

Licensing Panel (Licensing Act 2003 Functions)

Date: **16 June 2021**

Time: **10.00am**

Venue **Virtual – Microsoft Teams**

Members: **Councillors Deane, O’Quinn and Theobald.**

Contact: **Penny Jennings**
Democratic Services Officer
penny.jennings@brighton-hove.gov.uk

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AGENDA

1 TO APPOINT A CHAIR FOR THE MEETING

WELCOME & INTRODUCTIONS

2 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the Licensing Committee may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: *Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

3 FISH & CHIPS LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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Contact Officer: Dean Love
Ward Affected: Regency

Tel: 01273 295347

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The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Thomas Bald, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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Therefore, by entering the meeting room and using the seats in the chamber you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should sit in the public gallery area.

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Please inform staff on Reception of this affects you so that you can be directed to the Council Chamber where you can watch the meeting or if you need to take part in the proceedings e.g. because you have submitted a public question.

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- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

LICENSING PANEL

(Licensing Act 2003 Functions)

Agenda Item

Brighton & Hove City Council

| | | | |
|--------------------------|---|---|----------------------------|
| Subject: | Notification of a Temporary Event Notice under the Licensing Act 2003 | | |
| Premises: | Fish & Chips, 86-87 Preston Street, Brighton, East Sussex, BN1 2HG | | |
| Applicant: | Mr. Abbanoub Samir Gad Salama | | |
| Date of Meeting: | 16th June 2021 | | |
| Report of: | Director of Neighbourhoods, Communities & Housing | | |
| Contact Officer: | Name: | Sarah Cornell | Tel: (01273) 295801 |
| | Email: | Sarah.cornell@brighton-hove.gov.uk | |
| Ward(s) affected: | Regency | | |

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 To consider notifications of four Temporary Event Notices in view of a formal objection to them by a relevant person under section 104(2) of the Licensing Act 2003.

2. RECOMMENDATIONS:

- 2.1 That the Panel consider whether it is necessary for the promotion of the licensing objectives of the Prevention of Crime and Disorder and the Prevention of Public Nuisance, to issue a counter notice to prevent the events from taking place.

3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

- 3.1 These Temporary Event Notices relate to the following time periods:
 18th to 19th June between 23.00 hrs and 05.00 hrs,
 26th to 27th June between 23.00 hrs and 05.00 hrs
 2nd to 3rd July between 23.00 hrs and 05.00 hrs
 9th to 10th July between 23.00 hrs and 05.00 hrs

- 3.2 The proposed activities are:

| | Proposed Activities |
|-------------------------------|--|
| Late Night Refreshment | “The sale of late night refreshment – takeaway only – there will be no covers after midnight, takeaway only” |

- 3.3 Please see copies of the Temporary Event Notices attached at Appendix A.

Objections received

- 3.4 The Sussex Police objection to the Temporary Event Notices was made no later than 72 hours following receipt of the Temporary Event Notice. Their objection was made on the grounds of the Prevention of Crime and Disorder, and the Prevention of Public Nuisance.
- 3.5 Please see objection letter from Sussex Police attached in Appendix B.
- 3.6 A map detailing the location of the premises is attached at Appendix C.
- 3.7 The current premises licence can be viewed at Appendix D.

4. COMMENTARY ON THE LICENSING POLICY

- 4.1 The following extracts from Guidance issued under section 182 of the Licensing Act 2003 are considered relevant to this application and **numbered as they appear in the Guidance**:

General

- 7.2 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or “TEN”).
- 7.6 The police or Environmental Health Authority (EHA) (“relevant persons” for the purposes of TENs) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. A relevant person may also intervene by agreeing a modification of the proposed arrangements directly with the TENs user (see paragraph 7.36). If a relevant person sends an objection, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded (see paragraphs 7.15-7.22 of the Guidance).
- 7.7 A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.
- 7.28 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection unless all parties agree that this is unnecessary. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may

also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice. The current Premises Licence can be found at Appendix E of this report.

Police and environmental health intervention

- 7.32 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.
- 7.33 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within the period of three working days following the day on which they received the TEN.
- 7.34 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings in respect of late TENs and if objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.
- 7.35 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance – even where the statutory limits on numbers are being observed. The premises user who signs the form is legally responsible for ensuring that the numbers present do not exceed the permitted limit at any one time. In cases where there is reason to doubt that the numbers will remain within the permitted limit the premises user should make clear what the nature of the event(s) is and how they will ensure that the permitted persons limit will not be exceeded. For example, where notices are being given for TENs simultaneously on adjacent plots of land it may be appropriate for door staff to be employed with counters. In each case it is important that licensing authorities and relevant persons can consider whether they believe that the premises user intends to exceed the 499 person limit, or will be unable to control or know whether the limit will be exceeded. Where the planned activities are likely to breach the statutory limits or undermine the licensing objectives, it is likely to be appropriate for the police or EHA to raise objections.

