

Licensing Panel (Licensing Act 2003 Functions)

Date: **26 November 2021**

Time: **10.00am**

Venue **Virtual via Microsoft Teams**

Members: **Councillors:** Deane, Simson and Appich

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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.

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

3 REVIEW OF PREMISES LICENCE UNDER THE LICENSING ACT 2003: MY YUMMIE PIZZA, LONGRIDGE AVENUE, SALTDEAN, BRIGHTON 7 - 58

Report of the Executive Director, Housing, Neighbourhoods and Communities (copy attached)

Contact Officer: Sarah Cornell
Ward Affected: Rottingdean Coastal

Tel: 01273 295801

Date of Publication - Thursday, 18 November 2021

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Licensing Panel (Licensing Act 2003 Functions)

Agenda Item
Brighton & Hove City Council

Subject:	Review of a Premises Licence under the Licensing Act 2003		
Premises:	My Yummie Pizza 41 Longridge Avenue Saltdean Brighton BN2 8LG		
Premises Licence Holder:	Khaled Mohamed		
Date of Meeting:	26 November 2021		
Report of:	Executive Director for Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Sarah Cornell	Tel: (01273) 295801
	Email:	sarah.cornell@brighton-hove.gov.uk	
Ward(s) affected:	Rottingdean Coastal		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To review a Premises Licence for My Yummie Pizza under the Licensing Act 2003.

2. RECOMMENDATIONS:

- 2.1 That the Panel review the licence granted to the premises known as My Yummie Pizza under the Licensing Act 2003.

3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

- 3.1 Existing licence attached at Appendix A.
- 3.2 Brighton & Hove City Council is both the relevant licensing authority and a responsible authority in respect of any premises and may in its capacity apply under Section 51 of the Licensing Act 2003 for a review of any premises licence in respect of the premises.
- 3.3 An application was received by the Licensing Authority on 8 October 2021 from Sussex Police, to review the licence granted to the premises known as My Yummie Pizza, 41 Longridge Avenue, Saltdean, Brighton, BN2 8LG.

3.4 The grounds for the review relates to the following Licensing objectives:

- The Prevention of Public Nuisance
- The Prevention of Crime and Disorder
- Public Safety

Full details of the grounds for the review are in Appendix B and a copy of the supporting evidence is attached in Appendix E.

3.5 At this hearing the licensing authority must:

- Consider the application made in accordance with Section 51
- Consider any relevant representations
- Take such steps (if any) as are considered appropriate for the promotion of the Licensing objectives. These steps are
 - to modify the conditions of the licence
 - to exclude a licensable activity
 - to remove the designated premises supervisor from the licence
 - to suspend the licence for a period not exceeding 3 months, or
 - to revoke the licence.

And for this purpose, the conditions of a premises licence are modified if any of them are altered, omitted or any new condition is added. It may provide that the modification or exclusion have effect for a specified period not exceeding 3 months. The determination, if not completed at the hearing, shall be within 5 working days of the hearing. Such determinations do not have effect until after the appeal period or, if an appeal is lodged, until after the appeal is disposed of.

Representations received

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

3.7 One representation has been received from the Licensing Authority on the grounds of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm supporting the application submitted by Sussex Police seeking the revocation of the licence.

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

4. COMMENTARY ON THE LICENSING POLICY

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

1. Introduction

1.1

This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. This policy takes effect from 4 February 2021. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol;
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club; The provision of regulated entertainment;
- The provision of late night refreshment.

1.1 The licensing objectives are:-

- (a) Prevention of crime and disorder;
- (b) Public safety;
- (c) Prevention of public nuisance;
- (d) Protection of children from harm.

1.3 Scope

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

3.3 The Matrix Approach

The Licensing Authority will support:

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

3.3.2 A “matrix” approach to licensing decisions has been adopted and is set out below. It provides a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investor and businesses making applications.

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

Matrix approach for licensing decisions in a Statement of Licensing Policy

	Cumulative Impact Area	Special Stress Area	Other Areas
Restaurant	Yes (midnight)	Yes (midnight)	Yes (midnight)
Café	Yes (10 pm)	Yes (10 pm)	Yes (10 pm)
Late Night Takeaways	No	Yes (midnight)	Yes (midnight)
Night Club	No	No	No
Pub	No	Yes (11pm)	Yes (midnight)
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes (favourable)
Off-licence	No	No	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
Members Club (club premises certificate)	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes

Notes on matrix

Subject to the following notes, the policy, as represented in the matrix, will be strictly adhered to:

1. Each application will be considered on individual merit
2. Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
3. Departure from the matrix policy is expected only in exceptional circumstances
4. Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
5. Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).
6. The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
7. Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or cafes, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing on our website www.brighton-hove.gov.uk/licensingact.
8. In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops.
9. Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The licensing authority will have regard to Noise Council guidance.
10. Non-alcohol led category does not include "alcohol in shared workplaces". It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on "alcohol in shared workplaces" please see paragraph 3.3.4-3.3.6.

4 Prevention of Crime and Disorder

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

4.1.1 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.

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

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

4.2 Sussex Police

4.2.1 Sussex Police have a specific Operation relating to the night time economy called Operation Marble (detailed in 3.4.1) and work closely with partners to ensure a safe and vibrant city centre. There continues to be an increasing demand for resources further into the early hours of the morning with the highest concentration of crimes occurring between 21:00 and 06:00 on a Friday into a Saturday and between 20:00 and 06:00 on a Saturday night into a Sunday. The data set used shows that up to 80% of arrests made in the timeframe 20:00 – 06:00 on these days were affected by alcohol. For full details of these statistics see the Cumulative Impact Assessment at Appendix E of our Statement of Licensing Policy.

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

4.2.3 Dispersal from the city centre during the late evening and early morning remains a policing challenge. Over recent years, there has been a proliferation of off-licences and

late night refreshment venues along the city's arterial routes. This has led to incident 'hot spots' where patrons from the night time economy continue to interact, albeit away from any safety measures afforded by on-licences. As such, Sussex Police support the Council's Special Policy in offering guidance to both applicants and the Licensing Committee in relation to off-licences and late night refreshment licences.

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

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

4.2.7 Policing the night time economy continues to provide a challenge and in the climate of limited resources and newly emerging problems, Sussex Police support maintaining the council's Special Policy which defines cumulative impact and special stress and will continue to take enforcement action where appropriate if the actions of a Premises Licence Holder, Designated Premises Supervisor, Door Supervisors or Staff have fallen below the high standard expected across the city. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton & Hove a safe and enjoyable city.

