

# LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS) ADDENDUM 1

10.00AM, TUESDAY, 1 JUNE 2021

VIRTUAL

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## ADDENDUM 1

ITEM		Page
7	MAMA POLLO LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)	5 - 8



**BEFORE BRIGHTON & HOVE CITY COUNCIL**  
**LICENSING SUB-COMMITTEE**

**APPLICATION FOR A PREMISES LICENCE UNDER LICENSING ACT 2003**

**PREMISES:**

**MAMA POLLO**  
**4 LEWES ROAD, BRIGHTON, BN2 3HP**

**SUPPORTING EVIDENCE SERVED ON BEHALF OF THE  
APPLICANT**

**MR NOORULLA KHAN**

**Date Submitted: 24<sup>TH</sup> May 2021**

# 1. INTRODUCTION

## REGARDING REPRESENTATIONS RECEIVED IN CONNECTION WITH PREMISES LICENCE APPLICATION

1. Sussex Police – Brighton & Hove Licensing Unit
2. Brighton & Hove City Council - Licensing Team, Environmental Health and Licensing, Regulatory Services

**Both representations are on grounds of:**

- a) **Prevention of Crime & Disorder**
- b) **Prevention of Public Nuisance**

Both representations refer to Brighton & Hove City Council 2021 Statement of Licensing Policy and in particular Special Stress Area (SSA) and the use of Matrix Model or approach for the licensing decision with provision of terminal hours for all classes of licensed premises in such an area.

The applicant has acknowledged this within the application submitted.

However the applicant wishes the Licensing Sub-Committee Panel to note that:

**The application has not drawn any representations from any members of the public.**

**Surely if the surrounding area is to be considered as a crime & public nuisance “HOT SPOT” not only there would be evidence to support it in the Crime Data, but also the residents that would be aware of it and would have submitted their objections.**

**The application was submitted with analysis of crimes committed within half a mile radius of the premises and in particular on or near Lewes Road including Park Crescent, Wellington Road, Union Road, Newport road, St Martin’s Place, Elm Grove, Park Crescent Place, Trinity street, Gladstone Terrace.**

1. During the 28 days Representation Period, after the application was submitted, the applicant did clarify the questions raised by the Police. This was before they decided to send their representation.

10/04/2021 & 11/04/2021 (via email)

On maximum capacity of 20 persons including staff – how many tables for on-site dining? **Confirmed that there are 5 tables to allow 2 to 4 persons per table (2x2 & 3x4) giving 16 persons as dining capacity.**

Is the premises ready to open & start trading? **Confirmed that it is expected to open on 16/04/2021**

14/04/2021 & 15/04/2021 (via email)

Confirm that the applicant would like to offer hot food for take away direct to customers walking in off the street as well as delivery?

**Confirmed that on-site dining facility will only be available until Midnight and after that food can only ordered online and delivered to customers by the premises own drivers.**

**Premises is not intending to use Uber or Just Eat mopeds or car drivers to deliver the food.**

How will the premises control delivery drivers in regards to them parking their cars or mopeds to collect orders and to wait around for a pick up request to come through?

Clarified that the premises are employing their own drivers to deliver the food orders and that the drivers will park on identified Streets (Trinity Street, Park Crescent Place, or Islington Road near Masons's Deli to come and collect the food when it ready for pick from the premises. With this measure the management can ensure the drivers respect the privacy of neighbours and local residents when they park their vehicle and wait for the food to be collect for delivery. The drivers are reminded to park the car safely, switch off their engine and keep the windows in closed position so that no music or telephone conversation is audible from outside.

They are also reminded that under no circumstances are they allowed to park on Lewes Road at any time of the day.

2. During the 28 days Representation Period, after the application was submitted, **the applicant also clarified and apologised the error made on the submitted application. The display of the Blue Notice was rectified with photographs sent as requested.**

Email sent to EHL Safety on 05/05/2021

**Confirmation was sent stating that the applicant is willing to amend the hours for the provision of late night refreshment applied for in the application:**

- i. For onsite walk in and take away in person or on site consumption, the applicant will cease trading at 23:00 hours. This will be managed by closing the front entry door for access by anyone except the delivery drivers to collect the food order for delivery service. Signage will be displayed after 23:00 stating the premises are closed.
- ii. Thereafter on Monday to Thursday from 23:00 hours until 02:00 & on Friday and Saturday from 23:00 until 03:00 the applicant will only permit delivery service for food ordered online or over the telephone.
- iii. The applicant appreciates the location of the premises is along a very busy stretch of Lewes Road. In recognition of this, the applicant will only provide delivery service by employing their own drivers. As this is a new business opened just over two weeks ago, and due to COVID pandemic restriction, the applicant has employed one driver for the delivery service. Name of the driver and vehicle registration and insurance details were provided.
- iv. Once the business is established, the applicant himself will provide support (especially after 23:00 hour) to the delivery of food business. Both the drivers are aware of parking restrictions on Lewes Road and the response sent on 15/04/2021 to REDACTED TEXT did cover the locations where these drivers would safely park their vehicles while they wait for the food order to be ready or collected from the premises. Electing to employ their own drivers is the reason why the applicant is confident in effectively managing and controlling the delivery services through this premises and to avoid any negative impact on the area.
- v. The applicant appreciates other concerns Sussex Police have raised in their representation against the application. Regarding issues related to crime & disorder and public nuisance the applicant has offered conditions that are appropriate, proportionate and relevant to the risks that have been identified following the Risk Assessment carried out. Measures to assist in the management of these conditions are already put in place. The applicant is receptive to consider additional conditions if the Police or the Licensing Authorities wishes to do so in order to ensure the grant of the licence will not add to any further negative impact in the local area.
- vi. The applicant is willing to collaborate with Sussex Police and the Licensing Authority and accept a condition that allows for an opportunity to review the licence after a specified time

period – so that both parties can discuss the issues identified based on experience and identified evidence and address them in a joint collaborative manner.

The applicant has since considered the following options to make positive proposals as stated by both the Licensing Authority and the Police to address any further impact on Prevention of Crime & Disorder and Prevention of Public Nuisance:

- a) To enter into contractual arrangement with Mobile Security Unit. This option is not feasible as the financial burden of having 2 patrol vehicles monitor the area around the premises every 20 to 30 minutes interval at night from 23:00 hours to 03:00 hours minutes would cost £600.00 per week.
- b) To enter into contractual arrangement for the provision of Door Security from 23:00 hours to closing hours. This option is also not feasible as companies approached are only interested in providing staff at full day rate rather than at a rate for required hours.
- c) **The applicant is however willing to accept an additional condition that requires him to employ his own Door Security staff who will manage & control customer entry into the premises from 21:00 hours until 23:00 hours. Thereafter the responsibility will switch outside until closing hours to manage any anti-social behaviour, public nuisance, incidents, illegal parking outside the premises on Lewes Road plus ensure that delivery drivers follow safe parking guidelines to respect the privacy of residents while delivery orders are being delivered.**
- d) The applicant has introduced delivery of food for online and telephone orders within a limit of 2 miles radius of the premises.

### 3. Summary

The applicant recognises that the operating the premises with extended hours from 23:00 to 02.00 am on Monday to Thursday & 23:00 to 03:00 am will be entirely a new challenge and will require all his previous management and operational experience to ensure that there is no adverse impact on crime & disorder or the public nuisance in the local area.

The applicant genuinely believes that provision of food and non alcoholic soft drinks (especially delivered on their door step) after 23:00 hours can only have a positive impact on reducing anti-social behaviour, crime, or disorder, that is normally linked with alcohol. It certainly does not lead to any negative impact.