7.36 However, in most cases, where for example, alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (such as at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.

Modification

7.37 As noted above, the police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree for the modification to be made. There is no scope under the 2003 Act for the modification of a late TEN.

Applying conditions to a TEN

7.38 The 2003 Act provides that only the licensing authority can impose conditions to a TEN from the existing conditions on the premises licence or club premises certificate at the venue. The licensing authority can only do so:

- if the police or the EHA have objected to the TEN;
- if that objection has not been withdrawn;
- if there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;
- and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.

7.39 This decision is one for the licensing authority alone, regardless of the premises user’s views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations.

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 Michael Bentley

Date: 0906/2021

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: 09/06/2021

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 - Temporary Event Notices
2. Appendix B - Objection made by Sussex Police
3. Appendix C - Plan of Premises
4. Appendix D – Current Premises Licence

Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018.

Public Health Framework for assessing Alcohol Licensing. Annual Report – Ward. 5th edition. Public Health Intelligence. January 2019

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environment health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

| | | | |
|---|-------------------------------------|----------|-------|
| 1. The personal details of premises user (Please read note 1) | | | |
| 1. Your name | | | |
| Title | Mr | | |
| Surname | Salama | | |
| Forenames | Abbanoub Samir Gad | | |
| 2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary) | | | |
| Title | Mr Mrs Miss Ms Other (please state) | | |
| Surname | | | |
| Forenames | | | |
| 3. Your date of birth | | Day | Month |
| | | | Year |
| 4. Your place of birth | | | |
| 5. National Insurance Number | | | |
| 6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below) | | | |
| | | | |
| Post town | | Postcode | |
| 7. Other contact details | | | |
| Telephone numbers | | | |
| Daytime | | | |
| Evening (optional) | | | |
| Mobile (optional) | | | |
| Fax number (optional) | | | |
| E-Mail address (if available) | | | |
| 8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you) | | | |
| | | | |
| Post town | | Postcode | |

| | |
|---|--|
| 9. Alternative contact details (if applicable) | |
| Telephone numbers Daytime Evening (optional) Mobile (optional) | |
| Fax number (optional) | |
| E-Mail address (if available) | |

2. The premises

Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references). (Please read note 2)

86/87 Preson Street
Brighton BN1 2HG

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below

| | |
|-------------------------|--------------------------|
| Premises licence number | 1445 3 2020 02955 LAPRET |
|-------------------------|--------------------------|

| | |
|----------------------------------|--|
| Club premises certificate number | |
|----------------------------------|--|

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

Please describe the nature of the premises below. (Please read note 4)

Licenced Restuarant

Please describe the nature of the event below. (Please read note 5)

The sale of Late Night Refreshment - Take away only - between 11pm Friday night and 5 am and between 11 pm Saturday night and 5 am Sunday morning - there will be no covers after midnight - premises to operate as "take-away" only

In all other respects the Premises will operate strictly in accordance with the existing Premises Licence

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)

| | |
|-------------------------------|--------------------------|
| The sale by retail of alcohol | <input type="checkbox"/> |
|-------------------------------|--------------------------|

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

| | |
|---|--|
| The provision of regulated entertainment (Please read note 7) | |
|---|--|

| | |
|---|-------------------------------------|
| The provision of late night refreshment | <input checked="" type="checkbox"/> |
|---|-------------------------------------|

| | |
|--|--|
| Are you giving a late temporary event notice? (Please read note 8) | |
|--|--|

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)

Friday 18 June+ Saturday 19 June 2021

| | |
|---|--|
| Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10) | |
| 2300 to 0500 Fiday and Saturday | |
| Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11) - staff and attending customers only | n/a |
| If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or <i>off</i> the premises, or both (please tick as appropriate). (Please read note 12) | On the premises only <input type="checkbox"/> |
| | Off the premises only <input type="checkbox"/> |
| | Both <input type="checkbox"/> |
| Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing. (Please see note 13) N/a | |

| | | |
|--|--|--------------------------------|
| 4. Personal licence holders (Please read note 14) | | |
| Do you currently hold a valid personal licence? (Please tick) | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| If "Yes" please provide the details of your personal licence below | | |
| Issuing licensing authority | BHCC | |
| Licence number Date of issue Any further relevant details | | |

| | | |
|--|---------------------------------|---|
| 5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you) | | |
| Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year | | |
| Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