4.3 Care, control and supervision of premises

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

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

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

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

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

4.3.6 Enforcement will be achieved by the enforcement policy appended (Appendix B of SoLP).

5 Public Safety

The following details and measures are intended to address the need for the protection of public safety which may be associated with licensed premises and certificated club premises.

5.1.3 Conditions may be imposed in accordance with operating schedules to protect public safety including where justified:

- a. provision of closed-circuit television and panic buttons.
- b. use of shatterproof drinking vessels; bottles requiring use of toughened glass or plastic should normally be required unless applicants can show exceptional reasons.
- c. use of door supervisors, licensed by the Security Industry Authority.
- d. requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.
- e. occupant capacity conditions will be applied where appropriate.
- f. the provision of designated and suitably trained first aiders.

6 Prevention of Public Nuisance

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

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

6.1.6 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 6.2 below).

6.2 Smoking Advice

6.2.1 Premises licence holders will be expected to:

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

- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence it may be necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks, and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.

- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for rapid police response and alert other venues where customers and staff are endangered.
- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.
- Use CCTV to manage outside areas.

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

8 Integration of Strategies

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

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

8.1.2 In line with statutory requirements and the council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.

8.1.3 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive

any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.

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

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

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

8.2 Other regulatory regimes

8.2.1 This policy avoids duplication with other regulatory regimes wherever possible. The following notes are made with regard to specific regimes:

Health and Safety

Certain premises will be the subject of health and safety enforcement by the local authority or the Health and Safety Executive (HSE). If other existing law already places certain statutory responsibilities on an employer or operator of premises, for example the Management of Health and Safety at Work Regulations 1999, it will not be necessary to impose the same or similar duties on the premises licence holder or club. However, existing duties will not always adequately cover specific issues that arise on the premises in connection with, for example, certain types of entertainment, and where additional and supplementary measures are necessary to promote the licensing objectives, necessary, proportionate conditions will need to be attached to a licence.

Fire Safety

Premises and their operators will be regulated by general duties under current fire safety regimes and the Regulatory Reform (Fire Safety) Order 2005 rather than licensing provisions.

Noise

Statutory and public nuisances are dealt with by the local authority's Environmental Health department under the Environmental Protection Act 1990, Noise Act 1996 and associated legislation. Noise from commercial premises may often fall under review powers set out in licensing provisions and closure powers in anti-social behaviour provisions.

Equality Act 2010

The Public Sector Equality Duty obliges public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between persons who share protected characteristics and persons who do not share it. The local authority's equality and inclusion policy produced under these obligations shall include reference to this statement of licensing policy.

Community relations

Integration of corporate strategies with licensing policy will include the Inclusive Council Policy which recognises the council's role, as a community leader, to promote community cohesion and good relations between diverse communities. Measures to address prevention of crime and disorder recognise the need to improve wellbeing and safety of all the communities in the city. Licensing policy supports the Crime and Disorder Reduction Partnership's crime reduction strategy. In particular it seeks to confront and reduce racist, homophobic, transphobic and religiously motivated crimes, incidents and anti-social behaviour.

Anti-Social Behaviour, Crime and Policing Act 2014

Contains powers to close premises that are causing nuisance or disorder. These powers can be exercised by the council or Police and they replace the closure powers in the Licensing Act 2003. The Act also contains powers to issue Community Protection Notices in respect of persons or businesses committing anti-social behaviour which is spoiling a community's quality of life.

Litter and Smoking

CityClean contractors have Clean Neighbourhoods powers to enforce premises operators' responsibilities to keep frontages clear of litter.

Gambling Act 2005

In relation to casinos and bingo clubs, the principal purpose is gaming. The sale of alcohol and the provision of entertainment in such premises is incidental to gaming and in determining whether to permit entertainment that constitutes regulated entertainment under the act, gaming license committees and / or the Gambling Commission will have taken into account relevant government guidance. Accordingly, it is felt that the licensing objectives will have been, or will be in the main, adequately considered by such committees and duplication of conditions should be avoided when considering applications under the 2003 Act where relevant representations have been made.

8.3 Enforcement

8.3.1 The Enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at Appendix D (Lead Agency Status) of the Statement of Licensing Policy. In addition, the Licensing Authority will have regard to its published

Licensing Enforcement Policy in making enforcement decisions in accordance with Brighton & Hove City Council's Statement of Licensing Policy (Appendix B). In order to better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements.

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

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

9 Reviews

9.1.1 Reviews represent a key protection for the community. Where the licensing authority considers action necessary under its statutory powers it will take necessary steps to support the licensing objectives. Action following review will be informed by licensing enforcement policy – Appendix B.

9.1.2 Where style of operation of a premises leads to applications concerning likelihood of racist, religiously motivated, homophobic or transphobic crimes or incidents, the review process should also support the community safety policy. Action should be proportionate and licences would normally be suspended or revoked in these circumstances to deter further incidents.

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: 12/11/2021

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: 12/11/2021

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 – Part A of Premises Licence
2. Appendix B – Review Application
3. Appendix C – Supporting Representation
4. Appendix D – Map of Area
5. Appendix E – Supplementary Evidence

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.

**Premises Licence
Brighton and Hove City Council**

Premises Licence Number

1445/3/2020/01964/LAPREN

Part I – Premises Details

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

My Yummie Pizza
41 Longridge Avenue
Saltdean
Brighton
BN2 8LG

Telephone number 01273 305405

Licensable activities authorised by the licence

Late Night Refreshment

Times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Friday-Saturday 23:00 - 01:00

Late Night Refreshment

Sunday-Thursday 23:00 - 00:00

The opening hours of the premises

Every Day 11:00 - 23:00

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

N/A

Part 2

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

Khaled Mohamed
REDACTED

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

N/A

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

N/A

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

N/A

Annex I – Mandatory conditions

S 21; mandatory condition: door supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001: or
 - b) Be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
 - a) In respect of premises within paragraph 8 (3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films): or
 - b) In respect of premises in relation to:
 - I. Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence) or
 - II. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section:
 - a) “Security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for purposes of that Act, (see Section 3(2) of that Act) and
 - b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the Operating Schedule

General:

1. The premises will not be open to members of the public after 23:00, the premises will only remain open after 23:00 for deliveries
2. All vehicle engines will be switched off when delivery drivers are outside the premises awaiting and picking up orders.

