

Licensing Panel (Licensing Act 2003 Functions)

<u>Date:</u> **30 July 2021**

Time: **10.00am**

<u>Venue</u> Virtual Meeting - MS Teams

Members: Councillors: Deane, O'Quinn & Simson

Contact: Thomas Bald

Democratic Services Officer

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PART ONE Page

1 TO APPOINT A CHAIR FOR THE MEETING

WELCOME & INTRODUCTIONS

2 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.

3 PASCALS BISTRO BAR LICENSING PANEL (LICENSING ACT 2003 5 - 220 FUNCTIONS)

Contact Officer: Corinne Hardcastle Tel: 0127329

Ward Affected: Brunswick & Adelaide

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Thomas Bald, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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Date of Publication - Thursday, 22 July 2021

Licensing Panel (Licensing Act 2003 Functions)

Agenda Item

Brighton & Hove City Council

Subject: Review of a Premises Licence under the Licensing

Act 2003

Premises: Pascals Bistro Bar

6 Queens Place

Hove BN3 2LT

Premises Licence Holder: Said Pascal Madjoudj

Date of Meeting: 30 July 2021

Report of: Executive Director for Housing, Neighbourhoods &

Communities

Contact Officer: Name: Jo Osborne Tel: (01273) 292100

Email: Jo.Osborne@brighton-hove.gov.uk

Ward(s) affected: Brunswick And Adelaide

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 To review a Premises Licence for Pascals Bistro Bar under the Licensing Act 2003.

2. **RECOMMENDATIONS**:

2.1 That the Panel review the licence granted to the premises known as Pascals Bistro Bar under the Licensing Act 2003.

3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

- 3.1 Existing licence attached at Appendix A.
- 3.2 Brighton & Hove City Council is both the relevant Licensing Authority and a Responsible Authority in respect of any premises and may in its capacity apply under Section 51 of the Licensing Act 2003 for a review of any premises licence in respect of the premises.
- 3.3 An application was received by the Licensing Authority on 11 June 2021 from Sussex Police, to review the licence granted to the premises known as Pascals Bistro Bar, 6 Queens Place, Hove, BN3 2LT. The premises falls within the Special Stress Area.
- 3.4 The grounds for the review relate to the following Licensing objective:
 - The Prevention of Crime and Disorder.

Full details of the grounds for the review and supplementary information are in Appendix B.

- 3.5 At this hearing the licensing authority must:
 - Consider the application made in accordance with Section 51
 - Consider any relevant representations
 - Take such steps (if any) as are considered appropriate for the promotion of the Licensing objectives. These steps are
 - o to modify the conditions of the licence
 - o to exclude a licensable activity
 - o to remove the designated premises supervisor from the licence
 - o to suspend the licence for a period not exceeding 3 months, or
 - o to revoke the licence.

And for this purpose, the conditions of a premises licence are modified if any of them are altered, omitted or any new condition is added. It may provide that the modification or exclusion have effect for a specified period not exceeding 3 months. The determination, if not completed at the hearing, shall be within 5 working days of the hearing. Such determinations do not have effect until after the appeal period or, if an appeal is lodged, until after the appeal is disposed of.

Representations received

- 3.6 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:
- 3.7 Five representations have been received from local residents, Ward Councillors, The Licensing Authority and The Food, Health and Safety Team on the grounds of the Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance, supporting the application submitted by Sussex Police seeking the revocation of the licence.
- 3.8 Full details of the supporting representations from local residents and Ward Councillors are attached at Appendix C.
- 3.9 Full details of the supporting representation from The Licensing Authority can be found at Appendix D.
- 3.10 Full details of the supporting representation from The Food, Health and Safety Team can be found at Appendix E.
- 3.11 A response from the legal representative of the Premises Licence Holder Mr Said Pascal Madjoudj was received by the Licensing Authority on 9th July 2021 in response to Sussex Police application to revoke Premises Licence. This response included photographs on refurbished toilets and an updated Staff Handbook for the premises. Further correspondence with photographs of the premises and a letter from the premise's landlord were received on 20th July 2021. This information can be found at Appendix F.