| 6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you) | | |
|--|---------------------------------|---|
| Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year | | |
| Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year | | |
| Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

| 7. Checklist (Please read note 17) | |
|--|-------------------------------------|
| I have: (Please tick the appropriate boxes, where applicable) | |
| Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated | <input checked="" type="checkbox"/> |
| Sent a copy of this notice to the chief officer of police for the area in which the premises are situated | <input checked="" type="checkbox"/> |
| Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated | <input type="checkbox"/> |
| If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority | <input type="checkbox"/> |
| If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police | <input type="checkbox"/> |
| If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions | <input type="checkbox"/> |
| Made or enclosed payment of the fee for the application to be paid by card - upon receipt | <input checked="" type="checkbox"/> |
| Signed the declaration in Section 9 below | <input checked="" type="checkbox"/> |

| 8. Condition (Please read note 18) |
|---|
| It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user. |

| | |
|---|--|
| 9. Declarations (Please read note 19) | |
| The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both. | |
| Signature | |
| Date | |
| Name of Person signing | |

For completion by the licensing authority

| | |
|---|--------------------------------------|
| 10. Acknowledgement (Please read note 20) | |
| I acknowledge receipt of this temporary event notice. | |
| Signature | On behalf of the licensing authority |
| Date | |
| Name of Officer signing | |

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

| | |
|---|--|
| 1. The personal details of premises user (Please read note 1) | |
| 1. Your name | |
| Title | Mr Mrs Miss Ms Other (please state) |
| Surname | Salama |
| Forenames | Abbanoub Samir Gad |
| 2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary) | |
| Title | Mr Mrs Miss Ms Other (please state) |
| Surname | |
| Forenames | |
| 3. Your date of birth | Day Month Year |
| 4. Your place of birth | |
| 5. National Insurance Number | |
| 6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below) | |
| | |
| Post town | Postcode |
| 7. Other contact details | |
| Telephone numbers | |
| Daytime | |
| Evening (optional) | |
| Mobile (optional) | |
| Fax number (optional) | |
| E-Mail address (if available) | |
| 8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you) | |
| | |
| Post town | Postcode |

| | |
|---|--|
| 9. Alternative contact details (if applicable) | |
| Telephone numbers Daytime Evening (optional) Mobile (optional) | |
| Fax number (optional) | |
| E-Mail address (if available) | |

2. The premises

Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references). (Please read note 2)

86/87 Preson Street
Brighton BN1 2HG

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below

| | |
|----------------------------------|--------------------------|
| Premises licence number | 1445 3 2020 02955 LAPRET |
| Club premises certificate number | |

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

| |
|--|
| |
|--|

Please describe the nature of the premises below. (Please read note 4)

Licensed Restuarant

Please describe the nature of the event below. (Please read note 5)

The sale of Late Night Refreshment - Take away only - between 11pm Friday night and 5 am and between 11 pm Saturday night and 5 am Sunday morning - there will be no covers after midnight - premises to operate as "take-away" only

In all other respects the Premises will operate strictly in accordance with the existing Premises Licence

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on) (Please read note 6)

| | |
|--|-------------------------------------|
| The sale by retail of alcohol | <input type="checkbox"/> |
| The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club | <input type="checkbox"/> |
| The provision of regulated entertainment (Please read note 7) | <input type="checkbox"/> |
| The provision of late night refreshment | <input checked="" type="checkbox"/> |
| Are you giving a late temporary event notice? (Please read note 8) | <input type="checkbox"/> |

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)

Friday 25 June + Saturday 26 June 2021

| | |
|---|--|
| Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10) | |
| 2300 to 0500 Fiday and Saturday | |
| Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11) - staff and attending customers only | n/a |
| If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or <i>off</i> the premises, or both (please tick as appropriate). (Please read note 12) | On the premises only <input type="checkbox"/> |
| | Off the premises only <input type="checkbox"/> |
| | Both <input type="checkbox"/> |
| Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing. (Please see note 13) N/a | |

| | | |
|--|--|--------------------------------|
| 4. Personal licence holders (Please read note 14) | | |
| Do you currently hold a valid personal licence? (Please tick) | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| If "Yes" please provide the details of your personal licence below | | |
| Issuing licensing authority | BHCC | |
| Licence number | | |
| Date of issue | | |
| Any further relevant details | | |

| | | |
|--|---------------------------------|---|
| 5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you) | | |
| Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year | | |
| Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

| 6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you) | | |
|--|---------------------------------|---|
| Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate (s) have given for events in the same calendar year | | |
| Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year | | |
| Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