For the Prevention of Crime and Disorder:

3. (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas. The system shall be on and recording at all times the premises licence is in operation.
(b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
(c) CCTV footage will be stored for a minimum of 31 days
(d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
(e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
(f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.
(g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
(h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
4. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The incident log will be inspected and signed off by the Premises Licence Holder (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.
5. SIA licensed door supervisors shall be employed on any occasions when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City

Centre Events e.g. Pride. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.

Public Safety: None

For the Prevention of Public Nuisance:

6. The licence holder will display prominent notices in the premises reminding customers to respect local residents, keep noise down and leave quietly.

7. Management will take responsibly to ensure that delivery drivers do not cause a public nuisance outside the premises

For the Protection of Children from harm: None

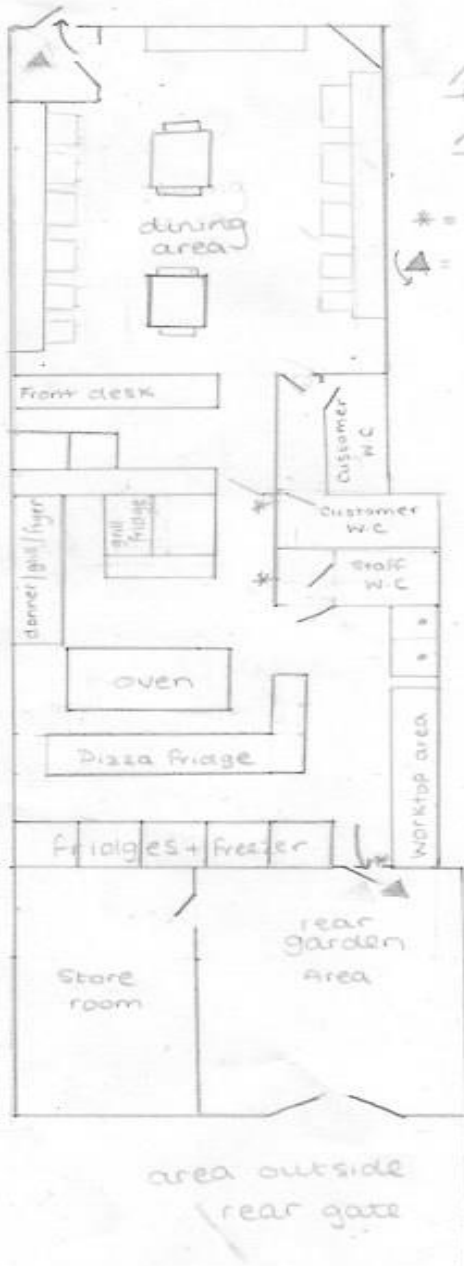
Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 4 – Plans

Standard Scale

1 millimetre represents
100 millimetres.

* = fire extinguishers
▲ = fire exits



APPENDIX B

Application for the review of a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Chief Supt Justin BURTENSHAW, Divisional Commander, Brighton and Hove Police on behalf of Chief Constable Jo Shiner.

Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description My Yummie Pizza, 41 Longridge Avenue, Saltdean,	
Post town Brighton	Post code (if known) BN2 8LG
Name of premises licence holder or club holding club premises certificate (if known) Khaled MOHAMED	
Number of premises licence or club premises certificate (if known) I445/3/2020/01964/LAPREN	

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sussex Police, Brighton & Hove licensing, 1 st floor, police station, John Street, Brighton, BN2 OLA
Telephone number (if any) Ext 550809
E-mail address (optional) Brighton.licensing@sussex.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Please state the ground(s) for review

Sussex Police would like to bring the above premises to review following two licensing visits between August 2020 and September 2021 highlighting consistent breaches of the premises licence conditions; concerns regarding opening hours, noise complaints from residents, a serious incident and high drug readings.

Sussex Police agreed conditions with the Premises Licence Holder following a premises licence application be submitted. These conditions allow the premises to trade as a late night refreshment delivery service, Sunday – Thursday 23:00 – 00:00 and Friday – Saturday 23:00 – 01:00. The shop is to close at 23:00 to all customers.

This premises licence was granted on the 9th July 2020.

This application was submitted following a visit by the Police licensing team that found this premises operating past 23:00 without a Late Night Refreshment Licence.

On the 14th August 2020 the licensing team conducted a licensing check as it was a new premises licence but we had also received intel that there was no CCTV.

Upon the arrival of PC Hancox, the owner was not present but his son was. He did make contact with his father, who did in time turn up. His son was aware of the trading hours and how the delivery drivers should act when waiting to pick orders up as per the conditions on the licence.

However the following breaches were found:-

3 (c) CCTV footage will be stored for a minimum of 31 days.

- The camera were in operation but did not store for 31 days.

5..SIA licensed door supervisors shall be employed on any occasions when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Centre Events e.g. Pride. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.

- There was no written SIA risk assessment.

6..The licence holder will display prominent notices in the premises reminding customers to respect local residents, keep noise down and leave quietly.

- There was no “leave quietly signs” on display.

It was noted there was an incident log book but in PC Hancox’s opinion it was not appropriate. PC Hancox said she would request the BHCC Licensing team to send an approved Incident log for their use.

PC Hancox went through the licence and gave words of advice to the premises licence holder regarding rectifying their breaches and asked them to resolve this in a week.

Please see Attached Appendix A – Statement from PC Kate Hancox.

In April and May 2021 Police received intel from residents in the local area around this premises that groups of youths were gathering at the premises and in the vicinity of and were causing a public nuisance.

On the 12th August 2021 a breach letter was sent to the premises over concerns the premises was breaching its opening hours. Please see Attached Appendix B.

Evidence is provided via a screen shot of third party delivery websites stating food was available to order until 3am.

On the 19th and 20th August, further emails of noise and ASB were received by the licensing team from local residents distressed by the public nuisance this premises delivery drivers were causing during the early hours of the day.

Sussex Police contend this is a breach of condition 7 of their licence

7. Management will take responsibly to ensure that delivery drivers do not cause a public nuisance outside the premises.

On the 31st August 2021 at 11:28, Police attended the premises following calls there was a fight happening within the premises. There is a current live investigation into this matter, therefore no further details of this incident may be used as part of this review.

However, The licensing team have been made aware of concerns from the investigating officer that there were breaches with the CCTV.

CCTV was submitted to assist with the investigation by the premises licence holder. However, the quality of the CCTV is questionable and when asked to provide further footage, the Premises licence holder was unable to do so as Police were informed the CCTV system only recorded for 24 hours and the footage of the incident had not be saved.

