

APPENDIX A

Section 18 of 21 LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Risk Assessment has been carried out to identify key issues for late night operating hours and these are covered in attached Appendix I.

Consideration to London Borough of Licensing Policy (Feb 2018) and Identifying risks associated with late night operation. To propose the Operating Schedule Conditions is attached in Appendix I.

Consultation with Brighton & Hove Metropolitan Police Licensing & other Licensing Authorities has been offered during representation period to agree the proposed Operating Schedule Conditions that promotes the four licensing objectives. Please refer to attached Appendix I for further details

b) The prevention of crime and disorder

CCTV system with 9 cameras is installed with recording capacity for 31 days with ability to download selected footage. Incident Log Policy and maintaining log of records has been put in place.

CCTV signage displayed to remind customers/staff that their activity within the premises is recorded for the purpose of public safety and crime prevention.

Staff to proactively monitor behaviour of patrons outside the premises to avoid congregation of people in large groups or causing any anti-social behaviour. The premises shall operate only as a food delivery premises from midnight until closing hours to avoid any adverse impact on crime and disorder.

c) Public safety

The premises is keen to obtain “FIVE STAR” food hygiene rating. All required measures to maintain Food Safety and Health & Safety at Work are in place. The extractor system in the kitchen area meets the regulatory standards for odour, noise and smell control. Regime for filters to be cleaned and replaced at regular intervals is in place.

The applicant is not aware of any complaints made by local residents in relation to noise, smell, vehicular traffic or any antisocial disturbance when this premises was operated by the previous licence holder.

The premises has carried out documented fire risk assessment. Fire safety equipment is in place and there is Fire Alarm system installed.

d) The prevention of public nuisance

The applicant is keen on building a high degree of loyalty from regular customers for both delivery orders and those that elect to come & collect their orders personally or to dine

inside the premises. The applicant will be using his own drivers to deliver take away orders. All delivery staff will be reminded to keep the noise level down and respect the privacy of neighbours.

Signage to remind patrons and staff to respect the privacy of neighbours is prominently displayed. Litter regime is in place to remove all discarded litter, drinking vessels, packaging and food waste from the front of the premises. All supplies deliveries and waste collection will be carried out during normal working hours.

e) The protection of children from harm

After 23:00 onwards any persons who appear to be under the age of 18 will be refused entry unless accompanied by a responsible adult. Staff will be made aware of Child Sexual Exploitation and to remain vigilant at all times for any concerns raised for children or any suspected perpetrator. Operation Makesafe poster will be displayed to remind staff of how to handle any suspected incidents.

APPENDIX 1

APPLICATION FOR PREMISES LICENCE UNDER LICENSING ACT 2003

Premises Address: MAMA POLLO, 4 LEWES ROAD, BRIGHTON BN2 3HP

A. Introduction

1. The applicant is not applying for any other licensable activity apart from provision of late night refreshment. The food is freshly prepared on the premises for take-away/delivery orders and for customers to dine within the premises. Consumption of food takes place ON & OFF the premises on Monday to Saturday until midnight and OFF the premises from midnight to closing permitted hours.
2. Details of previous Licence granted/issued to this premises was on 03/10/2019, for sale by retail of alcohol (Monday to Saturday 12:00 to 00:30 (excluding Sunday) and 12:00 to 23:30 on Sunday), and performance of recorded music (Monday to Saturday 12:00 to 00:30 (excluding Sunday) and 12:00 to 23:30 on Sunday). The applicant is aware that this licence has expired.
3. The applicant is seeking the hours for provision of late night refreshment only as follows:

Monday to Thursday	23:00 to 02.00 (the following day)
Friday & Saturday	23:00 to 03:00 (the following day)

Please note: ON site dining restricted until midnight to avoid any issues related to crowd dispersal and antisocial behaviour. Thereafter, only the take away & delivery service will remain open until closing hours.