| 7. Checklist (Please read note 17) | |
|--|-------------------------------------|
| I have: (Please tick the appropriate boxes, where applicable) | |
| Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated | <input checked="" type="checkbox"/> |
| Sent a copy of this notice to the chief officer of police for the area in which the premises are situated | <input checked="" type="checkbox"/> |
| Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated | <input type="checkbox"/> |
| If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority | <input type="checkbox"/> |
| If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police | <input type="checkbox"/> |
| If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions | <input type="checkbox"/> |
| Made or enclosed payment of the fee for the application to be paid by card - upon receipt | <input checked="" type="checkbox"/> |
| Signed the declaration in Section 9 below | <input checked="" type="checkbox"/> |

| 8. Condition (Please read note 18) |
|---|
| It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user. |

9. Declarations (Please read note 19)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.

| | |
|------------------------|--|
| Signature | |
| Date | |
| Name of Person signing | |

For completion by the licensing authority

10. Acknowledgement (Please read note 20)

I acknowledge receipt of this temporary event notice.

| | |
|-------------------------|--------------------------------------|
| Signature | On behalf of the licensing authority |
| Date | |
| Name of Officer signing | |

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

| | | | |
|---|---|----------|-------|
| 1. The personal details of premises user (Please read note 1) | | | |
| 1. Your name | | | |
| Title | Mr Mrs Miss Ms Other (please state) | | |
| Surname | Salama | | |
| Forenames | Abbanoub Samir Gad | | |
| 2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary) | | | |
| Title | Mr Mrs Miss Ms Other (please state) | | |
| Surname | | | |
| Forenames | | | |
| 3. Your date of birth | | Day | Month |
| 4. Your place of birth | | | |
| 5. National Insurance Number | | | |
| 6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below) | | | |
| | | | |
| Post town | | Postcode | |
| 7. Other contact details | | | |
| Telephone numbers | | | |
| Daytime | | | |
| Evening (optional) | | | |
| Mobile (optional) | | | |
| Fax number (optional) | | | |
| E-Mail address (if available) | | | |
| 8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you) | | | |
| | | | |
| Post town | | Postcode | |

| | |
|---|--|
| 9. Alternative contact details (if applicable) | |
| Telephone numbers Daytime Evening (optional) Mobile (optional) | |
| Fax number (optional) | |
| E-Mail address (if available) | |

2. The premises

Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references). (Please read note 2)

86/87 Preson Street
Brighton BN1 2HG

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below

| | |
|----------------------------------|--------------------------|
| Premises licence number | 1445 3 2020 02955 LAPRET |
| Club premises certificate number | |

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

Please describe the nature of the premises below. (Please read note 4)

Licensed Restuarant

Please describe the nature of the event below. (Pleaseread note 5)

The sale of Late Night Refreshment - Take away only - between 11pm Friday night and 5 am and between 11 pm Saturday night and 5 am Sunday morning - there will be no covers after midnight - premises to operate as "take-away" only

In all other respects the Premises will operate strictly in accordance with the existing Premises Licence

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)

| | |
|--|-------------------------------------|
| The sale by retail of alcohol | <input type="checkbox"/> |
| The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club | <input type="checkbox"/> |
| The provision of regulated entertainment (Please read note 7) | |
| The provision of late night refreshment | <input checked="" type="checkbox"/> |
| Are you giving a late temporary event notice? (Please read note 8) | |

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)

Friday 2 July + Saturday 3 July 2021

| | |
|---|--|
| Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10) | |
| 2300 to 0500 Friday and Saturday | |
| Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11) - staff and attending customers only | n/a |
| If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12) | On the premises only <input type="checkbox"/> |
| | Off the premises only <input type="checkbox"/> |
| | Both <input type="checkbox"/> |
| Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing. (Please see note 13) N/a | |

| | | |
|--|--|--------------------------------|
| 4. Personal licence holders (Please read note 14) | | |
| Do you currently hold a valid personal licence? (Please tick) | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| If "Yes" please provide the details of your personal licence below | | |
| Issuing licensing authority | BHCC | |
| Licence number | 2020/03331/LAPER | |
| Date of issue | 20 10 2020 | |
| Any further relevant details | | |

| | | |
|--|---------------------------------|---|
| 5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you) | | |
| Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year | | |
| Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

| 6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you) | | |
|--|---------------------------------|---|
| Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year | | |
| Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year | | |
| Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

| 7. Checklist (Please read note 17) | |
|--|-------------------------------------|
| I have: (Please tick the appropriate boxes, where applicable) | |
| Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated | <input checked="" type="checkbox"/> |
| Sent a copy of this notice to the chief officer of police for the area in which the premises are situated | <input checked="" type="checkbox"/> |
| Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated | <input type="checkbox"/> |
| If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority | <input type="checkbox"/> |
| If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police | <input type="checkbox"/> |
| If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions | <input type="checkbox"/> |
| Made or enclosed payment of the fee for the application to be paid by card - upon receipt | <input checked="" type="checkbox"/> |
| Signed the declaration in Section 9 below | <input checked="" type="checkbox"/> |

| 8. Condition (Please read note 18) |
|---|
| It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user. |

