

# Licensing Panel (Licensing Act 2003 Functions)

Date: 1 June 2021  
Time: 10.00am  
Venue: Virtual  
Members: **Councillors:** O'Quinn, Simson and Deane

Contact: **Shaun Hughes**  
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# AGENDA

## 5 TO APPOINT A CHAIR FOR THE MEETING

### WELCOME & INTRODUCTIONS

## 6 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the Licensing Committee may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

**NOTE:** Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

## 7 MAMA POLLO LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

5 - 40

Contact Officer: Corinne Hardcastle  
Ward Affected: St Peter's & North Laine

Tel: 0127329

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# Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council

<b>Subject:</b>	<b>Application for a New Premises Licence under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>Mama Pollo 4 Lewes Road Brighton BN2 3HP</b>		
<b>Applicant:</b>	<b>Noorullah Khan</b>		
<b>Date of Meeting:</b>	<b>01 June 2021</b>		
<b>Report of:</b>	<b>Executive Director of Housing, Neighbourhoods &amp; Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Becky Pratley</b>	<b>Tel: (01273) 292143</b>
	<b>Email:</b>	<b>becky.pratley@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>St. Peter's And North Laine</b>		

## FOR GENERAL RELEASE

### 1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for Mama Pollo.

### 2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for Mama Pollo.

### 3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

The application is for a New Premises Licence under the Licensing Act 2003. The application proposes - this ground floor premises operated as a restaurant (kapadokya) with a premises licence 1445/3/2019/05014/lapret with all three licensable activities.

Since its closure, in 2020, the applicant has acquired the premises and has now completed the refurbishment program. This application for a new premises licence is submitted for provision of late night refreshment only which will be managed for counter orders and for telephone orders & online orders with delivery service plus onsite dining.

The premises are located on Lewes Road and will primarily be used for the provision of food for consumption on and off the premises. The total area is approximately 130 sq meters consisting of internal dining area, kitchen, storage and toilet facilities. The premises are fitted with ventilation system for hot/cold

supply of air, fire alarm system, security system and smoke/heat detectors. All of these systems were installed as part of refurbishment work carried out over the last 3 months after the acquisition of the lease by the current owner. The emissions of smoke; hot air; and products of the cooking process, namely steam, grease and cooking odour from the kitchen area are in place. The wall surfaces are impervious, non-absorbent, washable and non-toxic, and smooth. It also prevents transmission of odour through the fabric of the building to neighbouring properties with shared party walls.

The main public & staff access to and from the premises is be through the front entrance door on Lewes Road. Metal security shutters provides security protection at the front when the premises are closed to public. The premises are fitted with Alarm system, emergency lighting, fire extinguishers and fire exit signage and CCTV cameras/system. There is also a fire escape door at the rear of the premises. The maximum occupancy of these premises at any given time is 20 persons including staff.

**3.1** Section 18 (operating schedule) of the application is detailed at Appendix A and the plan is attached at Appendix B.

**3.2** Summary table of proposed activities

	<b>Proposed</b>
<b>Late Night Refreshment</b>	Monday to Thursday 23:00 to 02:00 hrs Friday to Saturday 23:00 to 03:00 hrs From 23:00 hrs no public on site - deliveries only
<b>Hours premises are open to public</b>	Monday to Thursday 12:00 to 02:00 hrs Friday to Saturday 12:00 to 03:00 hrs From 23:00 hrs no public on site - deliveries only Sunday 12:00 to 23:00 hrs

**3.3** Special Stress Area: The premises falls within the Special Stress Area. This area is deemed an area of special concern in terms of the levels of crime, disorder, and public nuisance experienced within them. (See paragraphs 3.2 – 3.2.5)

#### **Representations received**

**3.4** Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

- 3.5 Two representations were received. They were received from Police and The Licensing Authority.
- 3.6 Representations received had concerns relating to Prevention of Crime and Disorder and Prevention of Public Nuisance.
- 3.7 Full details of the representations are attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

#### 4. COMMENTARY ON THE LICENSING POLICY

- 4.1 The following extracts from Brighton & Hove City Council Statement of Licensing Policy are considered relevant to this application and **are numbered as they appear in the policy**:

##### 1 Introduction

###### 1.1

This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. This policy takes effect from the 4th February 2021. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol.
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club.
- The provision of regulated entertainment.
- The provision of late night refreshment.