4. This document is produced by taking into account Brighton & Hove City Council "***Statement of Licensing Policy (as revised in 2019)***".
5. The location of the premises is within the Special Stress Area (SSA) and therefore the objective of this document is to propose the conditions within the Operating Schedule that are appropriate, relevant and within the control of the applicant to help promote the licensing objectives through a well managed licensed premises. The application has also

considered and put in place the relevant measures set out in Statement of Licensing Policy - Appendix A – Licensing Best Practice Measures. The primary aim is to ensure that the applicant can address the main issues that have been identified as risks associated with the premises operation during extended terminal hours. The Risk Assessment has been carried out and the keys issues that have been identified are as follows:

- *Controlling the Entry into the premises during extended hours*
- *Noise nuisance from patrons or deliveries during extended hours*
- *Crowd Dispersal from the local area*
- *Anti-Social Behaviour related to drunkenness*
- *Managing difficult customers*
- *Management of waste disposal, litter, pest infestation, and cooking smell/odour*
- *Ensuring Public & Staff Safety*

B. Measures already put in place by the Applicant

- a) CCTV system with 9 cameras is installed and maintained in the interest of public safety and security. The location includes 5 (in the customer area & the kitchen area) and 1 (covering the external front area) and the rest in the basement area which is only used for storage. Internal Lighting with glass frontage provides clear visibility to monitor external customer/public activity.
- b) The applicant is aiming to operate “FIVE STAR” rated food hygiene Premises. All required measures to maintain Food Safety, Food Hygiene, and Health & Safety at Work are in place. The extractor system in the kitchen area meets the regulatory standards for odour, noise and smell control. Filters cleaning and maintenance regime is in place at regular intervals. The applicant has put in place “Complaint Policy” for any complaints made by local residents in relation to noise, smell, vehicular traffic or any anti-social disturbance and then to respond to them in an amicable manner & professional manner.
- c) The applicant does offer healthy choice of menu dishes that includes chicken & fish meals with salad.
- d) The applicant is keen to develop a high degree of loyalty from regular customers for both delivery orders and those that elect to come & collect their orders personally. The applicant will use its own staff drivers to deliver take away orders and they will be reminded to respect the privacy of neighbours. All deliveries will be made using cars.
- e) Signage to remind patrons and staff to respect the privacy of neighbours is prominently displayed.
- f) **The applicant is introducing the policy for ON site dining restricted until midnight to avoid any issues related to crowd dispersal and antisocial behaviour.** Thereafter, only the take away & delivery service will remain open until closing hours. The above is designed to satisfy those that desperately need provision of food in the early hour’s e.g. late night shift operators, those returning home late from work etc.

Covid-19 experience over the last year has highlighted the support to provide hot meals to NHS doctors, nurses, paramedics and key workers at the frontline fighting against pandemic. There is now a rapid growth of the 24 hour service economy as employers/workers demand more flexible working hours and their expectations of hospitality businesses to be open later into the evening and night. The result is that levels of night working are increasing and are

likely to continue to do so. The diversity of the types of work and a wider age balance for night time economy is becoming clear. There are the cleaners, the hospital staff, the emergency services staff, the security guards, the night bus drivers, postal workers, mini-cab drivers, prison staff, factory workers, call centre operators, transport engineers, carers, haulers, market workers, the people who monitor the sewage systems, power stations and computer server hubs, to list but a few.

- g) The applicant has already carried out documented Fire Risk Assessment as recommended by the Fire & Rescue authority under the Regulatory Reform (fire Safety) Order 2005. The applicant will adhere to the permitted occupant capacity which is 20 people including staff at any given time. The assessment also includes Emergency Plan in case of any emergency.
- h) The applicant has also commissioned an external company to provide training to all staff & management to cover the following:
- Promotion of Licensing Objectives
 - Eviction or Entry Refusal for anyone who is drunk or appears to be drunk
 - Incident Record Keeping
 - Conflict Management especially handling difficult customers
 - Basic Fire Safety & Emergency Evacuation
 - Basic Health & Safety at Work
 - Avoiding Use of Drugs on the premises
 - Protecting Children from Sexual Exploitation
- i) The applicant is willing to join Brighton & Hove Crime Reduction Partnership (BCRP) and play its full part in helping prevent crime and disorder in and around his business location.
- j) There are two members of staff with certified "Safeguarding Children Level 2" training.
- k) Contracts are in place with external organisations for disposal of waste and for undertaking regular pest control inspections.