9. Declarations (Please read note 19)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.

| | |
|------------------------|--|
| Signature | |
| Date | |
| Name of Person signing | |

For completion by the licensing authority

10. Acknowledgement (Please read note 20)

I acknowledge receipt of this temporary event notice.

| | |
|-------------------------|--------------------------------------|
| Signature | On behalf of the licensing authority |
| Date | |
| Name of Officer signing | |

Temporary Event Notice

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I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

| | |
|---|--|
| 1. The personal details of premises user (Please read note 1) | |
| 1. Your name | |
| Title | Mr Mrs Miss Ms Other (please state) |
| Surname | Salama |
| Forenames | Abbanoub Samir Gad |
| 2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary) | |
| Title | Mr Mrs Miss Ms Other (please state) |
| Surname | |
| Forenames | |
| 3. Your date of birth | Day Month Year |
| 4. Your place of birth | |
| 5. National Insurance Number | |
| 6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below) | |
| | |
| Post town | Postcode |
| 7. Other contact details | |
| Telephone numbers | |
| Daytime | |
| Evening (optional) | |
| Mobile (optional) | |
| Fax number (optional) | |
| E-Mail address (if available) | |
| 8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you) | |
| | |
| Post town | Postcode |

| | |
|---|--|
| 9. Alternative contact details (if applicable) | |
| Telephone numbers Daytime Evening (optional) Mobile (optional) | |
| Fax number (optional) | |
| E-Mail address (if available) | |

2. The premises

Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references). (Please read note 2)

86/87 Preson Street
Brighton BN1 2HG

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| | |
|-------------------------|--------------------------|
| Premises licence number | 1445 3 2020 02955 LAPRET |
|-------------------------|--------------------------|

| | |
|----------------------------------|--|
| Club premises certificate number | |
|----------------------------------|--|

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

Please describe the nature of the premises below. (Please read note 4)

Licenced Restuarant

Please describe the nature of the event below. (Please read note 5)

The sale of Late Night Refreshment - Take away only - between 11pm Friday night and 5 am and between 11 pm Saturday night and 5 am Sunday morning - there will be no covers after midnight - premises to operate as "take-away" only

In all other respects the Premises will operate strictly in accordance with the existing Premises Licence

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol

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

| | |
|---|--|
| The provision of late night refreshment | |
|---|--|

| | |
|--|--|
| Are you giving a late temporary event notice? (Please read note 8) | |
|--|--|

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)

Friday 9 July + Saturday 10 July 2021

| | |
|--|--|
| Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10) | |
| 2300 to 0500 Friday and Saturday | |
| Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11) - staff and attending customers only | n/a |
| If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12) | On the premises only <input type="checkbox"/> |
| | Off the premises only <input type="checkbox"/> |
| | Both <input type="checkbox"/> |
| Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13) Nia | |

| | | |
|--|--|--------------------------------|
| 4. Personal licence holders (Please read note 14) | | |
| Do you currently hold a valid personal licence? (Please tick) | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| If "Yes" please provide the details of your personal licence below | | |
| Issuing licensing authority | BHCC | |
| Licence number | 2020/03331/LAPER | |
| Date of issue | 20 10 2020 | |
| Any further relevant details | | |

| | | |
|--|---------------------------------|---|
| 5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you) | | |
| Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year | | |
| Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

| 6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you) | | |
|--|---------------------------------|---|
| Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year | | |
| Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year | | |
| Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

| 7. Checklist (Please read note 17) | |
|--|-------------------------------------|
| I have: (Please tick the appropriate boxes, where applicable) | |
| Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated | <input checked="" type="checkbox"/> |
| Sent a copy of this notice to the chief officer of police for the area in which the premises are situated | <input checked="" type="checkbox"/> |
| Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated | <input type="checkbox"/> |
| If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority | <input type="checkbox"/> |
| If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police | <input type="checkbox"/> |
| If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions | <input type="checkbox"/> |
| Made or enclosed payment of the fee for the application to be paid by card - upon receipt | <input checked="" type="checkbox"/> |
| Signed the declaration in Section 9 below | <input checked="" type="checkbox"/> |

| 8. Condition (Please read note 18) |
|---|
| It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user. |

| | |
|--|--|
| 9. Declarations (Please read note 19) | |
| The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for <u>such an offence</u> to a fine of any amount; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both. | |
| Signature | |
| Date | |
| Name of Person signing | |

