



**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, *(insert name of applicant)*

Inspector **REDACTED TEXT**, Force Licensing Lead on behalf of Chief Constable **REDACTED TEXT**

**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**

Pascal's Bistro

**Postal address of premises or, if none, ordnance survey map reference or description**

6 Queens Place

**Post Town**

Hove

**Post code (if known)**

BN3 2LT

**Name of premises licence holder or club holding club premises certificate (if known)**

Said Pascal MADJOUJ

**Number of premises licence or club premises certificate (if known)**

1445/3/2014/06022/LAPRMV

**Part 2 – Applicant details**

<b>I am,</b>	
<b>Please mark X for yes</b>	
1) an interested party (please complete (A) or (B) below)	
a) a person living in the vicinity of the premises	<input type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>

2) A responsible authority (please complete (C) below)	<input checked="" type="checkbox"/>
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3) a member of the club to which this application relates (please complete (A) below)	<input type="checkbox"/>
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**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

<b>Please mark X for yes</b>									
<b>Mr</b>	<input type="checkbox"/>	<b>Mrs</b>	<input type="checkbox"/>	<b>Miss</b>	<input type="checkbox"/>	<b>Ms</b>	<input type="checkbox"/>	<b>Other title</b> (for example, Rev)	

<b>Surname</b>	<b>First names</b>
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

<b>Please mark X for yes</b>	
<b>I am 18 years old or over</b>	<input type="checkbox"/>

<b>Current postal address if different from premises address</b>	<input style="width: 95%;" type="text"/>
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<b>Daytime contact telephone number</b>	<input style="width: 95%;" type="text"/>
<b>E-mail address (optional)</b>	<input style="width: 95%;" type="text"/>

**(B) DETAILS OF OTHER APPLICANT**

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<b>Name and address</b>
<b>Telephone number (if any)</b>
<b>Email address (if any)</b>

<b>(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT</b>
<b>Name and address:</b>  Sussex Police Brighton & Hove Licensing 1 <sup>st</sup> Floor John Street Brighton BN2 OLA
<b>Telephone number (if any)</b>  01273 REDACTED TEXT
<b>(Email address (if any))</b>  REDACTED TEXT

<b>This application to review relates to the following licensing objective(s)</b>	
	<b>Please mark X for yes (one or more boxes)</b>
1) the prevention of crime and disorder	<input checked="" type="checkbox"/>
2) public safety	<input type="checkbox"/>
3) the prevention of public nuisance	<input type="checkbox"/>
4) the protection of children from harm	<input type="checkbox"/>
<b>Please state the ground(s) for review (please read guidance note 1)</b>	

Since August 2020 Sussex Police have witnessed and evidenced a number of failings in how this premises is being operated and run. Between the period of September 2020 and May 2021 we have on 3 separate occasions conducted drug swabbing at the premises, all of which have returned high readings. In May 2021 there has been a serious assault which originated within the premises and has resulted in life changing injuries to the victim. We have witnessed breaches of the premises licence conditions where the management have not been using toughened glass within the outside area and they have not monitored noise levels in regards to music when on one visit, all the windows were open and loud music from inside was being emitted to the outside area. Finally we have concerns that the management does not control intoxication levels.

In addition Police have received numerous calls from members of the public in relation to non-compliance of Covid-19 Regulations, which has also been witnessed by ourselves. We have no confidence in the management of the premises to operate it in a safe and responsible way and promote the licensing objectives. Below we have listed the complete drug swabbing results followed by a summary of the assault and our interactions with the premises owner/licence holder (PLH) and Designated Premises Supervisor (DPS), Said Pascal MADJOUJ.

**Please provide as much information as possible to support the application (please read guidance note 2)**

## **Drug Swab Results**

**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.

### **11<sup>th</sup> September 2020**

A licensing police officer, **REDACTED TEXT** conducted drug swabbing on the evening of 11<sup>th</sup> September 2020.