3.12 A map detailing the location of the premises is attached at Appendix G.

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 4 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.

1.1 The licensing objectives are:-

- (a) Prevention of crime and disorder;
- (b) Public safety;
- (c) Prevention of public nuisance;
- (d) 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.

3.3 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)

Matrix approach for licensing decisions in a Statement of Licensing Policy

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

Members Club (club premises	Yes (<100 capacity)	Yes (<100 capacity)	Yes
certificate)	(11pm)	(11pm)	

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.
- 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 egard 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 10 pm. 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.

- **4.1.1** The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.
- **4.1.2** It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.
- **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 of our Statement of Licensing Policy.

- **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) .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.
- **4.2.7** 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 quidance 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 appended (Appendix B of SoLP) and at pages 14-23 of this report.

5 Public Safety

The following details and measures are intended to address the need for the protection of public safety which may be associated with licensed premises and certificated club premises.

- **5.1.1** The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the "permitted capacity" of those premises should be.
- **5.1.2** Normally in the city centre, pubs and clubs will be expected to operate using polycarbonate or toughened/shatterproof glass.
- **5.1.3** Conditions may be imposed in accordance with operating schedules to protect public safety including where justified:
 - a. provision of closed-circuit television and panic buttons.
 - use of shatterproof drinking vessels; bottles requiring use of toughened glass or plastic should normally be required unless applicants can show exceptional reasons.

- c. use of door supervisors, licensed by the Security Industry Authority.
- d. requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.
- e. occupant capacity conditions will be applied where appropriate.
- f. the provision of designated and suitably trained first aiders.

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).
- **6.1.2** Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence. Noise emanating from within licensed premises should not normally be audible outside.
- **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 their 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 it may be 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.

8.2 Other regulatory regimes

8.2.1 This policy avoids duplication with other regulatory regimes wherever possible. The following notes are made with regard to specific regimes:

Health and Safety

Certain premises will be the subject of health and safety enforcement by the local authority or the Health and Safety Executive (HSE). If other existing law already places certain statutory responsibilities on an employer or operator of premises, for example the Management of Health and Safety at Work Regulations 1999, it will not be necessary to impose the same or similar duties on the premises licence holder or club. However, existing duties will not always adequately cover specific issues that arise on the premises in connection with, for example, certain types of entertainment, and where additional and supplementary measures are necessary to promote the licensing objectives, necessary, proportionate conditions will need to be attached to a licence.

Fire Safety

Premises and their operators will be regulated by general duties under current fire safety regimes and the Regulatory Reform (Fire Safety) Order 2005 rather than licensing provisions.

Noise

Statutory and public nuisances are dealt with by the local authority's Environmental Health department under the Environmental Protection Act 1990, Noise Act 1996 and associated legislation. Noise from commercial premises may often fall under review powers set out in licensing provisions and closure powers in anti-social behaviour provisions.

Equality Act 2010

The Public Sector Equality Duty obliges public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between persons who share protected characteristics and persons who do not share it. The local authority's equality and inclusion policy produced under these obligations shall include reference to this statement of licensing policy.

Community relations

Integration of corporate strategies with licensing policy will include the Inclusive Council Policy which recognises the council's role, as a community leader, to promote community cohesion and good relations between diverse communities. Measures to address prevention of crime and disorder recognise the need to improve wellbeing and safety of all the communities in the city. Licensing policy supports the Crime and Disorder Reduction Partnership's crime reduction strategy. In particular it seeks to confront and reduce racist, homophobic, transphobic and religiously motivated crimes, incidents and anti-social behaviour.

Anti-Social Behaviour, Crime and Policing Act 2014

Contains powers to close premises that are causing nuisance or disorder. These powers can be exercised by the council or Police and they replace the closure powers in the Licensing Act 2003. The Act also contains powers to issue Community Protection Notices in respect of persons or businesses committing anti-social behaviour which is spoiling a community's quality of life.

Litter and Smoking

CityClean contractors have Clean Neighbourhoods powers to enforce premises operators' responsibilities to keep frontages clear of litter.