For completion by the licensing authority

| | |
|---|--------------------------------------|
| 10. Acknowledgement (Please read note 20) | |
| I acknowledge receipt of this temporary event notice. | |
| Signature | On behalf of the licensing authority |
| Date | |
| Name of Officer signing | |



Sussex Police
Serving Sussex

www.sussex.police.uk

Brighton & Hove Licensing Unit

REDACTED

03rd June 2021

The Licensing Technical Support Officers
Environmental Health, Brighton & Hove City Council
Bartholomew House, Bartholomew Square
Brighton, East Sussex
BN1 1JP

Dear Brighton & Hove City Council, Licensing.

RE: TEMPORARY EVENT NOTICE FOR FISH & CHIPS, 86-87 PRESTON STREET, BRIGHTON, BN1 2HG UNDER THE LICENSING ACT 2003.

I write on behalf of the Chief Officer of Police for Sussex to raise an objection to the Temporary Event Notices (TENs) that have been submitted for the above location on the grounds that it will undermine the licensing objectives of the prevention of crime and disorder and public nuisance. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy 2021 and the Public Health Framework report for Assessing Alcohol Licensing 2019 edition.

The notices are to extend late night refreshment hours in an area of the City which is subject to a Special Policy adopted by Brighton & Hove City Council. The premises is in the heart of Cumulative Impact Zone (CIZ) (as defined in the BHCC Statement of Licensing Policy 2021) and is an area covered by Sussex Police night time economy policing operation – Op Marble.

The four notices seeks to extend licensable activities and trading hours as follows:

Friday 18th June 23:00hrs through until Saturday 19th June 05:00hrs
Saturday 19th June 23:00hrs through until Sunday 20th June 05:00hrs

Friday 25th June 23:00hrs through until Saturday 26th June 05:00hrs
Saturday 26th June 23:00hrs through until Sunday 27th June 05:00hrs

Friday 02nd July 23:00hrs through until Saturday 03rd July 05:00hrs
Saturday 03rd July 23:00hrs through until Sunday 04th July 05:00hrs

Friday 09th July 23:00hrs through until Saturday 10th July 05:00hrs
Saturday 10th July 23:00hrs through until Sunday 11th July 05:00hrs

The notice is for late night refreshments by way of take away.

The premises does hold a licence that currently permits late night refreshments until 00:30 Monday-Saturday under Embedded Conditions – 1445/3/2020/02955/LAPRET.

The location of the business is along Preston Street which is mostly a mix of restaurants, fast food outlets and bars including late night venues. There is also a handful of office space units, personal care and retail shops. Along the road on both sides are residential flats including Astra House next door and a hotel across the road.

Section 3.7, paragraph 1.1.64 (Page 21) of the Brighton and Hove City Council 2021 Statement of Licensing Policy states:

*“The Licensing Authority will encourage bona fide community events. **Applications for TENs at existing licensed premises will not be encouraged where the proposal is simply to extend the existing hours of operation and applications made in cumulative impact areas will be subject to increased scrutiny by Police and Environmental Health.** Licensing Guidance recognises that TENs are a light touch process, not requiring specific authorisation. The role of the licensing authority is purely administrative. However, the licensing authority will take into account the history. If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must issue an objection notice.”*

Towards the end of February 2021 the owner of the premises made an application to vary the current licence to permit late night refreshments during the week until 03:00 and at the weekends until 05:00. Just as the TENs are this was for take away only. Sussex Police and the Council submitted a representation against this application and it was refused following a panel hearing on 22nd April 2021.

Sussex Police original concerns about this premises trading until the early hours due to its close proximity to the main night time economy area still stand. The risks have not been removed with the additional hours operating under a TEN rather than on the main premises licence.

Preston Street experiences significant footfall from members of the public entering and leaving the central area of Brighton and is in an area saturated with licensed premises. Due to this the area already experiences anti-social behaviour. Sussex Police believe that by operating this premises over 4 consecutive weekends until 05:00 would assist in keeping persons in the area longer and in turn increasing the risk of crime and disorder and public nuisance.

Reviewing the Public Health Framework report for assessing alcohol licensing 2019 edition, Regency ward, of which this location is within, is ranked highest out of 21 wards for crime and disorder (excluding criminal damage of which is 3rd) and the second highest for Police recorded alcohol related incidents. Due to this the safe dispersal of people as quickly as possible is paramount in keeping incidents to a minimum and protecting persons within the locality.