This led to a visit by the licensing team on the 9th September 2021. On arrival we were met by a lone female, who called the premises licence holders son. Whilst we waited for the son to arrive the following breaches were found.

3. *(a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas. The system shall be on and recording at all times the premises licence is in operation.*
- (b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.*
- (c) CCTV footage will be stored for a minimum of 31 days*

(d)The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.

(e)The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

(f)Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.

(g)Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

(h)In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

- The Outside camera was not working.
- The time was slow by 1 hour.
- One of the internal cameras had a glitch and was not showing live feed on the main screen.
- No one could operate the CCTV and therefore the 31 days condition could not be checked.

4. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The incident log will be inspected and signed off by the Premises Licence Holder (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.

- Incident log could not initially be found. When located it was discovered that it hasn't ever been used and was still in the envelope that it was posted in from the BHCC licensing team, despite the serious incident just over a week ago.

5. SIA licensed door supervisors shall be employed on any occasions when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Centre Events e.g. Pride. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.

- No SIA risk assessment has been written.

It was also noted there was NO PART B on display.

During this visit, drug swaps were also taken as the licensing team had received intel regarding drugs being used on the premises.

The results are as follows:-

- Toilet cistern – Cocaine 3.24**
- Out of use Toilet – sink – Cocaine 4.40**
- Out of use toilet – Top of cistern – Cocaine 5.52**
- Out of use toilet – Toilet seat – Cocaine 6.14**
- Toilet – shelf – Cocaine 4.00**
- Toilet seat – Cocaine 5.67**
- Table 1 – Cocaine 1.15**
- Lead Till screen – Cocaine 1.15.**

The manufacturer of the testing equipment’s explanation of the readings are as follows:-

Alarms of between 1 and 2 times the alarm threshold can be classed as a “low” response. It could be attributed to cross contamination of the surface tested, background contamination, or greatly degraded historic contamination. It is not indicative of recent direct contact.

Alarms of between 2 and 3 times the alarm threshold can be classed as a “medium” response. It could be attributed to cross contamination of the surface tested or recent historic contamination that may have been left a number of days prior to the sample being taken.

Alarms of between 3 and 4 times the alarm threshold can be classed as a “high” response. This level of response would not be attributed to cross contamination and is indicative of recent and direct contact with measurable quantities of the narcotic identified by the machine.

Readings of 4.00 and above are estimated to relate to microgram amounts of contamination being transferred to the sample media. This level of contamination is not generally experienced in any other environment than somewhere that has been in direct contact with a bulk amount of the source narcotic, i.e. this level is not generally experienced as background contamination or through incidental cross contamination by being in close contact with other contaminated areas or persons.

The machine gives a maximum reading of 7. As 5 of the readings were in the high category for Cocaine this indicates direct usage of drugs in those areas and shows that the premises has a serious issue with drugs use in the toilets

Please see Attached Appendix C – breach letter sent by PC Bernascone.

Later on the 9th September, after our visit Licensing Officer Hannah Staplehurst held 2 telephone conversations.

1. With the Premises Licence Holder
2. With the Premises Licence Holders son who we had met at the premises that day.

Words of advice were given on both phone calls following the condition breaches and the drug use within the premises.

In summary, within 15 months of holding a Late Night Refreshment premises licence, My Yummie Pizza has experienced a high number of issues including a serious

incident, crime and ASB, condition breaches despite words of advice from the licensing Police Officer and lastly high drug readings.

Sussex Police contend that the licensing objectives of

- The prevention of crime and disorder
- Public Safety
- Public Nuisance

Have been significantly undermined.

Due to the lack of management action to rectify the previous breaches and the presence of drug use within this premises, it is difficult to see what further conditions could be added or other measures could be adopted in order to improve the current situation. Therefore, the recommendation of Sussex Police would therefore be the revocation of this premises licence.

If you have made representations before relating to this premises please state what they were and when you made them

A representation was submitted to BHCC licensing team on the 12th August 2021 for a variation application requesting to extend the hours of Late Night refreshment. Sussex Police then attended a licensing hearing on the 10th September 2021, following this the variation application was refused.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature **REDACTED TEXT**

Insp Michelle Palmer-Harris DP079 (on behalf of the applicant)

Date 07th October 2021

Capacity Licensing, Operations and Planning Inspector on behalf of Chief Superintendent, Divisional Commander, Brighton & Hove Division

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) FAO H. Staplehurst/ Michelle Paler-Harris Brighton and Hove Licensing Team John Street,	
Post town Brighton	Post Code BN2 0LA
Telephone number (if any) 01273 404 535 Ext 550809	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Brighton.licensing@sussex.pnn.police.uk	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

APPENDIX C

Ms S Cornell
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Date: 25 October 2021
Our Ref: 2021/02300/LICREP/EH
Phone: 01273 292494

e-mail: donna.lynsdale@brighton-hove.gov.uk

Dear Ms S Cornell

Licensing Act 2003

Representation in support of an application by Sussex Police seeking a review of the Premises Licence: 2021/03454/LAREV for My Yummie Pizza, 41 Longridge Avenue, Saltdean, Brighton BN2 8LG

I write to make a representation on behalf of the Council's Licensing Team, in their capacity as a responsible authority, in relation to the above application made by Sussex Police seeking to review the Premises Licence for the My Yummie Pizza, 41 Longridge Avenue, Saltdean, Brighton.

This representation is made as the Licensing Team have concerns that the licensing objective of the Prevention of Crime and Disorder, Prevention on Public Nuisance and the Protection of Children from Harm are not being upheld.

Following complaints received from residents in the surrounding area complaining that they were being disturbed on a regular basis by noise from the premises. This mainly occurring in the early hours of the morning by customers visiting the premises and delivery drivers often until 3am. I checked the websites of 'Just Eat' where they were advertising that the premises were open to the public until Midnight, and for delivery past 1am.

On 10 August 2021, I wrote to the premises. A copy of this email is attached as Appendix A and Appendix B.

Following a licensing visit carried out by Police Licensing on 9 September 2021. On 14 September a further warning email was sent detailing the breaches of the premises licence. A copy of this letter is attached as Appendix C.

To date neither of the emails have been acknowledged or responded to by the Premises Licence Holder.

It is my opinion that the premises are poorly run, there are breaches of the premises licence and the licensing objectives are not being upheld. I have no confidence in the Mr Mohamed or any others involved in running of the premises to operate responsibly. I believe if the

premises late night licence remains in place, there will be further problems occurring at the venue.