###### 1.2 The licensing objectives are:

- (a) the prevention of crime and disorder.
- (b) public safety.
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

###### 1.3 Scope

1.3.1 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual

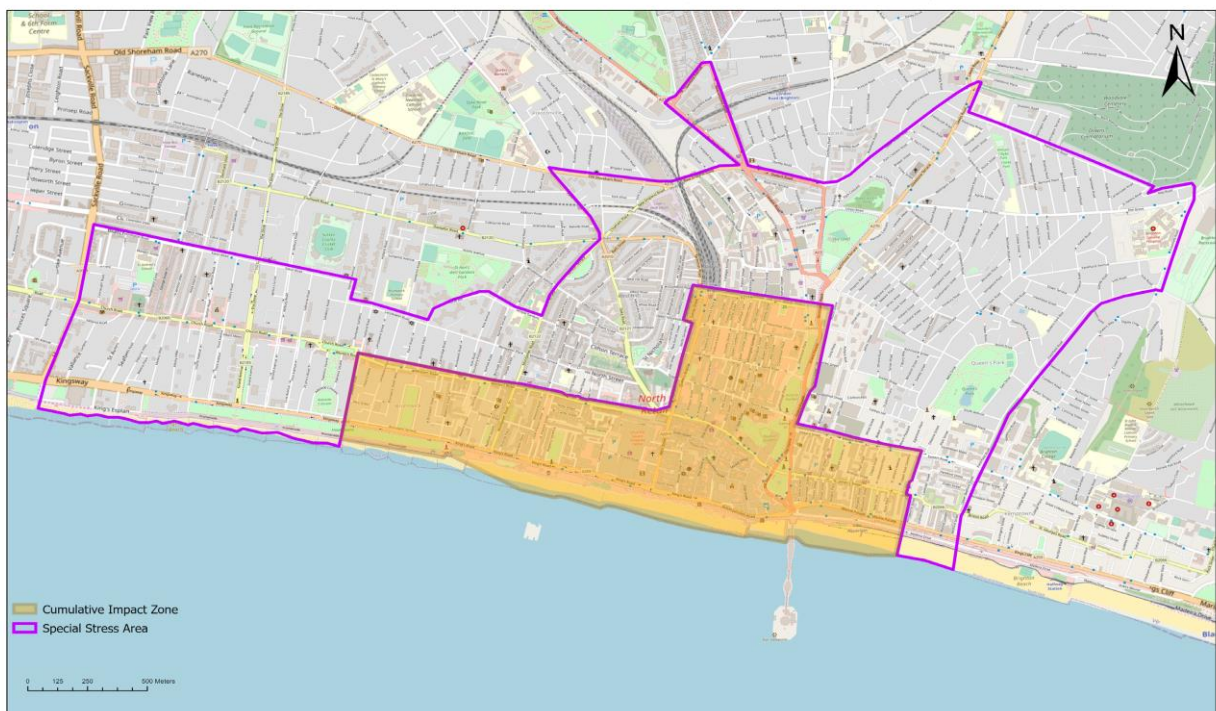
licensees and others with relevant authorisations, i.e. the premises and its vicinity. Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the act.

### 3 Special Policies and Initiatives

#### 3.2 Special Stress Area

3.2.1 The map below details the area of the city centre which borders the Cumulative Impact zone at 3.1.3 and which is deemed an area of special concern in terms of the levels of crime and disorder and public nuisance experienced within it. The area recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below delineated in purple:

Special Stress Area and Cumulative Impact Zone, January 2021



Brighton & Hove Public Health Intelligence, 2021  
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The Special Stress Area - an area bounded by and including: The west side of Hove Street/Sackville Road, northwards to the intersection with the north side of Blatchington Road, along north side of Blatchington Road and Eaton Road, southwards at the junction onto the east side of Palmeira Avenue and then eastwards at the junction onto the north side of Landsdowne Road; eastwards to the junction with Furze Hill, along the north side Furze Hill to its end and then due east along the north side of Victoria Road to its junction with Montpelier Road (west side), north to where Montpelier Road joins Vernon Terrace then north to Seven Dials; north west along the west side of Dyke Road until the junction with the Old Shoreham Road, then East along the north side of Old Shoreham Road, continuing on the north end of New England Road, north west at Preston Circus at the junction of New England Road and Preston Road along the west side of Preston Road until the junction with Stanford Avenue then and north east along