The results from the drugs swab were as follows:-

Sink in male toilet – 2.67 Cocaine  
Hand dryer in male toilet - Nil  
Hand dryer in disabled toilet – 1.90 Cocaine  
Ledge in disabled toilet – 6.29 Cocaine  
Disabled/Male toilet, toilet seat – 4.62 Cocaine

Disabled/Male toilet, toilet roll holder - 5.94 Cocaine  
Ladies right cubical toilet roll holder - 5.74 Cocaine  
Ladies right cubical toilet seat – 4.99 Cocaine  
Ladies hand dryer - 4.89 Cocaine  
Ladies left cubical toilet roll holder – 5.71 Cocaine  
Ladies left cubical toilet seat – 5.70 Cocaine

Said Pascal MADJOUJ (PLH/DPS) was emailed the results on 14<sup>th</sup> September 2020 at 11:12hrs. Within the email suggestions were made on how they could reduce the risk of drugs being consumed on their premises. Sussex Police licensing also raised concerns over how the premises was being operated with little regard for COVID regulations issued by the Government.

### **18<sup>th</sup> December 2020**

A licensing police officer, **REDACTED TEXT** conducted drug swabbing on the evening of 18<sup>th</sup> December 2020.

The results from this drug swab were as follows:-

Sink in male toilet – 5.14 Cocaine  
Hand dryer in male toilet – 5.34 Cocaine  
Hand dryer in disabled toilet – 5.81 Cocaine  
Ledge in disabled toilet – 6.34 Cocaine  
Disabled/Male toilet, toilet seat – 6.30 Cocaine  
Disabled/Male toilet, toilet roll holder - 6.74 Cocaine  
Ladies right cubical toilet roll holder - 1.30 Cocaine  
Ladies right cubical toilet seat – Nil  
Ladies hand dryer - 1.55 Cocaine  
Ladies left cubical toilet roll holder – 5.96 Cocaine  
Ladies left cubical toilet seat – 4.22 Cocaine

The majority of these results are higher than the first drug swab, this clearly highlights the premises has a drugs issue and that the management are not managing to resolve this problem. A final warning was issued to the premises on 23<sup>rd</sup> December 2020. Within this we asked for a drug policy and action plan by 31<sup>st</sup> December 2020 which to this date has not been received by Police.

### **28<sup>th</sup> May 2021**

A licensing police officer, **REDACTED TEXT** conducted drug swabbing on the evening of 28<sup>th</sup> May 2021.

The results from this drug swab were as follows:-

Sink in male toilet – 5.17 Cocaine  
Hand dryer in male toilet – 5.87 Cocaine  
Hand dryer in disabled toilet – 5.90 Cocaine  
Ledge in disabled toilet – 6.20 Cocaine  
Disabled/Male toilet, toilet seat – 2.62 Cocaine  
Disabled/Male toilet, toilet roll holder - 4.90 Cocaine  
Ladies right cubical toilet roll holder - Nil  
Ladies right cubical toilet seat – Nil  
Ladies hand dryer - Nil  
Ladies left cubical toilet roll holder – Nil  
Ladies left cubical toilet seat – Nil

Although no trace in the ladies, there are still very high readings within the male and disabled toilets. These results were sent to the DPS/PLH Said Pascal MADJOUJ via email on 03<sup>rd</sup> June 2021.

## **Serious incident**

### **22<sup>nd</sup> May 2021**

At approximately midnight, Police responded to a 999 call where it was reported that a male had been assaulted following a fight in the street. This has resulted in the victim having received serious injuries. During the course of the investigations it has come to light that the incident originates from inside Pascal's Bistro where a fight first occurred. It is believed that intoxication levels and drug consumption played a part in this incident. On 23<sup>rd</sup> May 2021 the premises were approached for CCTV. When PCSO's attended they were told by staff that the CCTV was not working due to builders cutting a cable. Later in the day a police officer attended the premises again and asked to talk to the PLH/DPS, MADJOU DJ. He was not present and staff refused to provide contact details for him. The Detective Sergeant then made contact with Police Licensing to ask for assistance. On 27<sup>th</sup> May 2021 a Licensing PC visited to talk to MADJOU DJ (PLH/DPS) about the CCTV. MADJOU DJ stated it was working but only records and stores for one day. Due to the inconsistencies of what officers are being advised, the CCTV unit has been seized as part of the investigation. Whilst the investigation is on-going, a male has been charged and remanded for the offence.

