reusable plastic and polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- A policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- Keep and maintain refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- The installation of a digital CCTV system by liaison with, and to a standard approved by, Sussex Police. With access available to individuals working on the premises.
- A documented equalities and inclusion policy framework that demonstrates a commitment to creating a fair, diverse, and inclusive environment.
- Policies for dispersal of customers which may include signage regarding taxi services', telephone numbers and advice to respect neighbours and minimise noise, this also includes for customers using external areas.
- Licence holders should have clear documented policies and procedures in place which identify all public safety risks associated with their premises for both customers and staff and measures implemented to prevent, manage and respond to those risks.

Items to which positive consideration would be given:

- membership of Brighton Crime Reduction Partnership
- use of 'NightSafe' radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators
- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

- Staff should be aware of their responsibilities regarding smoke-free legislation and for monitoring compliance

Recommend best practice for both on and off premises

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences
- Signage on premises should set out legal duties
- Voluntary restriction of high strength alcohol – operating schedules may be used to limit high ABV beers, lagers and ciders
- Staff training – in addition to personal licence holders training, staff must be adequately trained for duties
- Challenge 25 would be the norm, particularly in the off licence trade
- Appropriate signage and training for the deterrence of proxy sales

Additional Best Practice Measures to be included for consideration, in the CSA

Applications within the CSA will be expected to include in the proposed operating schedule robust additional measures (as appropriate to the nature and location of the venue) which are set out below. These best practice measures place a special emphasis on safety, including measures to tackle drink spiking, preventing intoxication, unwanted sexual behaviour and the use of ID scanners.

Objective	Best Practice Measure/suggested conditions
An understanding of the Licensing Act 2003 (The Act)	Well trained staff will contribute to well run premises and a responsible approach to the sale of alcohol, provision of entertainment and late-night refreshment. Formal qualifications for your staff, either to Personal Licence level or to another appropriate standard recognised by bodies such as the British Institute of Innkeepers (BII) would be preferential
Preventing Intoxication on Licensed Premises	Licence holders must ensure all staff understand their legal responsibilities under the Licensing Act 2003, particularly that serving alcohol to intoxicated persons is an offence. To prevent intoxication occurring on premises, operators should: * Avoid promotional activities that encourage customers to drink more than intended or consume alcohol rapidly * Refuse admission to individuals who are already intoxicated upon arrival * Train staff to recognise early warning signs of intoxication, utilising all team members including glass collectors as additional observers, and consider installing mirrors to improve visibility across the premises * Provide staff training covering alcohol's effects and techniques for managing difficult situations, giving them