Gambling Act 2005

In relation to casinos and bingo clubs, the principal purpose is gaming. The sale of alcohol and the provision of entertainment in such premises is incidental to gaming and in determining whether to permit entertainment that constitutes regulated entertainment

under the act, gaming license committees and / or the Gambling Commission will have taken into account relevant government guidance. Accordingly, it is felt that the licensing objectives will have been, or will be in the main, adequately considered by such committees and duplication of conditions should be avoided when considering applications under the 2003 Act where relevant representations have been made.

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

9 Reviews

- **9.1.1** Reviews represent a key protection for the community. Where the licensing authority considers action necessary under its statutory powers it will take necessary steps to support the licensing objectives. Action following review will be informed by licensing enforcement policy Appendix B of the SoLP see below on page 14 of this report.
- **9.1.2** Where style of operation of a premises leads to applications concerning likelihood of racist, religiously motivated, homophobic or transphobic crimes or incidents, the review process should also support the community safety policy. Action should be proportionate and licences would normally be suspended or revoked in these circumstances to deter further incidents.

APPENDIX B - Licensing Enforcement Policy

1.0 STATEMENT OF OBJECTIVES

The council as licensing authority and responsible authority is committed to the Council's priorities and will inform the enforcement actions taken. Amendments to priorities will be embedded automatically.

- 1.1 This service policy promotes efficient and effective approaches to regulatory inspection and enforcement that improve regulatory outcomes without imposing unnecessary burdens. This is in accordance with the Regulators Compliance Code.
- 1.2 In certain instances the service may conclude that a provision in the code is either not relevant or is outweighed by another provision. It will ensure that any decision to depart from the code will be properly reasoned, based on material evidence and documented.
- 1.3 The service pursues a positive and proactive approach towards ensuring compliance by:
 - Supporting the better regulation agenda;
 - Helping make prosperity and protection a reality for the city's community;
 - Helping and encouraging regulated entities to understand and meet regulatory requirements more easily;
 - · Responding proportionately to regulatory breaches; and
 - Protecting and improving public health and the environment.
- 1.4 This policy is based on the seven 'Hampton Principles' of:

Economic Progress: Regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection;

Risk Assessment: Regulators, and the regulatory system as a whole, should use comprehensive risk assessment to concentrate resources in the areas that need them most:

Advice and Guidance: Regulators should provide authoritative, accessible advice easily and cheaply;

Inspections and other visits: No inspection should take place without a reason;

Information requirements: Businesses should not have to give unnecessary information or give the same information twice;

Compliance and enforcement actions: The few businesses that persistently break regulations should be identified quickly and face proportionate and meaningful sanctions; and

Accountability: Regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they

take.

1. 6 The rights and freedoms given under the Human Rights Act, particularly Article 6 and 8, will be observed, as will the provisions of the Regulation of Investigatory Powers Act.

2.0 SCOPE OF THE POLICY

- 2.1 This policy supports and supplements specific guidance on enforcement action contained in the Statutory Code of Practice for Regulators, Brighton & Hove City Council's Corporate Enforcement Policy, Statutory Codes of Practice and relevant guidance documents and guidelines issued by government departments and coordinating bodies.
- 2.2 This policy relates to actions taken to educate and enforce legislation where noncompliances have been identified or have a realistic potential to occur.
- 2.3 The policy is limited to those enforcement activities lead by the Head of Environmental Health & Licensing.

3.0 TRAINING

3.1 Officers undertaking enforcement duties will be suitably trained and qualified so as to ensure they are fully competent to undertake their enforcement activities.

4.0 MANAGEMENT SYSTEMS

4.1 The service will maintain management systems to monitor the quality and nature of enforcement activities undertaken, so as to ensure, so far as is reasonably practicable, uniformity and consistency.