In the circumstances, I fully support the application of Sussex Police seeking the revocation of the premises licence and consider that this is necessary to ensure that the licensing objectives of the Prevention of Crime and Disorder, Prevention on Public Nuisance and the Protection of Children from Harm are met.

Yours sincerely

REDACTED TEXT

Donna Lynsdale
Licensing Officer
Licensing Team

Appendix A – Copy of email sent to premises dated 10 August 2021

Appendix B – Copy of Just Eats website advert

Appendix C - Copy of email sent to premises dated 14 September 2021

Appendix A – Copy of email sent to premises dated 10 August 2021

From: Donna Lynsdale
Sent: 10 August 2021 16:30
To: REDACTED TEXT
Cc: Brighton.Licensing@sussex.pnn.police.uk
Subject: My Yummie Pizza, 41 Longridge Avenue, Saltdean, Brighton BN2 8LG - 2021/01517/LICPRM/EH

Dear Khaled Mohamed

Licensing Act 2003
My Yummie Pizza, 41 Longridge Avenue, Saltdean, Brighton BN2 8LG
Premises Licence Number: 1445/3/2020/01964/LAPREN

I am writing to you in your capacity as the Premises Licence Holder (PLH) for the above premises concerning breaches of your licence conditions.

This authority has received complaints from local residents in the surrounding area alleging that they are being disturbed on a regular basis by noise from your premises. This is mainly during the early hours of the morning by customers visiting your premises and delivery drivers. It is alleged this often goes on until 3am.

I have also attached a copy of 'Just Eat', 'Uber Eat' and 'Deliveroo' websites advertising that you are open to the public until Midnight, and for delivery past 1am.

Your current Premises Licence states:

Times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Friday-Saturday 23:00 - 01:00

Late Night Refreshment

Sunday-Thursday 23:00 - 00:00

The opening hours of the premises

Every Day 11:00 - 23:00

I remind you that non-compliance with conditions constitutes a breach of the Premises Licence issued under the above legislation. Please ensure that all conditions on the licence are adhered to. It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislations states that: -

- (1) A Person commits an offence if –
 - (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
 - (b) he knowingly allows a licensable activity to be carried on.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Irrespective of the permissions and restrictions attached to any premises licence, all licensed premises are required to operate with regard to the 4 licensing objectives, which are;

- o The Prevention of Crime and Disorder
- o Public Safety
- o Prevention of Public Nuisance
- o Protection of Children from Harm

Please be aware that any enforcement action is taken in line with our Licensing Enforcement Policy which includes, issuing of formal warnings, followed by potential prosecution. You are also reminded that at any stage, following the grant of a premises licence, a responsible authority, such as the Police, Environmental Health, or an interested party such as a resident living in the vicinity of the premises, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

Please note this Authority and Sussex Police have enforcement officers monitoring the City both day and night.

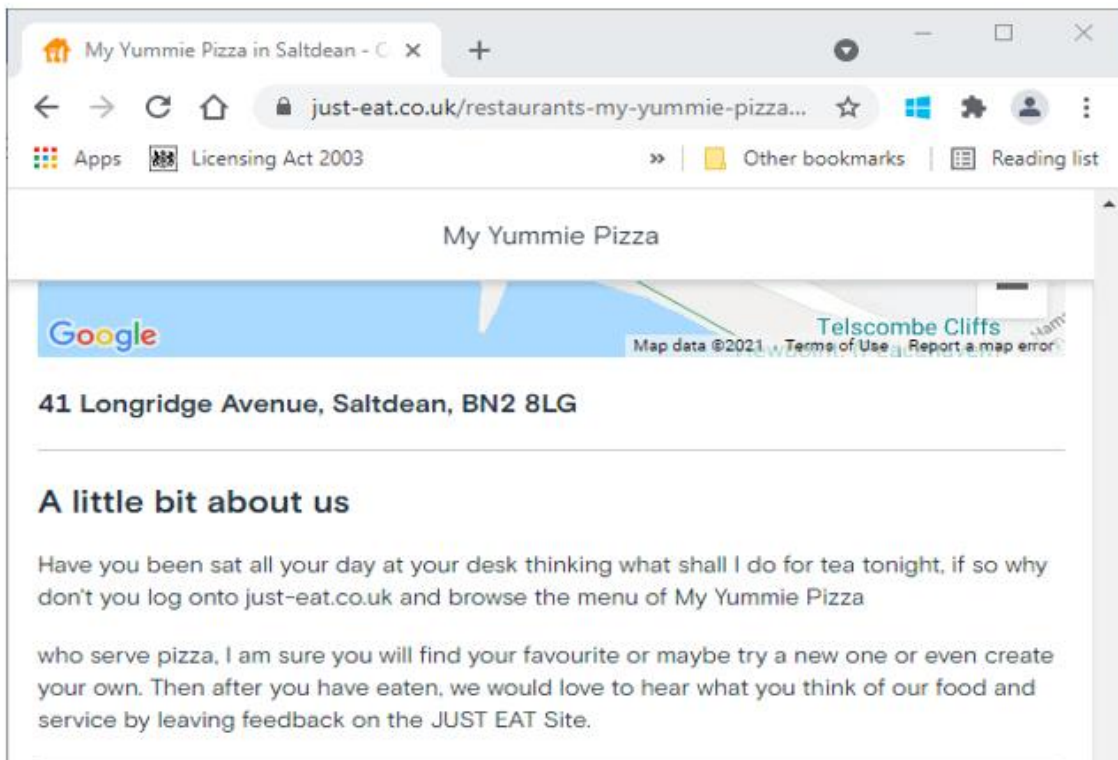
A copy of this email has also been sent to Police Licensing.

Please acknowledge receipt of this email and advise on actions you will be taking to address the above issues.

Yours sincerely

Donna Lynsdale | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing),
Safer Communities
Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP
T 01273 292494 | M 07717 303114 | donna.lynsdale@brighton-hove.gov.uk

Appendix B – Copy of Just Eats website advert



My Yummie Pizza in Saltdean - C x +

just-eat.co.uk/restaurants-my-yummie-pizza...

Apps Licensing Act 2003 Other bookmarks Reading list

My Yummie Pizza

Google Telscombe Cliffs
Map data ©2021 Terms of Use Report a map error

41 Longridge Avenue, Saltdean, BN2 8LG

A little bit about us

Have you been sat all your day at your desk thinking what shall I do for tea tonight, if so why don't you log onto just-eat.co.uk and browse the menu of My Yummie Pizza

who serve pizza, I am sure you will find your favourite or maybe try a new one or even create your own. Then after you have eaten, we would love to hear what you think of our food and service by leaving feedback on the JUST EAT Site.

