

Dear Sirs

These submissions are provided on behalf of Kentucky Fried Chicken (Great Britain) Limited (KFC). The premises is KFC, 47 Upper Brook Street, Winchester, Hampshire, SO23 8DG

The submissions are structured as follows:

- The applicant
- The existing operation
- The application
- The representations
- The Law, Guidance and Policy
- The Committee considerations
- Conclusions

Attached to the submission are the following:

Annex 1 – KFC - Our commitment to being a good neighbour

Annex 2 – KFC - Development brochure

Annex 3 – Screenshot Late Night Licensing training (email)

The applicant

KFC will be well known to the committee and has operated in the UK and Ireland for 60 years. KFC currently operate some 1,012 restaurants across the UK. Of these 268 are operated directly by KFC with a further 744 operated by franchisees. This premises is operated by KFC directly; KFC currently operates some 80+ Premises Licences within their estate.

KFC's commitment to being a good neighbour (Annex 1) and their "Doing restaurants the right way" (Annex 2) documents were circulated to the Licensing Authority as part of a pre-application consultation exercise prior to the submission of the application. As a progressive business KFC are continually looking to upgrade

and reimagine the existing restaurants in their portfolio. KFC work collaboratively and cooperatively with Authorities and Officers throughout the country.

Application

The application only seeks the licensable activity of late-night refreshment; no other licensable activities are proposed.

The application seeks permission for customers, collections, deliveries, and dining in. Delivery collection being undertaken by delivery riders.

Late Night Refreshment

23:00 to 01:00 – Sunday through Saturday for customers collecting or dining in (restaurant)

23:00 to 05:00 – Sunday through Saturday (the morning following) for delivery collection only.

(No customer access into the restaurant after 1am).

Conditions

The application proposes conditions proportionate to the application, including the following, details contained within the agenda papers.

- Staff training
- CCTV
- Incident log
- Health and safety conditions
- Extract , ventilation and ducting maintenance
- Light switch off
- Delivery riders conduct rules including waiting/parking
- External patrols and litter collection

Pre-application consultation

Prior to the submission of the Licence application the applicant, sought to undertake pre-application consultation with the Licensing Authority and any Responsible Authorities the Licensing Authority saw fit to include. Additional conditions were

included within the application to those first proposed following engagement with the licensing Authority. These touch on signage, waste receptacles, sounding of horns and engines, delivery addressees.

No proposed amendments were proposed/made by officers as regards the operating schedule following submission of the application.

Representations

Two Representations have been received in opposition to the application. Namely a councillor and a resident.

The representations can be read for themselves.

- **Councillor Reach**

In summary the Councillor makes comment about; reported disorder on Upper Brook Street and nearby car parks, loitering and antisocial behaviour, motorbike deliveries causing noise, particularly in the early hours of the morning.

- **Mr Marinus**

In summary this resident makes comment about; the Upper Brook street's commercial corridor, the high concentration of student accommodation, disturbances from pedestrians and vehicles, increase in delivery vehicle movements after 1am, poor lighting on Middle Brook Street, the legality of electric bikes using cycle lanes, pedestrian safety between 1am and 5am, street lighting shortcomings, the likelihood of public order incidents on adjacent streets, the establishment of a precedent, amongst other points.

Whilst the objection seeks the refusal of the application, the representation invites the committee, if minded to grant the application to limit it to 1am and to attach robust conditions attaching to delivery management albeit also proposing that delivery services be prohibited within the licence, vehicle idling to be managed, and noise mitigation to be undertaken.

As regards these proposed conditions

1. No delivery collection service after 1am– this is not agreed.

2. A clear requirement for staff to actively manage delivery riders and drivers outside the premises, this is already proposed, see code of conduct and conditions.
3. No idling of delivery vehicles, mopeds, or cars outside or near the premises. - this can be agreed.

We also suggest that the committee give consideration to a condition that obliges a direct contact number for residents to report late-night disturbance to the premises manager.

Whilst we are respectful of the points that are raised we do not accept that there is evidence that can fairly allow for the conclusion that the application could and or should be refused.

We should add that delivery hours, whilst not referenced within the representations, in the sense of lorries delivering to the store, will not be extended because of this application.

This KFC premises does not have anti-social behaviour issues, either within the premises or in the immediate vicinity. There have been no complaints to the Customer Service Team, nor the premises. The licensee acknowledges that this premises will need to be managed carefully.

Responsible Authorities

The Responsible Authorities have not seen fit to serve a representation. It must fairly be concluded, in a process that obliges Licences to be granted absent objections, all the Responsible Authorities approve of the proposals before the Committee today. Certainly, it can be said with confidence that they did not consider that they had any evidence to suggest otherwise.