	the knowledge and confidence needed to refuse service to intoxicated customers.
A comprehensive Duty of Care Policy to be established in relation to preventing intoxication	Setting out the steps staff should take to prevent intoxication, and the actions required when customers become intoxicated on the premises. This policy should recognise that intoxicated individuals may become separated from friends who would otherwise care for them, making them vulnerable to harm or exploitation. Given Brighton and Hove's diverse community, the policy should specifically address: * **LGBTQ+ customer safety:** Staff should be aware that intoxicated LGBTQ+ individuals may face additional risks including targeted harassment, discrimination, or hate crime * **Violence Against Women and Girls prevention:** Recognition that intoxicated women and girls are particularly vulnerable to predatory behaviour, with clear procedures for identifying and responding to concerning situations The policy must ensure that no intoxicated person is left unaccompanied or placed in a taxi without appropriate supervision. All premises staff must be familiar with and trained in implementing this policy.
The installation of a digital CCTV system by liaison with, and to a standard approved by, Sussex Police. With access available to individuals working on the premises.	Subject to GDPR guidance and legislation: *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 entrance to the premises. The system shall be on and recording at all times the premises licence is in operation. * The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times. * CCTV footage will be stored for a minimum of 31 days. * The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime. * The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. * Subject to GDPR guidance and legislation, 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 Sussex Police e.g. USB) for the police without difficulty or delay and without charge to Sussex Police. *Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable. This can be via email - brighton.licensing@sussex.police.uk. Repair records /invoices shall be kept on site for at least 12 months and be readily available to be viewed by all authorised person upon request. * In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex 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.
Incident reporting	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 the DPS (or a person with delegated authority) at least once a week. * 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.
Security in and around the premises	The employment of SIA registered door supervisors in line with Police recommendations and/or a written risk assessment to supervise admissions and customers inside and outside the premises. ***** SIA badges must be clearly displayed whilst working. * Door staff should sign into a register detailing their full SIA licence number, their name, contact details and the time and date their duty commenced and Concluded * The premises should implement effective security policies to protect staff and customers from conflict, violence and threats in consultation with Sussex Police and ensure staff are adequately trained on these policies. Training records must be accessible for review by police or the Licensing Authority. 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.
Brighton Crime Reduction Partnership (BCRP) membership	Premises will become a member of the BCRP or similar scheme approved by the Licensing Authority that operates with radios and uses the Nightsafe & Yellow Card Scheme or similar reporting scheme.
ID scanners	**The use of ID scanners where appropriate.** The premises shall install a recognised electronic identification scanning system for customers entering the premises. The system shall be operated at all times door staff are on duty and all persons entering the premises will be scanned. The system should have the ability to identify the hologram of an ID and read both Passports and ID cards, including PASS cards. The system should be able to conduct tests to determine if a document is genuine or counterfeit. The system must be compliant with the Information Commissioners good practice guidance for ID scanning in clubs and bars.
Equalities and inclusion policy	A comprehensive, documented equalities and inclusion policy framework that demonstrates the organisation's commitment to creating and maintaining a fair, diverse, and inclusive environment. This framework should encompass clear policies, procedures, and measurable objectives that actively promote equality of opportunity, prevent discrimination and harassment, and foster an inclusive culture where individuals from all backgrounds can feel safe. The policy must be regularly reviewed, updated to reflect best practice and legal requirements, and supported by appropriate training and monitoring mechanisms.
Safety of staff and customers	Licence holders should have comprehensive, clearly documented policies and procedures in place which systematically identify all public safety risks associated with their premises for both customers and staff, and detail the robust measures implemented to prevent, manage, and respond effectively to those risks. These policies should encompass risk assessment methodologies, hazard identification protocols, emergency response procedures, staff training requirements, and regular review mechanisms to ensure ongoing compliance with health and safety legislation. The documentation must demonstrate a proactive approach to risk management, including contingency planning for various scenarios, clear allocation of responsibilities amongst staff members, and established communication channels for reporting and addressing safety concerns promptly and effectively.

	Licence holders should prepare themselves for the implementation of Martyn's Law.
Safety of staff and customers	**Preparing for Martyn's Law Requirements** Licence holders should familiarise themselves with the requirements of Martyn's Law (the Terrorism (Protection of Premises) Act 2025), which will require certain premises and events to consider how they would respond to a terrorist attack. While the Act will not come into force for at least 24 months, early preparation will help ensure compliance and enhance the safety and security of staff and visitors. The Government will publish guidance during the implementation period to assist in understanding the specific requirements.
Safety for staff	Licensed venues are encouraged to take all reasonable steps to support the safe travel of staff following late-night shifts, including the provision of free or subsidised transport home where appropriate, as part of their duty of care.
Drinking receptacles	The use of reusable plastic and polycarbonate drinking vessels and containers, especially outside areas or after specified hours.
Vulnerability policies and training	All persons working/trading in the night time economy will be aware of the vulnerability of patrons. Patrons are particularly vulnerable when intoxicated through alcohol and/or drugs, this includes when they are refused entry or ejected from the premises. There will be a special emphasis on safety, including measures to tackle drink spiking and unwanted sexual behaviour. **Every venue will now need to have a clear and actionable policy in place to prevent and respond to drink spiking. This includes staff training, procedures for reporting incidents, and support for victims.** Training and initiatives should include; • Safety-First Door Policy: Venues will no longer be allowed to eject vulnerable individuals, especially lone adults, without care. Whether someone is intoxicated, separated from their group, or simply in need of help, venues must act responsibly. • Premises to contact the Night Safety Marshalls (NSMs) to assist vulnerable persons to get home safely and get the help they need during the NSM operating hours. • BCRP spiking and vulnerability training • Home Office Spiking training