the north side of Stanford Avenue until the junction with Beaconsfield Road, south along the east side of Beaconsfield Road until the junction at Preston Circus and Viaduct Road, eastwards along the north side of Viaduct Road, then at the junction with Ditchling Road, North East along the north side of Upper Lewes Road until the junction with Lewes Road; south along the Lewes Road to junction with Hartington Road, along the north side of Hartington Road until the junction with St. Helen's Road, south into the north side of May Road, eastwards until its junction with Freshfield Road (east side), then south into Upper Bedford Street, into Bedford Street to the mean water mark south of Bedford Street, then due west until the mean water mark south of Lower Rock Gardens; North on Upper Rock gardens, to the north side of Eastern Road, west along Eastern Road and Edward Street until Grand Parade, north along the Eastern side of Grand Parade to the junction of York Place and Trafalgar Street, West along the Northern boundary of Trafalgar Street, up to and including Surrey Street and then South along the Western boundary of Queens Road to the junction with Air Street, West along the north side of Air Street, South-west to the junction of Western Road Brighton, then West along the North side of Western Road Brighton, South along the West side of Holland Road to the mean water mark south of Kingsway and Kingsway Esplanade as far as the west side of Hove Street/ Sackville Road.

3.2.2 This Special Stress Area (SSA) is of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it. The area will be kept under review.

3.2.3 New and varied applications for premises and club premises certificates within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. Appendix A of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.

APPENDIX A – Licensing Best Practice Measures can be found towards the end of this report.

3.2.4 On receipt of any application in the SSA, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in Appendix A, Licensing Best Practice Measures. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.

3.2.5 The Licensing Authority will keep the Cumulative Impact Zone and Special Stress Area under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening, the Special Policy will be reviewed.

### **3.3 The Matrix Approach**

#### **The Licensing Authority will support:**

3.3.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives

potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people’s fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore supports mixed use venues encouraging a wider age balance.

3.3.2 A “matrix” approach to licensing decisions has been adopted and is set out below. It provides a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investor and businesses making applications.

Matrix approach for licensing decisions in a Statement of Licensing Policy (times relates to licensable activities)

	<b>Cumulative Impact Area</b>	<b>Special Stress Area</b>	<b>Other Areas</b>
<b>Restaurant</b>	Yes (midnight)	Yes (midnight)	Yes (midnight)
<b>Café</b>	Yes (10 pm)	Yes (10 pm)	Yes (10 pm)
<b>Late Night Takeaways</b>	No	Yes (midnight)	Yes (midnight)
<b>Night Club</b>	No	No	No
<b>Pub</b>	No	Yes (11pm)	Yes (midnight)
<b>Non-alcohol lead (e.g. Theatre)</b>	Yes (favourable)	Yes (favourable)	Yes (favourable)
<b>Off-licence</b>	No	No	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
<b>Members Club (club premises certificate)</b>	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes

Notes on matrix

Subject to the following notes, the policy, as represented in the matrix, will be strictly adhered to:

- 1) Each application will be considered on individual merit
- 2) Applications within the CIZ are subject to the special policy on cumulative impact at

para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.

- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).
- 6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
- 7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or cafes, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing on our website [www.brighton-hove.gov.uk/licensingact](http://www.brighton-hove.gov.uk/licensingact).
- 8) In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops.
- 9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The licensing authority will have regard to Noise Council guidance.
- 10) Non-alcohol led category does not include "alcohol in shared workplaces". It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on "alcohol in shared workplaces" please see paragraph 3.3.4-3.3.6.

#### **4 Prevention of Crime and Disorder**

The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.

4.1.3 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

4.1.4 Measures put in place should support the intentions of Operation Marble (police operational order), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the city centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

## **4.2 Sussex Police**

4.2.1 Sussex Police have a specific Operation relating to the night time economy called Operation Marble (detailed in 3.4.1) and work closely with partners to ensure a safe and vibrant city centre. There continues to be an increasing demand for resources further into the early hours of the morning with the highest concentration of crimes occurring between 21:00 and 06:00 on a Friday into a Saturday and between 20:00 and 06:00 on a Saturday night into a Sunday. The data set used shows that up to 80% of arrests made in the timeframe 20:00 – 06:00 on these days were affected by alcohol. For full details of these statistics see the Cumulative Impact Assessment at Appendix E.