The Responsible Authorities are, put briefly, both the experts and custodians of the licensing policy and the licensing objectives. It is a powerful observation about this application that none seek to object, an observation that we respectfully submit should not be likely put aside by the committee when considering these issues. 9:12 of the national guidance is of note here, see below.

Planning

Planning permission for the extended hour now requested within the premises licence, was recently granted, in April 2026. This was granted on officer recommendation.

Three conditions attach to that permission, over and above the hour's restrictions, namely

- The means of extraction of fumes from the premises shall be maintained and operated in accordance with the details submitted and approved as part of the application
- Noise protection measures shall be maintained and operated in accordance with the details submitted and approved as part of the application
- The measures for the provision of storage and disposal of refuse from the premises shall be maintained and operated in accordance with the details submitted as part of the application

The reasons for such conditions address themselves to the protection of adjoining properties, ensuring neighbours are not disturbed, the protection of nearby occupiers' amenity.

Acoustic Survey

That application was accompanied by an acoustic survey, which concluded that neither the premises nor the activities could fairly be said to be likely to give rise to nuisance.

The acoustic survey contained the following observations

- *The context of the site is that it is a busy location where there are regular vehicle movements on the local road network day and at night.*
- *The predictions for delivery vehicles arriving in the loading bay show that the noise at Receptor 2 will be 17dBA over the course of an hour.*
- *This is 25dB lower than the typical background sound level and 36dB lower than the existing ambient noise environment and will therefore have no effect on the residents.*
- *The predictions for delivery vehicles leaving the loading bay at Receptor 2 will be 20dBA. This is 22dB lower than the typical background sound level and 33dB lower than the typical ambient sound level and will have no impact on the residents.*

- *The predictions for delivery vehicles passing Receptor 2 will be 38dBA. This is 4dB lower than the typical background sound level and 15dB lower than the typical ambient sound level and will have no impact on the residents.*

Additional observations

- Delivery drivers using the area late at night is not out of character for the local area, and the conditions offered and the commitment to being a good neighbour will allow the applicant to manage the levels of noise effectively.
- Our conditions oblige a code of conduct for delivery drivers which deals with lawful and legitimate parking and aims to prevent congregation in proximity to residential property.
- Domino's next door is licensed until 3am for deliveries (operates until 3am, possibly licensed later than that).
- Deliveries would be collected from the front of KFC, where a loading bay is located.

Operational Standards

Whilst not proposed as conditions within the licence the following operational standards will be brought to bear on the operation and by extension in many cases on the Licensing Objectives

1. CCTV coverage

The premises shall operate a digital CCTV system capable of providing recorded images of evidential quality.

The system shall cover all public areas internally, including the customer entrance, service counter and order points, and externally covering the customer entrance and immediate approach.

Recordings shall be retained for a minimum of 31 days and made available to police and the licensing authority on request, subject to data protection legislation.

2. Late-night operations training

All team members working between 23:00 and the licensed closing hour shall complete the KFC late-night operations module on the KFC Learning Zone training platform prior to working a late-night shift.

Training records shall be retained at the premises and made available to the licensing authority and police on request.

3. Conflict management training

All team members working between 23:00 and the licensed closing hour shall additionally complete the conflict management module on the KFC Learning Zone platform prior to working a late-night shift.

4. Rear access secured

The rear delivery door shall remain closed and locked at all times from 23:00 and shall not be used for customer or delivery rider access during late-night trading.

5. Walk-in cut-off and delivery-only operating model

From 01:00, the premises shall cease accepting walk-in customers. No further customers shall be admitted to the customer area. Between 01:00 and the licensed closing hour the premises shall operate on a delivery-only basis, serving orders placed via approved third-party delivery platforms. The last entry time for walk-in customers shall be clearly displayed at the customer entrance.

6. Controlled access for delivery riders

During delivery-only operating hours, a designated duty manager shall be stationed at the customer entrance to identify and admit authorised delivery riders only.

The customer entrance shall otherwise remain locked at all times.

7. External signage

Externally visible signage shall be displayed at the customer entrance from 01:00 advising customers that the premises is operating on a delivery-only basis and that walk-in service has ceased.

8. In-store ordering channels disabled

From 01:00, all in-store self-service kiosks and counter order points shall be powered down and out of service.

Orders shall be accepted only via approved third-party delivery platforms.

09. Designated late-night manager on duty

A trained late-night duty manager shall be on shift at all times between 23:00 and the licensed closing hour and shall be readily identifiable by uniform.

10. Three-person minimum staffing

A minimum of three team members shall be on duty at the premises at all times during late-night trading. Lone working shall not be permitted.

11. Incident and refusal log

A digital incident log (PRIME) shall be maintained at the premises recording any anti-social behaviour, calls to police, ejections, or other significant incidents during late-night trading.

The log shall be made available to police and the licensing authority on request.