C. Consideration to Brighton & Hove City Council Statement of Licensing Policy

The applicant has taken into consideration the following Section of the Statement of Licensing Policy,
in particular Section 3.2, 4, 5, 6, 7 and Appendix A

The premises is located on Lewes Road and the surrounding residential area that consists predominantly of flats and terraced housing of which over 80% are rented. Of these over 70% are made up of one or two people occupancy.

Over 82% of the residents in this area are between 20-60 age group indicating that this type of distribution is common in the vicinity of higher education facilities and in particular universities. The area also has higher than average concentration of student residents - 36% of the resident population.

Nearest Railway station is London road (Brighton). There are 6 primary schools with half a mile of the applicant postcode. Lewes Road is a major route (A270) from City Centre towards the north of Brighton and is well served by public bus service to all parts of Brighton. This is complimented by regular Minicab and Taxi service providers.

[Lewes Road, Brighton, BN2 3HP](#) is within the [Triangle](#) policing neighbourhood, under the [Sussex Police](#) force area.

Analysis of Crimes (source Metpolice.uk) within half a mile of the centre of SE21 8EZ post code indicates following:

	Total Crimes	Anti-social Behaviour (ASB)	Drugs	Public Order	Theft/Burglary	Vehicle Crime	Violence /Sexual Offences	Other
January 2021	281	70	21	14	61	18	74	23

Crimes committed on or near Lewes Road including Park Crescent, Wellington Road, Union Road, Newport road, St Martin's Place, Elm Grove, Park Crescent Place, Trinity street, Gladstone Terrace								
Immediate Vicinity Area								
	Total Crimes	Anti-social Behaviour (ASB)	Drugs	Public Order	Theft/Burglary	Vehicle Crime	Violence /Sexual Offences	Other
January 2021	28	3	0	0	5	3	10	7

The above analysis does not indicate any substantial evidence of any anti-social behaviour, street drinking or public nuisance within the surrounding area of the premises or is considered as a crime "hot spot".

The applicant has made considerable investment since acquiring the lease for 20 years in 2020, to open this newly furnished restaurant/take away food premises. The quality of fixtures and fitting along with the high standard under which this premises is managed and operated by staff, gives every confidence in their ability to address the key issues identified through risk assessment for late night trading. This gives the premises a completely different contrasting style and characteristics to the rest of the premises serving food within the immediate vicinity on Lewes Road.

The applicant is willing to accept operating conditions that are appropriate, proportionate and relevant to the risks that have been identified following the Risk Assessment. **The objective is to ensure the licensable activity and the permitted hours applied for does not add any further adverse impact on the area.**

The applicant is committed to work in partnership with responsible authorities to support and promote the strategic objectives for crime and disorder, public safety, prevention of public nuisance and protection of children from any physical, psychological and moral harm taking place on the premises.

The applicant is therefore willing to carry out consultation during the "28 days representation period" with the Police and other responsible authorities so that any issues or concerns can be met with an amicable agreement on the Operating Condition for the grant of the new Premises Licence.

Section 18 of 21 – Licensing Objectives of the Application

Proposed Conditions consistent with the Operating Schedule

1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points shall be covered enabling frontal identification of every person entering in any light condition. All points of sale must be similarly covered and provide the same level of identification ability.
2. The CCTV system shall continually record whilst the premises are open. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer of Brighton & Hove City Council.
3. A staff member from the premises who is conversant with the operation of the CCTV system shall be in the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested and within a maximum of 24 hours of the initial request.
4. Subject to Data Protection 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/USB Stick for the Police or authorised officers of the Local Authority without difficulty, delay or charge.
5. Any CCTV breakdown or system failure shall be notified to the Police and Local Authority immediately & remedied as soon as practicable. Repair records / invoices shall be kept on site for at least 12 months and be readily available to be viewed by all authorised persons upon request.
6. Notices shall be prominently displayed within the premises stating that the CCTV is in operation.
7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
8. An incident log shall be kept at the premises and retained for a period of 12 months and made available on request to an authorised officer of Brighton & Hove City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a. all ejections of patrons
 - b. any complaints received
 - c. any incidents of disorder
 - d. any faults in the CCTV system
 - e. any visit by a relevant authority or emergency service.
9. Staff shall be trained on dealing with emergencies and H&S requirements. All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either Police Officers or an authorised officer of Brighton & Hove City Council.
10. Staff shall use their best endeavour to refuse entry and service to anyone who appears to be drunk or intoxicated and especially those who attempt to enter the

premises with open alcoholic drinking vessels or to consume alcohol on the premises.