## **Licence breaches & interactions**

### **14<sup>th</sup> August 2020**

Joint visit with Brighton & Hove City Council Licensing department due to reports of concerns over Covid-19 legislation/regulation compliance. Owner advised that Covid capacity was 51 however they had over 100 people present with customers even on the footpath and road. Intoxication levels were on the verge of being too high. Security was present but not controlling numbers entering the premises and limited Track & Trace" taking place. Sussex Police witnessed breaches of the following licence conditions:

Witnessed by ourselves of which was in breach of the following licence conditions were tables outside full of glasses and windows open with loud music coming from inside.

Annex 2 – Public safety:

2. To Provide toughened glasses.

Annex 2 – Prevention of public nuisance:

3. Licensees and staff must undertake regular inspection inside and outside the premises in order to monitor noise level and ensure that both ambient sound and sound generated by recorded music is at a level that does not constitute a nuisance.

### **11<sup>th</sup> September 2020**

Visit by **REDACTED TEXT** to the premises to conduct a full licensing inspection and drug swabbing. Drug swabbing results as above. Despite it being brought to the owner's attention of the licence breach on 14<sup>th</sup> Aug 2020, during this visit they still had glasses on tables and window open omitting loud music both in breach of the premises licence. Breach letter issued and included the drug readings.

### **26<sup>th</sup> September 2020**

Licensing inspection conducted and no issues reported.

### **03<sup>rd</sup> October 2020**

Licensing inspection conducted and no issues reported.

**23<sup>rd</sup> October 2020**

Licensing inspection conducted and no licensing issues reported. Concerns raised over COVID breaches with customers walking around with no masks and not being challenged by staff and tables close together.

**05<sup>th</sup> December 2020**

Licensing inspection conducted. DPS given advice about serving persons already or on the verge of being intoxicated as it was felt that some customers had reached that point.

**23<sup>rd</sup> December 2020**

Final warning sent to the premises following the 2<sup>nd</sup> high drug readings. Within that it was asked they provide us with a drugs policy and action plan by 31 Dec 2020. This policy and plan has never been submitted to Police.

In summary, Sussex Police have no confidence in the management of the premises, having seen little improvements in reducing the levels of drug misuse within the premises and the recent assault. Sussex Police contend that the licensing objective of the prevention of crime & disorder is being significantly undermined.

On reviewing the current licence we do not feel that adding any additional conditions would help in reducing the risks as the existing conditions on the licence are not being complied with.

Further, as Said Pascal MADJOU DJ is the premises licence holder (PLH) and the current DPS, a new DPS is also not an option as MADJOU DJ will still ultimately be in control of the premises licence. There is no mechanism within the Licensing Act 2003 to remove the PLH.

The exclusion of the sale of alcohol by retail from the scope of the licence or the restriction of times for licensable activity could have been amended, however this course of action will not address the root cause of the issues associated with this venue; the PLH failing to prevent drug use within and allowing intoxication to reach a level where assaults are taking place.

The recommendation of Sussex Police therefore, would be the revocation of the premises licence.

**Please mark X for yes**

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

If yes please state the date of that application

 /  / 

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

**N/A**

Please mark X for 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 (on behalf of the applicant)

**REDACTED TEXT**

Inspector  
**REDACTED TEXT**

Date: 11 June 2021

Capacity:

Force Licensing Lead  
Sussex Police

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

**REDACTED TEXT**  
Sussex Police Licensing  
1st Floor  
John Street

**Post town**

Brighton

**Post code**

BN2 0LA

Sussex Police  
Application for review of a premises licence  
07/2015



**Telephone number (if any)**

**REDACTED TEXT**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**REDACTED TEXT**

**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.

This is the address which we shall use to correspond with you about this application.