Opening times

Delivery	Collection
Monday	11:00 - 00:55
Tuesday	11:00 - 00:55
Wednesday	11:00 - 00:55
Thursday	11:00 - 02:00
Friday	11:00 - 01:55
Saturday	11:00 - 01:55
Sunday	11:00 - 00:55

Feedback

Appendix C – Copy of email sent to premises dated 14 September 2021

From: Donna Lynsdale
Sent: 14 September 2021 10:50
To: REDACTED TEXT
Cc: brighton.licensing@sussex.pnn.police.uk
Subject: My Yummie Pizza, 41 Longridge Avenue, Saltdean, Brighton BN2 8LG - Breach of Conditions - Warning - 2021/01862/LICPRM/EH
Importance: High

Dear Khaled Mohamed

Licensing Act 2003 – Breach of Conditions - Warning
My Yummie Pizza, 41 Longridge Avenue, Saltdean, Brighton BN2 8LG
Premises Licence Number: 1445/3/2020/01964/LAPREN

I am writing to you in your capacity as the Premises Licence Holder (PLH) for the above premises following a visit by Sussex Police on 9 September 2021. At the time of this visit they carried out a licensing inspection.

Below are details of the breaches of your premises licence conditions found at the time of their licensing inspection:

Annex 2 – Conditions consistent with the Operating Schedule

General:

For the Prevention of Crime and Disorder:

3. (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number

09/05), operated and maintained throughout the premises internally and externally to cover all public areas. The system shall be on and recording at all times the premises licence is in operation.

Due to camera being broken the outside area is not covered by CCTV.

(b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.

(c) CCTV footage will be stored for a minimum of 31 days.

Staff could not operate the CCTV so this could not be checked.

(d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.

There could be no full and immediate cooperation as the CCTV could not be operated by the staff working at the time, or by Omar who arrived at the end of the check.

(e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

Date shown on the individual camera feeds was one hour fast. The date was correct.

(f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage

onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.

As for condition 3(d), as the no members of staff could access or use the CCTV then no one could download footage without difficulty or delay.

(g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

The external camera was not working and there was glitch on the camera covering the counter area whereby the footage was not live and was actually showing footage from one minute earlier.

(h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a

replacement hard drive or a temporary replacement drive as soon as practicable.

4. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The incident log will be inspected and signed off by the Premises Licence Holder

(or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.

The incident book could not be located. When it was eventually found it was discovered that the book had never been used, despite the premises having a serious incident that was reported to police at the end of August 2021.

5. SIA licensed door supervisors shall be employed on any occasions when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Centre Events e.g. Pride. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.

No written risk assessment could be located. Omar stated he was SIA licensed, but as he is also manager of premises he cannot 'dual role' so would only be able to carry out SIA activity when he is not carrying out any other duties.

Also at the time of their visit drugs swabs of the premises were taken. They have advised you of these results.

I would like to remind that non-compliance with conditions constitutes a breach of the Premises Licence issued under the above legislation. Please ensure that all conditions on the licence are adhered to. It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislations states that:-

(1) A Person commits an offence if –

(a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or

(b) he knowingly allows a licensable activity to be carried on.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Irrespective of the permission's and restrictions attached to any premises licence, all licensed premises are required to operate with regard to the 4 licensing objectives, which are;

- o The Prevention of Crime and Disorder
- o Public Safety
- o Prevention of Public Nuisance
- o Protection of Children from Harm

Please be aware that any enforcement action is taken in line with our Licensing Enforcement Policy which includes, issuing of formal warnings, followed by potential prosecution. You are also reminded that at any stage, following the grant of a premises licence, a responsible authority, such as the Police, Environmental Health, or an interested party such as a resident living in the vicinity of the premises, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

In light of the above information, I am issuing you with a **Warning** in accordance with our Licensing Enforcement Policy.

Please note this Authority and Sussex Police have enforcement officers monitoring the City both day and night.

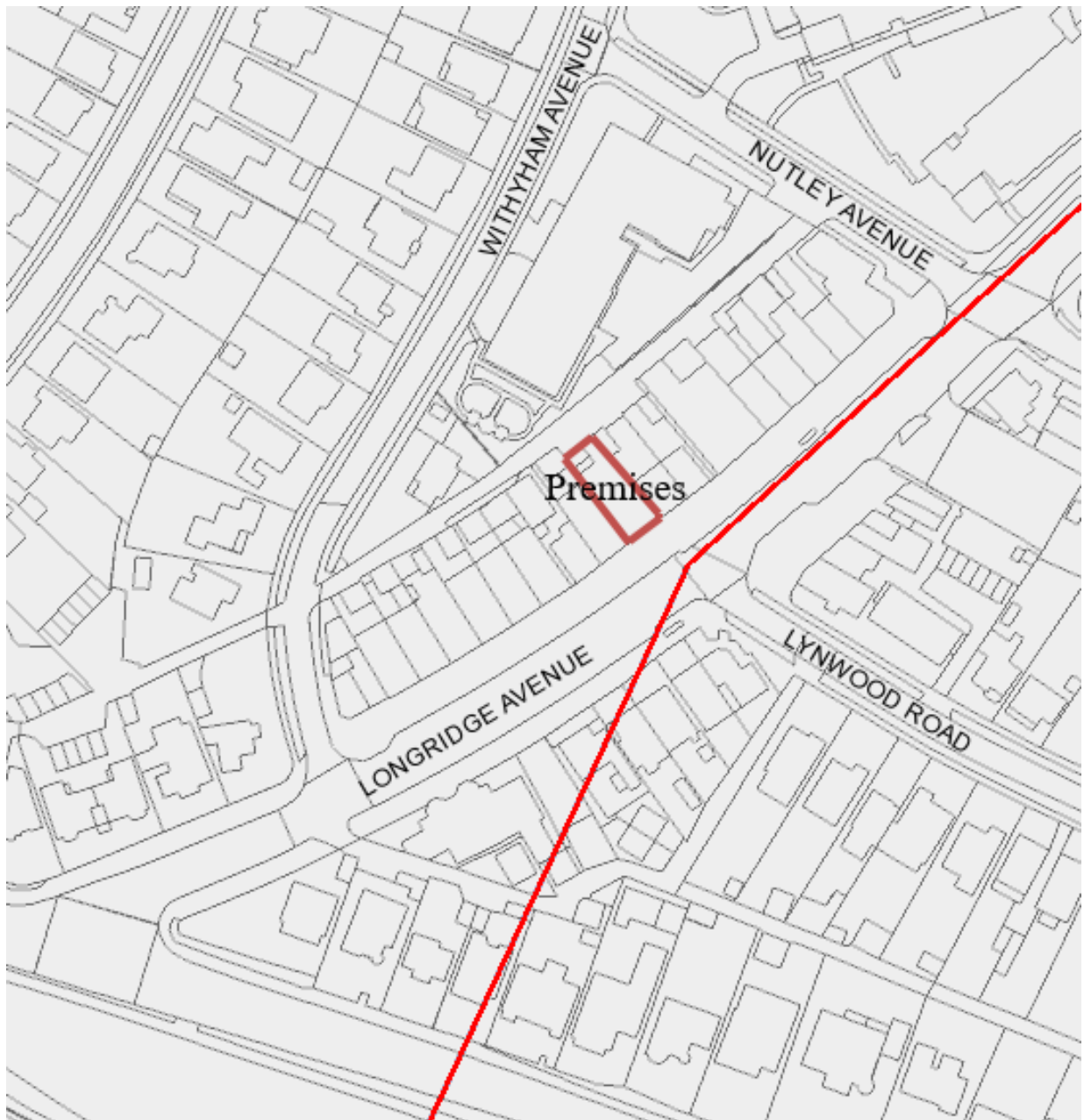
A copy of this email has also been sent to Police Licensing.

