

APPENDIX C

Police Station

John Street

Brighton

BN2 0LA

REDACTED TEXT

26th April 2021

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

DML CON ENDS 26.04.21 VALID PCD & PPN (A)

Dear REDACTED TEXT

**RE: APPLICATION FOR A PREMISES LICENCE FOR AL AGHA LOUNGE,
UNIT 1, BOARDWALK LEVEL, WATERFROT, BRIGHTON MARINA,
BRIGHTON, BN2 5WA UNDER THE LICENSING ACT 2003.
1445/3/2021/00856/LAPREN.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds that it will undermine the Licensing Objectives of the prevention of crime and disorder and public nuisance. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy and Public Health Framework for Assessing Alcohol Licensing.

This is an application for a new premises licence located at Brighton Marina. The surrounding area is a mix of retail shops, drinking venues, restaurants including fast food style and a high number of residential properties.

Within the Brighton & Hove City Council Statement of Licensing Policy, the Marina used to sit within its own category but was moved in to "Other area" following a recent review. This was one of the suggestions put forward during the review by Sussex Police as we had concerns over the possible risk of crime and disorder as over recent years we have seen an increase in licensed premises. With also an increase in residential properties, we were also concerned over potential noise issues. Previously the location had very little restrictions on the type of applications that would be considered but now, in recognising the concerns raised by Sussex Police, it was agreed there needs to be extra scrutiny and restrictions placed on applications within this area.

On reviewing the Statement of Licensing policy and the Public Health Framework:

- Applications for the style of operation and times as being applied for is not supported within the policy.
- The policy will only be overridden in exceptional circumstances. Following valid representations against an application, it is presumed that the application will be refused unless the applicant can show that their application will have no negative impact on the surrounding area.
- The Public Health Framework ranks Rottingdean Coastal ward 7th highest out of 21 wards for police recorded alcohol related incidents.

The application seeks the following licensable activities:

Supply of alcohol – on sales:

Monday – Sunday 23:00-02:00

Late night refreshments:

Monday – Sunday 23:00-02:00

Recorded music:

Monday – Sunday 12:00-02:00

Performance of dance:

Monday – Sunday 23:00-02:00

The opening and closing hours:

Monday – Sunday 12:00-02:00

The description of the new premises is a Middle Eastern Restaurant as well as a cocktail and shisha bar with seating both inside and out for approximately 150 customers. As with any operation that will include the sale and consumption of alcohol, we are concerned about the negative effect in relation to crime & disorder as well as public nuisance, especially with a late night venue.

Although the applicant has offered a number of conditions, we are unable to see how a new and additional late licence in this area will not have a negative impact. It's for this reason that Sussex Police would like to bring this before a licensing committee to have further questions asked of the applicant to ensure that the Licensing Objectives will be upheld. As the application currently stands, we will be asking the panel to refuse it however, should the panel or the applicant wish to look at reducing the operating hours to bring them in line with policy and agree a number of conditions of which are attached, Sussex Police would be in a position to support it.

Yours sincerely,

REDACTED TEXT

Proposed Trading Hours and Conditions - Al Agha Lounge

Licensable Hours: 12:00-23:30 – On Sales

Opening Hours: 12:00-00:00 (Midnight)

Conditions

General

1. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.
2. On Friday and Saturday nights from 19:00 there will always be a personal licence holder on duty at the premises until the premises closes to the public.
3. A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the DPS with the date such authorisation commences.
4. When the outside area is open and being used by members of the public, a staff member will be permanently stationed within the area.
5. The sale of intoxicating liquor and other beverages shall be by waiter/waitress service for consumption by persons seated at tables.
6. There will be no vertical drinking permitted.
7. Substantial food shall be available at all times that alcohol is offered for sale on these premises.
8. In relation to licensable activities to the outside seating area, this will be subject to the premises holding a valid Table and Chairs licence or the appropriate authorisation. Should the licence or authorisation stipulate times that require the premises to cease use of them earlier than stated on this premises licence, the lesser times will be adhered to.

Additional conditions as stated in original application or agreed with another Agency.

Prevention of crime & disorder

9. (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, including the entrance to the premises. 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.

10. (a) An incident and alcohol refusal log will be maintained by the premises showing a detailed note of incidents and sale of alcohol refusals that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week.

(b) 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.

(c) Any refusals made for alcohol service e.g. underage, will be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty four (24) months.

11. 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.
12. Signage stating that the premises has a zero tolerance towards drugs will be displayed prominently at all entrances to the premises, and the entrances to all toilets.
13. Regular checks of all toilets will take place on every day that the premises remains open for business. These checks will be documented and records made available on request to Sussex Police.

Additional conditions as stated in original application or agreed with another Agency.

Public Safety

Additional conditions as stated in original application or agreed with another Agency.

Prevention of public nuisance

Additional conditions as stated in original application or agreed with another Agency.

Protection of children from harm

14. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.
15. Signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
16. (a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

*The lawful selling of age restricted products

*Refusing the sale of alcohol to a person who is drunk

(b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.

(c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

Additional conditions as stated in original application or agreed with another Agency.