4.2.2 The dealing and use of drugs remains an issue across the city and Sussex Police welcome proactive policies from licensed premises. A drug safe and seizure recording initiative is in place of which further details can be obtained by contacting Brighton & Hove Police Licensing ([brighton.licensing@sussex.pnn.police.uk](mailto:brighton.licensing@sussex.pnn.police.uk)). This initiative encourages licensed premises with Door Supervisors to search and seize drugs from persons attempting to enter their premises and ensures that once drugs are removed from persons, they can be safely collected and destroyed by Sussex Police.

4.2.3 Dispersal from the city centre during the late evening and early morning remains a policing challenge. Over recent years, there has been a proliferation of off-licences and late night refreshment venues along the city's arterial routes. This has led to incident 'hot spots' where patrons from the night time economy continue to interact, albeit away from any safety measures afforded by on-licences. As such, Sussex Police support the Council's Special Policy in offering guidance to both applicants and the Licensing Committee in relation to off-licences and late night refreshment licences.

4.2.4 Sussex Police have continuing concerns that, despite staff training in age-restricted sales, under age individuals are still being served alcohol both on and off the premises in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted to highlight premises where sales are taking place and ensure appropriate enforcement action is taken to prevent further sales. The introduction of identification scanning machines at premises throughout the city has proved successful in mitigating some risk, but operators must maintain

vigilance regarding the fraudulent use of genuine IDs. Sussex Police continue to work alongside the Business Crime Reduction Partnership to tackle the problem of those who use false or another's identification to enter licensed premises and purchase alcohol.

4.2.5 Sussex Police work closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. As well as work to prevent under age sales, vulnerability training is offered to identify persons who may have been made vulnerable through alcohol or drugs. Sussex Police also support initiatives such as (but not limited to) safe spaces, mobile teams of volunteers actively checking people's well-being and the Beach Patrol.

4.2.6 Public Space Protection Orders have proved an effective tool for Sussex Police in targeting enforcement action in problem areas of the city. It 'allows Police Officers and Police Community Support Officers to remove alcohol from any person in a public place if that person is involved in anti-social behaviour (ASB) or the officer believes that by having alcohol in their possession there is an increased risk of ASB. It is an offence to refuse to hand over alcohol when required to do so.' They have been particularly effective in the day time economy where members of the street community are causing ASB issues for members of the public and local businesses, especially during the summer months where there is a large influx of visitors to Brighton & Hove.

4.2.7 Policing the night time economy continues to provide a challenge and in the climate of limited resources and newly emerging problems, Sussex Police support maintaining the council's Special Policy which defines cumulative impact and special stress and will continue to take enforcement action where appropriate if the actions of a Premises Licence Holder, Designated Premises Supervisor, Door Supervisors or Staff have fallen below the high standard expected across the city. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton & Hove a safe and enjoyable city.

### **4.3 Care, control and supervision of premises**

4.3.1 The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.

4.3.2 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The

police may ask for conditions which support such measures to be imposed when licensing applications are granted, eg type of licence, capacity, operating hours restrictions.

4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.

4.3.4 This policy recognises the use of registered Door Supervisors All Door Supervisors will be licensed by the Security Industry Authority. Mobile security units and similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. This policy endorses the use of units following such guidance and standards in appropriate circumstances.

4.3.5 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.

4.3.6 Enforcement will be achieved by the enforcement policy found in the Statement of Licensing Policy at Appendix B.

## **6 Prevention of Public Nuisance**

The following details and measures are intended to address the need for the prevention of public nuisance which may be associated with licensed premises and certificated club premises:

6.1.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (eg in order to smoke).

6.1.3 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

6.1.5 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

6.1.6 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 6.2 below).

## **6.2 Smoking Advice**

6.2.1 Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc. have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence you may find it necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises.

Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.

- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for rapid police response and alert other venues where customers and staff are endangered.
- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.
- Use CCTV to manage outside areas.

6.2.2 Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

## **8 Integration of Strategies**

8.1.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by:-

- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
- Liaising and consulting with Public and Alcohol Programme Board
- Liaising and consulting with the East Sussex Fire & Rescue Service
- Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
- Liaising and consulting with the Planning authority
- Liaising and consulting with the Highways authority
- Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
- Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice

8.1.2 In line with statutory requirements and the council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.

8.1.3 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee



should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.

