

**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](mailto: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.

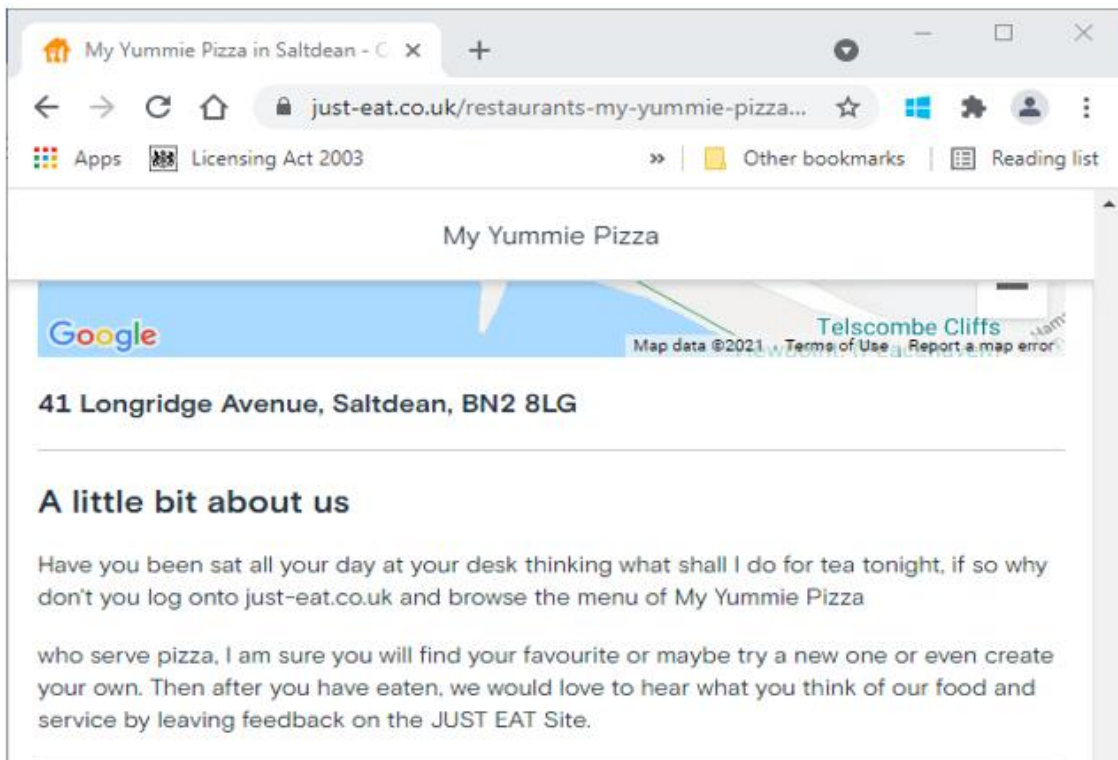
A copy of this email has also been sent to Police Licensing.

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, 2<sup>nd</sup> Floor, Barts House, Barts Square, BN1 1JP  
T 01273 292494 | M 07717 303114 | [donna.lynsdale@brighton-hove.gov.uk](mailto: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
<b>Tuesday</b>	<b>11:00 - 00:55</b>
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

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- 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, 2<sup>nd</sup> Floor, Bartholomew House, Bartholomew Square,  
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