12. Dispersal and noise management

External signage shall be displayed asking customers and delivery riders to leave the premises area quietly and with consideration for local residents.

13. Delivery rider management

Delivery riders shall not be permitted to congregate at the front of the premises.

Where space permits, a designated waiting area shall be marked away from the customer entrance – or within the premises?

14. Refuse collection restrictions

No commercial waste, including cardboard and dry recyclables, shall be moved to external storage or presented for collection between 23:00 and 07:00.

15. Cash control

No Cash held in tills during late-night trading. Tills will be closed with zero cash.

16. No persons under 18 working late

No person under the age of 18 shall be employed to work at the premises between 01:00 (or earlier?) and 06:00. Staff age verification records shall be maintained

The Law.

The Licensing Act 2003 (the Act) is solely concerned with the regulation of licensable activities, which includes late night refreshment (Section 1(d) of the Act).

A Licensing Authority must carry out its functions under the Act with a view to promoting the Licensing Objectives (Section 4(1) of the Act) which are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Where representations are made, the Authority shall disregard any information given by a party or person which is not relevant to their representation (Section 19(a) of the Act (Hearings) Regulations). In short, any representator can only speak to those matters and Licensing Objectives raised in their representation.

National Guidance

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy. (We submit that precedent is not in and of itself a legitimate basis for refusal).

1.18 When making licensing decisions, all licensing authorities should consider the need to promote growth and deliver economic benefits.

2.26.. beyond the immediate area surrounding the premises these are matters for the personal responsibility of individuals under the law. An individual engages in anti-social behaviour is accountable in their own right.

9.12 .. any responsible authority under the 2003 Act may make representations with regards to any of the licensing objectives if they have evidence to support such representations... However, it remains incumbent upon all responsible authorities to ensure that their representation can withstand the scrutiny to which they would be subject at a licensing hearing - We respectfully submit that no such evidence, mere speculation, has been provided here.

9.43 The authority's determination should be evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

Licensing policy:

The following paragraphs may also be considered of particular significance:

- *2.10 - It will consider any demonstrable link between particular licensed premises and reported problems of nuisance and anti-social behaviour, although the Council recognises that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are away from that premises/place and, therefore, beyond the direct control of the individual, business or club holding the licence or certificate concerned. However, as the Government's Guidance notes, the Policy is a key aspect of such control, and licensing laws will always be part of a holistic approach to the management of the evening and night-time economy in the City Centre.*
- *2.23 - With regard to licensing hours, consideration will be given to the individual merits of an application.*
- *Part 4 - Applicants are encouraged to informally consult the relevant Responsible Authorities and other relevant bodies, where applicable, such as the South Downs National Park Authority, before preparing operating schedules, in order to ensure that, so far as possible, any issues which such consultees might raise can be dealt with before the application is submitted.*
- *In relation to C3 above, the applicant will be expected to demonstrate the measures that are taken to mitigate public nuisance, which where relevant, should include (some of) the following:*
 - *Effective and responsible management of the premises*
 - *Management of people, including staff and traffic (and any resulting queues) arriving and leaving premises.*
 - *Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly.*
 - *Management arrangements for the control of deliveries and collections & disposal of refuse.*
 - *Siting of external lighting including security lighting;*
 - *Public Information – letters to nearby residents, hotline telephone contact numbers*

The committee considerations.

We respectfully suggest there is only one question of significance here, is this application, by this applicant, at the premises, likely to undermine the licensing objectives? We submit that the licensing authority can only really make a finding (to refuse the application as the representations request or to limit the licence to 1am) based on admissible materials submitted to it. What the authority cannot be asked to do is speculate, as we suggest the High Court made clear in *R v (Daniel Thwaites) Wirral Magistrates Court [2008] EWHC838 (Admin)*. It can however draw fair inferences from the material it does have.

Conclusions

It is submitted on the evidence presented that the committee should grant the application because:

- KFC is an experienced operator of licensed premises
- They have experience of operating these premises successfully
- The premises is well run.
- The premises are well managed.
- The application is the subject of appropriate conditions.
- There are no representations from the Responsible Authorities.
- If there was particular merit in the concerns raised and/or any suggestion they relate to the premises or the customers of the premises, it is reasonable to presume that the officers may have raised the concern or issue at this stage
- If the committee have any residual concern that these issues, whilst not likely, might undermine the licensing Objectives in the future, a review application is the appropriate counterbalance to that point.

We submit his application strikes the right balance between proportionate and appropriate and sustainable and necessary growth that promotes the licensing objectives whilst ensuring that the impact on residents, neighbours and others is managed and manageable. We look forward to developing these point before the committee next week.

Yours sincerely

Matthew

Matthew Phipps

Partner

Head of Licensing

for TLT LLP