We note that the TENs are not to permit the sale of alcohol however, the hours being applied for is highly likely to attract persons that have been consuming alcohol and the report evidences the issues we have within this area already. We have seen first-hand on many occasions how late night take away food outlets within the night time economy suffer from crime and often require police attendance.

With high numbers of person descending on the City during the weekends and the impact this has, Sussex Police operate a standalone night time operation at weekends and other times throughout the year. This involves dedicated Police resources patrolling the main night time economy area. Having a visible police presence, especially during the weekend evenings, goes some way to assist in reducing criminal incidents occurring, but unfortunately does not stop them in their entirety. We deal with a mix of incidents with people becoming drunk and disorderly, violent and a high number of incidents involving persons who have become a victim of crime due to their own vulnerability after consuming alcohol.

The TENs are for food after 23:00hrs to be taken away. With this location being across the road from the beach and between green space areas such as Regency and Bedford Square, we believe persons would be attracted to these areas to sit and consume the food rather than heading to the safety of their homes after leaving the bars and clubs. In addition to the public safety issue there is also a public nuisance one for local residents with noise and litter. These hours would attract persons that have probably been out drinking which generally results in personal noise levels increasing. The applicant has offered to have security on the door however the extended hours are for take away. It would be impossible to control their customer's behaviour once they have left the premises. Customers are likely to head to the beach and local parks to consume rather than stand or sit on Preston Street outside the premises. Most of the local green spaces are surrounded by residential flats so this will impact them with additional noise in to the early hours.

Images below that we showed at the original variation hearing, which are still relevant, were taken at Regency Square on Sunday 28th February at 09:45. We are not suggesting this litter is from Fish & Chips on Preston Street but offer it as evidence that persons do use the local green spaces to consume takeaways. You also only have to walk along the seafront on a Saturday or Sunday morning to also see the amount of litter including takeaway boxes left on the beach and footpaths.

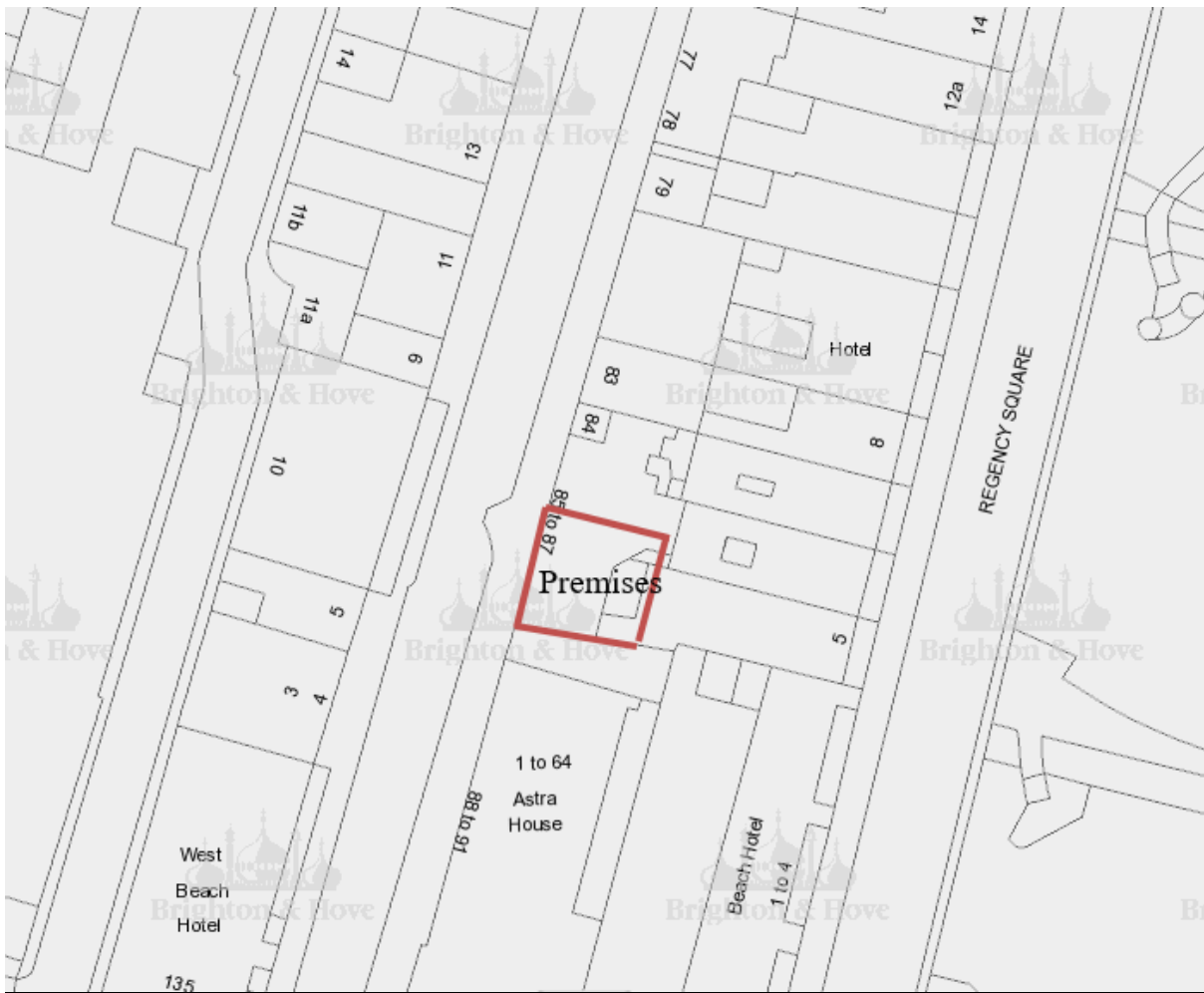
Sussex Police believe that by operating the extend hours under these TENs will add to negative impact within an area saturated with late night licensed premises and the challenges this brings for emergency services. Additionally these notices are too extend the operating schedule of their current licence which is not encouraged within the policy nor in the spirit of what a TEN was originally set out to be used for. Therefore, Sussex Police invite the Licensing Authority to issue a counter notice of refusal.