	• Implementation of the 'Ask for Angela' scheme or similar initiatives • Training in the use of the Back Off Back Up (Bobu) app and displaying the sticker to show venues are part of the safety network – or similar schemes
Vulnerability policies and training	Awareness of child sexual exploitation, modern slavery and human trafficking indicators.
Drug Use	* A zero tolerance policy to the use of drugs in the premises should be adopted. * Posters can be displayed throughout the premises to remind customers of the zero-tolerance policy. * Refusing entry to anyone who appears to be showing signs of drug use and contacting the emergency services in appropriate circumstances. In such cases, an entry should be made in an incident logbook. * A duty of care policy regarding persons suffering adversely from the effects of drugs should be in place at the premises and staff should be trained on the policy.
Smoking on the premises	Staff should be aware of their responsibilities regarding smoke-free legislation and for monitoring compliance, including in relation to enclosed (or substantially enclosed) smoking shelters.
Music, singing and speech noise breakout from the premise	A noise management policy should be in place that sets out sound attenuation measures to prevent or control music, singing and speech noise breakout from the premises.
Noise and nuisance from customers arriving and leaving the premises	* Reduce the potential for excessive queue lines with a well-managed and efficient door policy. * A customer dispersal policy can minimise noise disturbance to local residents from customers leaving the premises. A policy should clearly set out measures to avoid a mass exit at the end of the evening * Display prominent notices close to the exit doors, requesting patrons to leave the premises and quickly and quietly.

	* Display prominent signs in external areas such as beer gardens and forecourts asking customers to keep noise to a minimum. * Restrict the use of external areas after a certain time (e.g.10pm) if premises are in a residential area
Smokers outside the premises	* Limit the number of smokers permitted outside at any one time after a certain time. * Discourage smokers from loitering outside by not permitting them to take their drinks with them and removing external furniture after a certain time. * Locate smoking areas away from residential premises. * Do not permit customers to congregate on and block the public highway to passers-by
Noise and disturbance caused by deliveries, collections and waste disposal	Commercial deliveries, collections and storage/ disposal of waste (especially glass), including beer deliveries, refuse collections and storage / disposal of waste and recyclables in external areas should be restricted between certain times
Children accessing licensed premises	A documented Safeguarding policy setting out measures to protect children from harm should be in place at the premises. The policy should consider all activities associated with the premises including the sale of alcohol and the provision of regulated entertainment and when children should be allowed on or restricted from the premises. * All staff including door staff and bar staff should be trained on the policy.

Underage sales of alcohol	The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it. * Signage advertising the 'Challenge 25' policy will be displayed in prominent locations in the premises. *The Premises Licence Holder / Management shall ensure that all staff members engaged or to be engaged in selling, serving or delivering alcohol shall receive induction training. If this training is to be conducted in electronic form, it will at a minimum also include a face-to-face discussion session. This training will take place prior to the selling, serving or delivering of such products and will include: a) The lawful selling of age restricted products – including but not limited to, the requirement of the staff member conducting the transaction to ensure they carry out Challenge 25 checks regardless of any other staff member checks that may already have taken place b) Identifying if a person may be intoxicated and refusal of sale c) Vulnerability initiatives and how to respond to potential drink spiking * Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented. * All such 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.

Note: The above best practice measures are not exhaustive and changes with wording, training providers and organisations may occur over time.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 The licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

Finance Officer Consulted David Wilder *Date: 18/11/2026*

Legal Implications:

5.2 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: Rebecca Sidell *Date: 17/11/2026*

Equalities Implications:

5.3 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:

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

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Section 18 of the Application

2. Appendix B – Plan of Premises

3. Appendix C – Representations

4. Appendix D – Map of area

Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2026 Statement of Licensing Policy 2026

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, November 2026 Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK

Public Health Framework for Assessing Alcohol Licensing – July 2025
Public Health Framework for Assessing Alcohol Licensing | Tableau Public.

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2026. Statement of Licensing Policy 2026