If you wish to discuss the contents of this email, please contact me.

Yours sincerely

Donna Lynsdale | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities
Brighton & Hove City Council, 2nd Floor, Bartholomew House, Bartholomew Square,
Brighton BN1 1JP
T 01273 292494 | M 07717 303114 | donna.lynsdale@brighton-hove.gov.uk

APPENDIX D



RESTRICTED (when complete)**WITNESS STATEMENT****Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9**

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Statement of:

PC Hancox

REDACTED**TEXT**

Age if under 18: O'18 (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature: K V Hancox

Date 01/10/2021

Tick if witness evidence is visually recorded (supply witness details on rear)

On 17th May 2020 at approximately 01.00 in the company of Mark THOROGOOD a Police Licensing Officer we attended My Yummie Pizza, 41 Longridge Avenue, Saltdean , Brighton BN2 8LG to check that the premises was not open and trading hot food or drink as it did not have a Late night refreshment licence. On this occasion it was confirmed that shop was open and still serving hot food, I believe we spoke with a male called Khaled MOHAMED who stated that on Monday –Thursday they were open 11:00-00:00 and on a Friday and Saturday they were open till 01:00. We told MOHAMED they were not permitted to be open and serving hot food and drink past 23:00 and in order to do so had to apply to the council for a late night refreshment licence.

THOROGOOD sent a letter on the 19th May 2020 to the premise confirming that he had no Late Night Refreshment licence and that he was committing an offence of carrying on Licensable Activity.

On the 14th August 2020 myself and Mark THOROGOOD visited the premise at 17:45 to carry out a licensing check as they now has their late night refreshment licence and there was several conditions on this. On this occasion the owner was not present but we spoke with his son who implied he was looking to take over as manager, he stated he was aware of how the delivery drivers should behave when picking up collections and knew the times they were allowed to stay open till.

There was however several breaches of the licence which included:

Not displaying prominent notices in the premises reminding customers to respect local residents, keep noise down and leave quietly.

Not having a SIA written risk assessment

Not having incident log that was signed off once a week.

Not having CCTV that stored the footage for 31 days.

They were told to rectify the breaches and to start using the new incident book that we would ask the council to send.

On 9th September 2021 at 13.00 I visited the premises again, this time with Hannah STAPLEHURST a Police Licencing Officer and PC BERNASCONE. There was a female working behind the counter who called the

Continuation of statement of owners son who turned up after a short period of time.

There was again numerous breaches which included:

Still not having a SIA written risk assessment

A blank incident book was eventually found but it had no entries or weekly sign offs despite their being a recent assault at the premises

The CCTV was not showing the correct time and no one could operate it to establish whether it was working for the required 31 days plus the outside camera was not working at all.

There was no Part B on display.

On this visit we also carried out drug swabbing of the premise due to intelligence involving drugs, the results are as follows;

Top of toilet cistern – Cocaine 3.24

Shelf in toilet – Cocaine 4.00

Toilet seat - Cocaine 5.67

Out of use toilet sink – Cocaine 4.40

Out of use top of toilet Cistern – Cocaine 5.52

Out of use toilet seat – Cocaine 5.67

Table in the public seating area – Cocaine 1.15

Till Screen – Cocaine 1.15

Readings of 4.00 and above are estimated to relate to microgram amounts of contamination being transferred to the sample media. This level of contamination is not generally experienced in any other environment than somewhere that has been in direct contact with a bulk amount of the source narcotic, i.e. this level is not generally experienced as background contamination or through incidental cross contamination by being in close contact with other contaminated areas or persons.

My colleague sent a breach letter to the premises detailing all of the above.

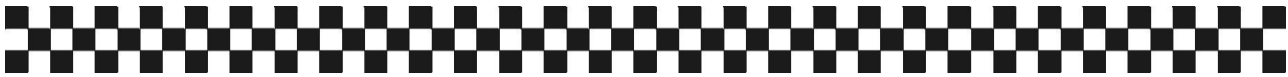
This statement was made using original notes from the visits on the 1st October 2021.

K V Hancox

Signature

Signature witnessed by:

PTO



RESTRICTED - FOR POLICE AND PROSECUTION ONLY
(when complete)





Brighton & Hove Licensing Unit

First Floor
Police Station
John Street
Brighton
BN2 0LA

Tel: 101 ext 550809

Email: brighton.licensing@sussex.pnn.police.uk

12th August 2021

Mr K.Mohamed,
41 Longridge Avenue,
Saltdean,
Brighton,
BN2 8LG

Dear Mr Mohamed,

Licensing Act 2003 – Unauthorised licensable activities
RE: My Yummie Pizza, 41 Longridge Avenue, Saltdean, Brighton BN2 8LG

I am writing to you in your capacity as the Premises Licence Holder (PLH) for the above premises concerning breaches of your licence conditions.