8.1.4 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.

8.1.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.

8.1.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

### **8.3 Enforcement**

8.3.1 The Enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at Appendix D (Lead Agency Status) of the Statement of Licensing Policy. In addition, the Licensing Authority will have regard to its published Licensing Enforcement Policy in making enforcement decisions in accordance with Brighton & Hove City Council's Statement of Licensing Policy (Appendix B). In order to better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements.

8.3.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the protocol. A number of other council and government policies, strategies and guidance documents must be taken into account to complement the policy, including:

- Community Safety & Crime Reduction Strategy
- Drugs and alcohol strategies – local alcohol harm reduction strategy
- Objectives of the Security Industry Authority
- The Anti-Social Behaviour Act 2003/ASBPC Act 2014
- The Health Act 2006
- The Violent Crime Reduction Act 2006
- Policing and Crime Act 2009

## **APPENDIX A – Licensing Best Practice Measures**

Best Practice Measures to be included for consideration, in particular in SSA:  
Matters that would normally be expected in operating schedules:

- the adoption of a policy (e.g. Challenge 25) with acceptable proof of ID as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital CCTV system by liaison with, and to a standard approved by, Sussex Police
- policies for dispersal of customers which may include signage regarding taxi services' telephone numbers and advice to respect neighbours and minimize noise

Items to which positive consideration would be given:

- membership of Business Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of 'Night Safe' radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators
- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Recommend best practice for both on and off premises

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences
- Signage on premises should set out legal duties
- Voluntary restriction of high strength alcohol – operating schedules may be used to limit high ABV beers and ciders
- Staff training – in addition to personal licence holders training, staff must be adequately trained for duties
- Challenge 25 would be the norm, particularly in the off licence trade
- Signage – proxy sale – deterrence

## 5. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 5.1 The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

*Finance Officer Consulted Michael Bentley*

*Date: 13/05/21*

### Legal Implications:

- 5.2 The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

*Lawyer Consulted: Rebecca Sidell*

*Date: 21/05/21*

### Equalities Implications:

- 5.3 Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

### Sustainability Implications:

- 5.4 Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Appendix A – Section 18 (operating schedule) of the Application and details of amendments to the application submitted by the applicants Licensing Consultant.
2. Appendix B – Plan of Premises
3. Appendix C – Representations
4. Appendix D – Map of area

### **Documents in Members' Rooms**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018.

Public Health Framework for assessing Alcohol Licensing. Annual Report – Ward. 5<sup>th</sup> edition. Public Health Intelligence. January 2019

### **Background Documents**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

## **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 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 15<sup>th</sup> 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**

