

BRIGHTON & HOVE CITY COUNCIL
LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

10.00am 24 JANUARY 2022

MINUTES

Present: Councillor Simson (Chair); Appich and O'Quinn

Officers: Rebecca Sidell (Legal Officer), Emma Grant (Licensing Officer), Clare Chapman (Democratic Services Officer)

PART ONE

4 TO APPOINT A CHAIR FOR THE MEETING

Councillor Simson was appointed Chair for the meeting.

5 PROCEDURAL BUSINESS

2a Declaration of Substitutes

There were none.

2b Declarations of Interest

There were none.

2c Exclusion of the Press and Public

In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Licensing Panel considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

RESOLVED - That the press and public be not excluded / excluded from the meeting during consideration of any item on the agenda.

6 109A-110 WESTERN ROAD LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

In attendance:

For the Premises: Derya Yilmaz – Agent
 Ufuk Yapici – Management Team

Making Representation: Juliette Hunting

- 3.1 The Panel considered a report of the Executive Director of Housing, Neighbourhoods and Communities which required them to determine an application for a new premises licence at 109A – 110 Western Road, Brighton, BN1 2AA

Licensing Officer

- 3.2 The Licensing Officer presented the application and summarised the contents of the report.
- 3.3 The Licensing Officer clarified that late night refreshments would commence at 23:00 hours and not 11:00 hours as stated in the report.
- 3.4 The Applicant's agent had contacted the Licensing Officer that morning to advise that the Applicant intended to offer a food delivery service from the premises.
- 3.5 One representation had been withdrawn.
- 3.6 The Applicant had agreed conditions with the Police Licensing Unit.
- 3.7 The application was for the internal area only.
- 3.8 In response to a question from the Panel, the Licensing Officer confirmed that only on-sales had been applied for and the Applicant would not be able to offer a delivery or take-away service for alcohol.

Representations

- 3.9 The Panel heard from Juliette Bunting. Ms Bunting was deeply concerned at yet another premises selling alcohol in this area. She reported there had been on-going problems with street drinkers and drug addicts and dealers dominating the square. Residents had worked hard to transform Norfolk Square into a beautiful garden after many years of struggle.

Applicant

- 3.10 Ms Derya informed the Panel that the restaurant would provide fine slow-cooked Mediterranean dishes. The restaurant operation was not designed as a fast-food operation and it was intended that diners would watch their food prepared in the open plan kitchen. They would not expect anyone who was intoxicated to be seated in the restaurant. They were keen to respect the local residents and it was their intention to conduct regular litter checks in the area.

- 3.11 In response to a question from the Panel, Ms Derya confirmed that the Planning Authority was keen to retain the original facade and it would not be possible to open the windows.
- 3.12 In response to a question from the Panel, Ms Derya confirmed that around 20% of the floor space would be used for dining and this would accommodate around 30 covers.
- 3.13 The Panel heard from the Applicant, Mr Ufuk Yapici. Mr Yapici explained that the delivery operation would use companies such as Deliveroo and Uber Eats. They would encourage the use of bicycles and electric vehicles for deliveries. Delivery drivers would arrive when the food was ready to minimise the impact on the local community.
- 3.14 Ms Derya confirmed that a management team would be on the premises at all times during operating hours.

Closing Submissions

- 3.15 Each of the parties were given the opportunity to make their closing submissions and each reiterated the points they had made during the meeting. The Panel then retired to make their decision which is set out below.

Decision

- 3.16 That the Premises Licence in respect of 109A-110 Western Road, Brighton, BN1 2AA, be granted.

Reasons

The Panel has read all the papers including the report, and relevant representations and has listened to all the submissions made at the hearing.

This is an application for a new premises licence within the Cumulative Impact Zone (CIZ) and therefore subject to the special policy on cumulative impact as set out in the Statement of Licensing Policy.

Our policy states that applications for new premises licences will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative cumulative impact. The special policy will only be overridden in exceptional circumstances. However, the policy is not absolute and both the policy and matrix approach indicates that a restaurant within certain hours may be unlikely to add to cumulative impact in the area and therefore be exceptional.

The application is for a restaurant with late night refreshment from 23:00 hours to midnight and sale of alcohol on the premises only from 11:00 to 23:30. The applicants further wish to run a food delivery service. The applicant has agreed a set of conditions with the police and these are detailed in the papers before us.

Relevant representations have been made by 3 local residents who are concerned about the detrimental impact the licence, especially the alcohol element, may have upon the adjacent Norfolk Square. The square has suffered from considerable alcohol related

anti- social behaviour historically. A lot of effort and resources have been put into improving the layout of the square making it into a more welcoming and safer space but it remains a vulnerable location and there are concerns about the cumulative effect of a further licence.

The panel has given careful consideration to this application. We take note of and appreciate the concerns of the residents about Norfolk Square. On behalf of the applicant it was stated that they were keen to respect the local residents and the panel welcomed the intention to conduct regular litter checks in the area. The panel believes that a restaurant with on sales of food and alcohol only is unlikely to have a detrimental effect on the area. The panel is concerned however about the proposal to deliver food. The panel is only able to regulate this between the hour of 23:00 hours to midnight. Takeaway food is not supported by the Matrix in the CIZ and we are concerned that deliveries at this time would cause disturbance to neighbouring residents. The panel has therefore decided to grant the application to include all the conditions agreed with the police and a further condition as follows: *Late night refreshment between 23:00 hours to midnight shall be limited to the provision of food for consumption on the premises only; there shall be no takeaway sales or delivery service of food.*

The panel considers that with the above condition and those agreed with the police the application is not likely to add to cumulative impact or impact negatively on Norfolk Square and will promote the licensing objectives. The panel further recommends that the applicants' stated intention to work with local residents should include regular contact with appropriate residents' associations to ensure any concerns are addressed.

Note: The Legal Adviser to the Committee confirmed that the decision letter to the applicants would include details of the appeal rights available to them.

The meeting concluded at 11.25am

Signed

Chair

Dated this

day of