

## **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.**

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**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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> My Yummie Pizza, 41 Longridge Avenue, Saltdean,	
<b>Post town</b> Brighton	<b>Post code (if known)</b> BN2 8LG
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Khaled MOHAMED	
<b>Number of premises licence or club premises certificate (if known)</b> 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 <sup>st</sup> 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 9<sup>th</sup> 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 14<sup>th</sup> 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 12<sup>th</sup> 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 19<sup>th</sup> and 20<sup>th</sup> 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 31<sup>st</sup> 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 9<sup>th</sup> 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 9<sup>th</sup> 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 12<sup>th</sup> August 2021 for a variation application requesting to extend the hours of Late Night refreshment. Sussex Police then attended a licensing hearing on the 10<sup>th</sup> 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 07<sup>th</sup> October 2021

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

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