Yours sincerely,

REDACTED



Appendix C



**Premises Licence
Brighton and Hove City Council**

Premises Licence Number

1445/3/2020/02955/LAPRET

Part I – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Fish & Chips
86/87 Preston Street
Brighton
East Sussex
BN1 2HG

Telephone number 01273 323 700

Where the licence is time limited the dates: -

Licensable activities authorised by the licence

Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

| | |
|-------------------|-----------------------------------|
| Monday - Saturday | 10:00 - 00.00 |
| Sunday | 12.00 - 23.30 |
| Christmas Day | 12:00 - 23.30 |
| Good Friday | 12.00 – 23.30 |
| New Years Eve | 10.00 (12.00 if a Sunday) – 00.00 |
| New Years Day | 00.00 – 00.00 (23.30 if a Sunday) |

The opening hours of the premises: -

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption on the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Abbanoub Samir Gad Salama
86/87 Preston Street
Brighton
East Sussex
BN1 2HG

Registered number of holder, for example company number, charity number (where applicable): -

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Abbanoub Salama

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

REDACTED

Annex I - Mandatory conditions

S 19; mandatory conditions where licence authorises supply of alcohol

1. No supply of alcohol may be made under the premises licence
 - a) at a time when there is no designated premises supervisor in respect of the premises, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - (e) dispensing directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

6. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 —
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula—
$$P=D+(D \times V)$$
where—
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Embedded Conditions

Restaurant Licence

1. Permitted Hours

Alcohol may be sold or supplied:

- 1) On weekdays, other than Christmas Day, Good Friday or New Year’s Eve from 10am to midnight.
- 2) On Sundays, other than Christmas Day or New Year’s Eve, and on Good Friday: noon to 11:30pm
- 3) On Christmas Day: noon to 11:30pm;
- 4) On New Year’s Eve, except on a Sunday, 10 a.m. to midnight;
- 5) On New Year’s Eve on a Sunday, noon to 11.30 p.m.
- 6) On New Year’s Eve from the end of permitted hours on New Year’s Eve to the start of permitted hours on the following day.

Restrictions

The above restrictions do not prohibit during the first thirty minutes after the above hours the consumption of alcohol on the premises by persons taking meals there when the alcohol was supplied for consumption as ancillary to the meals;

Source Section 95 Licensing Act 1964

2. Recorded Music

Premises licensed for the sale and supply of alcohol may provide, at any time, regulated entertainment by the reproduction of wireless, including television broadcast and of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

Source Section 182 Licensing Act 1964

3. Late Night Refreshment

The Licence may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out above, and on New Years Eve until 5am on New Years Day.

(Justices’) Licence Conditions

1. Intoxicating liquor shall not be supplied or sold or supplied on the premises otherwise than to persons taking table meals there and for the consumption by such a person as an ancillary to his meal.
2. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in then premises.

Annex 2 – Conditions consistent with the Operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority:

None

Annex 4 – Plans