It has been brought to our attention by Brighton and Hove City Council licensing that you are operating outside of your licensable hours.

I have attached a copy of the 'Just Eat' website advertising that you are open for deliveries:-

Thursday - 02:55

Friday – 01:55

Saturday - 01:55

Which is later than your premises licence allows. Your current Premises Licence states:

Times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Friday-Saturday 23:00 - 01:00

Late Night Refreshment

Sunday-Thursday 23:00 - 00:00

The opening hours of the premises

Every Day

11:00 - 23:00

I remind you that non-compliance with conditions constitutes a breach of the Premises Licence issued under the above legislation. Please ensure that all conditions on the licence are adhered to. It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislation states that:-

(1) A Person commits an offence if –

(a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or

(b) he knowingly allows a licensable activity to be carried on.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

The highlighted breach constitutes an offence of carrying on licensable activity otherwise than under and in accordance with an authorisation (the premises licence and the attached conditions). Please can you now ensure these breaches are rectified with immediate effect. Police Licensing will conduct a follow up visit within the next few weeks and I must advise you that any further breaches of your licence may mean enforcement action is taken.

If there are any matters within this letter that you wish to discuss then please do not hesitate to contact Sussex Police Licensing on the phone number or email address above.

Yours sincerely,

Mrs. Hannah Staplehurst
Licensing Officer
Sussex Police

Please address all future correspondence to Brighton & Hove Licensing Unit, 1st Floor, Police Station, John Street, Brighton, BN2 0LA.



Your order

[Click here if you or someone you are ordering for has a food allergy](#)

Delivery
From 11:40

Collection
From 11:20

A little bit about us

Have you been sat all your day at your desk thinking what shall I do for tea tonight, if so why don't you log onto just-eat.co.uk and browse the menu of My Yummie Pizza

who serve pizza, I am sure you will find your favourite or maybe try a new one or even create your own. Then after you have eaten, we would love to hear what you think of our food and service by leaving feedback on the JUST EAT Site.

Opening times

Delivery	Collection
Monday	11:00 - 00:55
Tuesday	11:00 - 00:55
Wednesday	11:00 - 00:55
Thursday	11:00 - 02:55
Friday	11:00 - 01:55
Saturday	11:00 - 01:55
Sunday	11:00 - 00:55



Brighton & Hove Licensing Unit

Police Station
John Street
Brighton
BN2 0LA

Tel: 01273 470101 ext 550815

Email: brighton.licensing@sussex.pnn.police.uk

9th September 2021

Khaled MOHAMED
190A South Coast Road
Peacehaven
BN10 8JJ

Dear Khaled,

RE: My Yummie Pizza

I write with reference to the above premises of which you are chown as the Premises Licence Holder.

On the 9th of September 2021 at approximately 1300 hrs, I attended the premises in company with my colleagues PC Hancox and Hannah Staplehurst to conduct a licensing check.

During the check the following breaches of the late night refreshment licence were found.

For the Prevention of Crime and Disorder:

3. ***(a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas. The system shall be on and recording at all times the premises licence is in operation. Due to camera being broken the outside area is not covered by CCTV***

(b)The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.

(c)CCTV footage will be stored for a minimum of 31 days

Staff could not operate the CCTVso this could not be checked.

(d)The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.

There could be no full and immediate cooperation as the CCTV could not be operated by the staff working at the time, or by Omar who arrived at the end of the check.

(e)The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

Date shown on the individual camera feeds was one hour fast. The date was correct.

(f)Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.

As for condition 3(d), as the no members of staff could access or use the CCTV then no one could download footage without difficulty or delay

(g)Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

The external camera was not working and there was glitch on the camera covering the counter area whereby the footage was not live and was actually showing footage from one minute earlier.

(h)In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

4. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The incident log will be inspected and signed off by the Premises Licence Holder (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.

The incident book could not be located. When it was eventually found it was discovered that the book had never been used, despite the premises having a serious incident that was reported to police at the end of August 2021.

5. SIA licensed door supervisors shall be employed on any occasions when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Centre Events e.g. Pride. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.

No written risk assessment could be located. Omar stated he was SIA licensed, but as he is also manager of premises he cannot 'dual role' so would only be able to carry out SIA activity when he is not carrying out any other duties.

I have to advise you that it is an offence under Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislation states that:-

(1) A person commits an offence if –

(a) He/she carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or

(b) He/she knowingly allows a licensable activity to be carried on.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine, or to both.

The breaches identified above would constitute carrying out unauthorised licensable activity.

During the check drugs swabs of the premises were taken. The results are as follows:-

Toilet cistern – Cocaine 3.24
Out of use Toilet – sink – Cocaine 4.40
Out of use toilet – Top of cistern – Cocaine 5.52
Out of use toilet – Toilet seat – Cocaine 6.14
Toilet – shelf – Cocaine 4.00
Toilet seat – Cocaine 5.67
Table 1 – Cocaine 1.15
Lead Till screen – Cocaine 1.15.

The manufacturer of the testing equipment's explanation of the readings are as follows:-

Alarms of between 1 and 2 times the alarm threshold can be classed as a "low" response. It could be attributed to cross contamination of the surface tested, background contamination, or greatly degraded historic contamination. It is not indicative of recent direct contact.

Alarms of between 2 and 3 times the alarm threshold can be classed as a "medium" response. It could be attributed to cross contamination of the surface tested or recent historic contamination that may have been left a number of days prior to the sample being taken.

Alarms of between 3 and 4 times the alarm threshold can be classed as a "high" response. This level of response would not be attributed to cross contamination and is indicative of recent and direct contact with measurable quantities of the narcotic identified by the machine.

Readings of 4.00 and above are estimated to relate to microgram amounts of contamination being transferred to the sample media. This level of contamination is not generally experienced in any other environment than somewhere that has been in direct contact with a bulk amount of the source narcotic, i.e. this level is not generally experienced as background contamination or through incidental cross contamination by being in close contact with other contaminated areas or persons.

The machine gives a maximum reading of 7. As you can see 5 of the readings were in the high category for Cocaine which indicates direct usage of drugs in those areas and shows that the premises has a serious issue with drugs use in the toilets

This letter is official notice of the breaches and to inform you that enforcement action is now being considered.

A copy of this letter has also been forwarded to council licensing and they may also look at taking their own enforcement action.

You can contact Police Licensing via the e-mail or telephone number at the top of this letter.

Yours sincerely

Andre BERNASCONE
REDACTED TEXT
Brighton Police Licensing