11. All premises waste shall be properly presented and placed out for collection before the scheduled collection times.
12. Install and maintain a litter picking regime to the pavement directly outside of the premises to remove all discarded litter, drinking vessels, and food waste/packaging.
13. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
14. Management/staff shall proactively monitor the conduct and behaviour of patrons outside the premises to avoid congregation of people in large groups, obstruction of the public highway and any form of anti-social behaviour.
15. From 23:00 onwards staff shall use their best endeavour to refuse entry and service to persons who appear to be under the age of 18 unless accompanied by a responsible adult. Notice stating the policy shall be displayed.
16. Staff shall be trained regarding the protection of children from harm, including the awareness of Child Sexual Exploitation and how to make a referral if any concerns are raised for children or any suspected perpetrator.
17. Operation Makesafe poster shall be in prominently displayed to remind staff of the signs and symptoms and how to refer concerns about Child Sexual Exploitation.
18. Only non-alcoholic drinks shall be served on the premises

Reference: **APPLICATION FOR A NEW PREMISES LICENCE FOR MAMA POLLO, 4 LEWIS ROAD, BRIGHTON, BN2 3HP UNDER THE LICENSING ACT 2003**

To: EHL Safety

Cc: **REDACTED TEXT** – Licensing Officer (Brighton & Hove City Council)
 REDACTED TEXT – Police Licensing Officer (Sussex Police)

Wed 05/05/2021 07:50

I do apologise for the delay in responding to your previous email with regards to the above application due to **REDACTED TEXT**. I am putting this response to all parties involved after discussing your concerns with the applicant (Manager) and owner of Mama Pollo Thornton Heath Ltd (Company registration number **13112633**).

The applicant Mr Noorullah Khan is the appointed manager by this company to operate the 4 Lewes Road, Brighton franchise.

The Company has already opened the Thornton Heath franchise last year and has been granted premises licence for late night refreshment: Monday to Thursday 23:00 to 02.00 (the following day) & Friday & Saturday 23:00 to 03:00 (the following day). The location is within Cumulative Impact Policy (CIP) under current Croydon Council Licensing Policy.

The owner will be opening soon two other franchise operations – in Wandsworth and Brixton.

I did consult with the owner that every Council operates differently as per their current Licensing Policy prior to submitting the above application.

I have now had the opportunity to consult with both the applicant and the owner of Mama Pollo Thornton Heath Ltd after receiving the representation from Sussex Police and the emails sent by Licensing Officer Brighton & Hove City Council.

The outcome is as follows:

1. From REDACTED TEXT (re: emails sent on 21/04/2021 and on 26/04/2021)

1.1 Section 5 of application states;

THIS GROUND FLOOR PREMISES OPERATED AS A RESTAURANT (KAPADOKYA) WITH A PREMISES LICENCE 1445/3/2019/05014/LAPRET WITH ALL THREE LICENSABLE ACTIVITIES.

This is not correct, our records show the previous Premises Licence originally granted in 2007 for 'Aroma Spice' at 4 Lewes Road only ever had the two licensable activities of the Performance of Recorded Music and the Sale of Alcohol between 12.00-23.30 Sundays and 12.00-00:30 every other day of the week. Late Night Refreshment was never applied for. A variation to the hours or activities was never submitted. The Licence was only transferred twice, in 2016 and again in 2019. The licence is not showing as expired on our system (reference 1445/3/2019/05014/LAPRET), the annual fee was last paid in December.