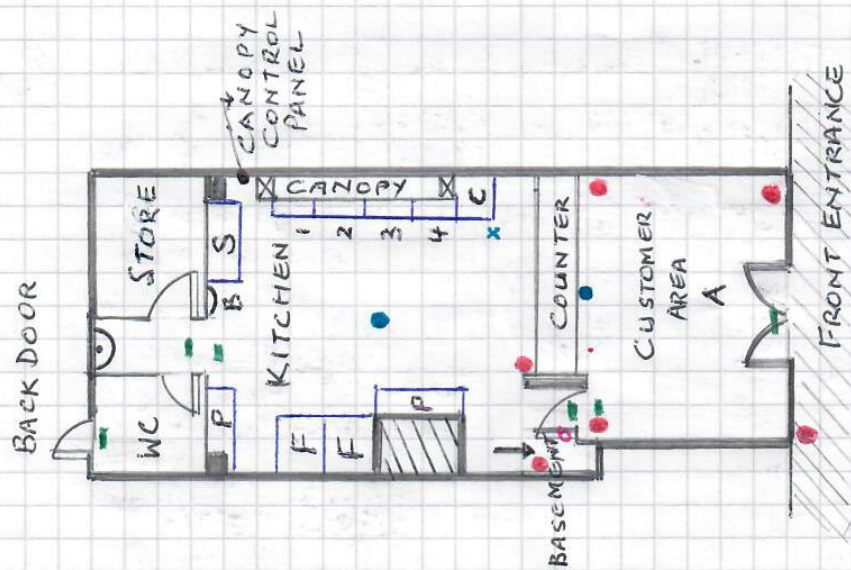
Licensing Consultant

**APPENDIX B**

4 LEWES ROAD, BRIGHTON, BN2 3HP

SCALE 1:100

●	CCTV CAMERA
○	FIRE EXTINGUISHER
x	FIRE BLANKET
■	EMERGENCY LIGHTING
●	HEAT DETECTOR
P	PREPARATION TABLES
F	FRIDGE
F	FREEZER
S	DOUBLE SINK
B	KITCHEN HAND WASH BASIN
1 2 3 4	OVEN, CHICKEN Fryer, GRILL, CHIPS Fryer
C	CHIPS DISPLAY
■	AIR EXTRACTOR
A	CUSTOMER DINING AREA 5 COVERS * 4 SEATS



LEWES ROAD





## **APPENDIX C**

Police Station

John Street

Brighton

BN2 0LA

Tel: **REDACTED TEXT**

Email: **REDACTED TEXT**

30<sup>th</sup> April 2021

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

### **BP CON ENDS 06.05.21 VALID PPN & PCD (A)**

Dear **REDACTED TEXT**,

**RE: APPLICATION FOR A NEW PREMISES LICENCE FOR MAMA POLLO, 4 LEWES ROAD, BRIGHTON, BN2 3HP UNDER THE LICENSING ACT 2003. 1445/3/2021/00926/LAPREN**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the application for a late night refreshments licence at the above location 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 2021 and the Public Health Framework report for Assessing Alcohol Licensing 2019 edition.

This is a new application in an area of the City which is subject to a Special Policy adopted by Brighton & Hove City Council. The premises is in the Special Street Area (as defined in the BHCC Statement of Licensing Policy 2021).

The applicant seeks late night refreshment hours as follows:

**Monday – Thursday 23:00-02:00**

**Friday – Saturday 23:00-03:00**

**Sunday – No Late Night Refreshments being applied for.**

The applicant wishes to permit a mix of walk in and take away in person, home deliveries and until midnight, on site consumption.

The location of the business is along a very busy stretch of Lewes Road, Brighton which has a mix of outlets including a wide variety of licensed premises. Above the majority of outlets you find residential properties. Due to its location close by the junction with Elm Grove and a pedestrian crossing, there is no parking facilities outside the premises, not even loading or unloading permitted. There is also a cycle lane which would be blocked by any vehicles parking illegally there. Both of these points raise concern due to the wish to offer deliveries. See image below.

Paragraph 1.1.43 of the Brighton and Hove City Council 2021 Statement of Licensing Policy states:

*“This Special Stress Area (SSA) is of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it. The area will be kept under review”.*

Paragraph 3.3 of the Brighton and Hove City Council 2021 Statement of Licensing Policy refers to the Matrix Approach. Within the Special Stress area, Late Night Takeaways are not supported past the hours of midnight unless the applicant can show exceptional circumstances and explain how they will have no negative impact which would undermine the licensing objectives.

Lewes Road experiences significant footfall and vehicle movements from members of the public entering and leaving the central area of Brighton. Sussex Police believe that an additional late night refreshment premises open until 2am/3am would assist in keeping persons in the area longer and in turn increase the risk of crime and disorder and public nuisance.

Reviewing the Public Health Framework report for assessing alcohol licensing, St Peters & North Laine ward, of which this location is within, is ranked highest out of 21 wards for Police recorded alcohol related incidents as well as criminal damage. It's also 2<sup>nd</sup> highest for all other crime and disorder data listed. Due to this the safe dispersal of people as quickly as possible is paramount in keeping incidents to a minimum and protecting persons within the locality.

We note that this application is not to permit the sale of alcohol however, the hours being applied for is highly likely to attract persons that have been consuming alcohol and the report evidences the issues we have within this area already. We have seen first-hand on many occasions how late night take away food outlets suffer from crime and often require police attendance.

With high numbers of person descending on the City during the weekends and the impact this has, Sussex Police operate a standalone night time operation at weekends and other times throughout the year. This involves dedicated Police resources patrolling the main night time economy area. Having a visible police presence, goes some way to assist in reducing criminal incidents occurring, but unfortunately does not stop them in their entirety. We deal with a mix of incidents with people becoming drunk and disorderly, violent and a high number of incidents involving persons who have become a victim of crime due to their own vulnerability after consuming alcohol.