I sincerely apologise for stating in section 5 of the application that the previous premises owner operated the premises with all three licensable activities under the premises licence 1445/3/2019/05014/LAPRET. This is an error on my part. I did investigate the previous history on and do understand that the application for new licence was granted in 2007 and then transferred twice as you have stated. I also carried out the status check on Kapadokya Cuisine Ltd with Companies House. It does show that the company is still active with only one Director **REDACTED TEXT**. Unfortunately, the correspondence address for the company is the same as

the premises. It was not possible to check if the premises licence had expired or if the renewal fee payments have been kept up to date. It was an assumption made by the applicant.

1.2 On section 18 of the application form you state;

Consideration to [London Borough of Licensing Policy \(Feb 2018\)](#) and Identifying risks associated with late night operation to propose the Operating Schedule Conditions is attached in Appendix 1. I appreciate this is probably a cut and paste error as Appendix 1 does reference our Brighton and Hove City Council Statement of Licensing Policy (SoLP).

Again I do apologise for the typo error above in Section 18. It should read exactly as stated in Appendix 1 under A. Introduction, point 4.

With regards to SoLP which includes a matrix approach for licensing decisions, the applicant was made aware of it. Hence, the applicant agreed to carry out the risk assessment to gain better understanding of the surrounding area and key issues that would need to be addressed for the hours applied for which are outside those listed in SoLP Matrix.

1.3 Application Notice

The Newspaper Notice was printed in The Argus on Thursday 15th April 2021. The electronic copy of this has been sent to **REDACTED TEXT** following her request.

Display of blue Notice

The applicant did display the blue notice as recommended but unfortunately the external that was displayed at eye level got ripped off the wall while the premises were closed. This has now happened on two occasions. This is why it was then displayed higher than the eye level. However, additional copies have been sent to the applicant so that he can replace if this happens again and the notice is displayed at the required eye level. Please find the photographs as requested by **REDACTED TEXT** (re: email sent on 26/04/2021) which I have now received from the client.

2. Following further consultation, my client is willing to amend the hours for the provision of late night refreshment applied for in the application, as follows:

- For onsite walk in and take away in person or on site consumption, the applicant will cease trading at 23:00 hours. This will be managed by closing the front entry door for access by anyone except the delivery drivers to collect the food order for delivery service. Signage will be displayed after 23:00 stating the premises are closed.
- Thereafter on Monday to Thursday from 23:00 hours until 02:00 & on Friday and Saturday from 23:00 until 03:00 the applicant will only permit delivery service for food ordered online or over the telephone.

3. The applicant appreciates the location of the premises is along a very busy stretch of Lewes Road. In recognition of this, the applicant will only provide delivery service by employing their own drivers. As this is a new business opened just over two weeks ago, and due to COVID pandemic restriction, the applicant has employed one driver for the delivery service.

Details provided by the applicant for this employee are:

Name: **REDACTED TEXT**

Vehicle: **REDACTED TEXT**

Business Insurance Certificate **REDACTED TEXT**

- 4.** Once the business is established, the applicant himself will provide support (especially after 23:00 hour) to the delivery of food business. His vehicle registration is **REDACTED TEXT**
- 5.** Both the drivers are aware of parking restrictions on Lewes Road and the response sent on 15/04/2021 to **REDACTED TEXT** did cover the locations where these drivers would safely park their vehicles while they wait for the food order to be ready or collected from the premises. Electing to employ their own drivers is the reason why the applicant is confident in effectively managing and controlling the delivery services through this location and to avoid any negative impact on the area.
- 6.** The client appreciates other concerns Sussex Police have raised in their representation against the application. Regarding issues related to crime & disorder and public nuisance the applicant has offered conditions that are appropriate, proportionate and relevant to the risks that have been identified following the Risk Assessment carried out. However, the client is receptive to consider additional conditions if the Police or the Licensing Authorities wishes to do so in order to ensure the grant of the licence will not add to any further negative impact in the local area.
- 7.** If it helps, the client is happy to collaborate with the Police and also consider a condition that allows for an opportunity to review the licence granted after a specified period – so that both parties can discuss the issues identified based on experience and identified evidence and address them in a joint collaborative manner.

Please feel free to contact me on **REDACTED TEXT** if there is any further explanation or clarification required on this draft response submitted on behalf of my client.

REDACTED TEXT

Licensing Consultant