With this location being a stone throw from The Level, we believe persons would be attracted to these areas to sit and consume the food rather than heading to the safety of their homes after leaving the bars and clubs. In addition to the crime & disorder concerns there is also a public nuisance one especially for local residents with noise and litter.

The applicant has offered a number of conditions however as the majority of the hours being applied for are for take away, it would be very hard to control their customer's behaviour once they have left the premises so limits any positive impact these conditions would have.

Sussex Police believe that by granting this application it will add to negative impact and additionally we do not believe that the applicant has offered any reasoning why the application would be an exception to policy or why it should be departed from. Therefore, Sussex Police invite the Licensing Authority to consider refusing it.

Yours sincerely,

**REDACTED TEXT**

**REDACTED TEXT**

Force Licensing

Sussex Police



Image from Google Maps. We understand the location of the new premises is shown on the image as Kapadokya.

**REDACTED TEXT**

Licensing Team

Brighton & Hove City Council

Bartholomew House

Bartholomew Square

Brighton

BN1 1JP

Date: 4<sup>th</sup> May 2021

Our Ref: 2021/00926/LAPREN

Phone: 01273 292100

Email: **REDACTED TEXT**

**BP CON ENDS 06.05.21 VALID PPN & PCD (B)**

Dear **REDACTED TEXT**,

**RE: Licensing Act 2003 - Representation against the application for a new Premises Licence application for Mama Pollo, 4 Lewes Road, Brighton**

I refer to the application made by Noorullah Khan, for a new Premises Licence for the provision of Late Night Refreshment at Mama Pollo, 4 Lewes Road, Brighton. The proposed hours are Monday to Thursday 2300hrs – 0200hrs and Friday/Saturday 2300hrs – 0300hrs. There is no reference to late night refreshment on Sundays.

I have concerns about this application and make a representation on the grounds of the prevention of crime and disorder and the prevention of public nuisance. This premises is also situated on Lewes Road, which sits within the Licensing Authority's Special Stress Area (SSA) which is deemed an area of special concern in terms of the levels of crime and disorder and public nuisance experienced within it.

Guidance issued under S182 of the Licensing Act 2003 states that in completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. The guidance goes on to say that applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, SSA and matrix approach to decision making policies), applicants are also expected to demonstrate an understanding of how the policy impacts on their application, any measures they will take to mitigate the impact, and why they consider the application should be an exception to the policy.

On looking at the application form, it seems to me that the applicant has little understanding of these points and has failed to demonstrate how they will not add to the existing 'stress' of the area or how they are a potential exception to our policy. I have since read Appendix 1 provided by the applicant, that makes reference to The Council's Statement of Licensing Policy (SoLP) and recognises the location of the Premises being in the Special Stress Area. They refer to the use of CCTV and cars for deliveries as part of their Operating Schedule, however the contents of this Appendix 1 still does not mitigate the risks of adding to the existing stress of the area.

Noted in the application are references to 'London Borough of Licensing Policy 2018' and 'Metropolitan Police Licensing', neither of which are relevant to this application in Brighton & Hove.

The Council's Statement of Licensing Policy (SoLP) includes a Matrix approach for licensing decisions with provisions for a terminal hour for all classes of licensed premises in a particular area. The Matrix Model recognises the diverse operation and different risks presented by different classes of licensed premises. It provides a vision of what the Licensing Authority would like to see within its area and gives an indication of likelihood of success or otherwise to investors and local businesses making applications. Each application is still considered on its individual merit and there is discretion to depart from the Matrix approach policy in exceptional circumstances.

The Matrix table clearly shows that late night takeaways in the Special Stress area should have a maximum terminal hour of midnight. This application is asking for 3am on a Friday & Saturday night and 2am Monday - Thursday. They refer to takeaway and delivery after midnight in both their application and Appendix 1. I would expect to see some more positive proposals to show how the application will not add to the problems faced in the area.

It is my opinion, granting this application is likely to add to the additional burdens and problems in the Special Stress area and I do not believe that the applicant has demonstrated that there are exceptional circumstances to justify departing from the Policy. I wish to bring the application to the attention of the panel so that they can decide whether this application constitutes exceptional circumstances to depart from the policy.

Yours sincerely

**REDACTED TEXT**

**REDACTED TEXT**

**Licensing Officer**

Licensing Team

Environmental Health and Licensing

Regulatory Services



**APPENDIX D**