5.0 ENFORCEMENT OPTIONS

- 5.1 The service recognises the importance of achieving and maintaining consistency in its approach to enforcement. Statutory Codes of Practice and guidance issued by government departments, other relevant enforcement agencies or professional bodies will therefore be considered and followed where appropriate.
- 5.2 Sanctions and penalties will be consistent, balanced, fairly implemented and relate to common standards that ensure individual's, public safety or the environment is adequately protected. The aim of sanctions and penalties are to:
 - Change the behaviour of the offender;
 - Eliminate any financial gain or benefit from non-compliance;
 - Be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
 - Proportionate to the nature of the offence and the harm caused; and
 - Aim to deter future non-compliance.
- 5.3 Criteria to be taken into account when considering the most appropriate enforcement option include:
 - the potential of the offence to cause harm:
 - confidence in the offender;

- consequences of non compliance;
- likely effectiveness of the various enforcement options.
- 5.4 Having considered all the relevant options the choices for action are:
 - Informal Warning: All advice issued will be given in writing and specify the nature of the breach or offence, and the actions required to remedy the issue. An informal warning may be included with the advice, and may accompany higher-level actions, such as Enforcement Notices or Voluntary Surrender:
 - Licence review: Licence review power will be used where an application for review relates to one or more of the licensing objectives.
 - **Taxi licence:** Taxi licence suspension or revocation will be used to protect public safety. Other sanctions such as DSA testing will be used to protect public safety and in accordance with the taxi licensing policy (Blue book).
 - Simple Caution: The issue of a Simple Caution by an authorised officer may be undertaken as an alternative to prosecution where it is considered unnecessary to involve the courts, and the offender's response to the problem makes repeat offending unlikely, or the offender's age or health make it appropriate. Cautions may only be issued where the offender makes a clear and reliable admission of guilt and understands the significance of acceptance.
 - **Prosecution:** A prosecution is appropriate where there is a breach of a legal requirement, such that public safety, health, economic or physical well-being or the environment or environmental amenity is adversely affected.

The Crown Prosecutor's Code of Evidential and Public Interests tests must be met in all cases. However, certain circumstances will normally justify prosecution to prevent the undermining of the service's enforcement responsibilities.

- Failure to comply with an Enforcement Notice
- Declining a Simple Caution
- Continued, reckless, negligent or pre-meditated non-compliance.
- Failure to pay a fixed penalty.
- Non-cooperation, acts of obstruction or threats of physical harm or abuse.
- **Injunctions:** Injunctive action as a means of preventing an activity or course of action likely to result in significant risk to public or community safety or economic wellbeing of consumers and businesses.
- 5.5 If the department is considering taking enforcement action which it believes may be inconsistent with that adopted by other authorities, the matter will be referred to the appropriate local co-ordinating body.

6.0 INFORMAL WARNING

- 6.1 Informal action may be taken when:
 - the act or omission is not serious enough to warrant formal action, or
 - from the individual's/enterprise's past history it can be reasonably expected that informal action will achieve compliance, or
 - confidence in the individual/enterprise's management or ability to resolve the matter is high, or
 - the consequences of non-compliance will not pose a significant risk to public health, public safety, animal welfare or the environment.

- 6.2 When an informal approach is used to secure compliance with regulations, written documentation issued will:
 - contain all the information necessary to understand what is required and why;
 - indicate the regulations contravened, measures which will enable compliance with legal requirements and that other means of achieving the same effect may be chosen:
 - clearly differentiate between legal requirements and recommendations of good practice. Such a differentiation will also be made when verbal advice is given.

7.0 SIMPLE CAUTIONS

- 7.1 A Simple Caution may be issued as an alternative to a prosecution. Cautions may be issued to:
- deal quickly and simply with less serious offences;
- divert less serious offences away from the courts;
- reduce the chances of repeat offences.
- 7.2 The following factors will be considered when deciding whether a caution is appropriate:-
 - evidence of the suspect's quilt
 - has a clear and reliable admission of the offence been made either verbally or in writing
 - is it in the public interest to use a caution as the appropriate means of disposal when taking into account the public interest principles set out in the Code for Crown Prosecutors.
 - the suspected offender must understand the significance of a simple caution and give an informed consent to being cautioned.
- 7.3 No pressure will be applied to a person to accept a Simple Caution.
- 7.4 The 'cautioning officer' will be the most appropriate officer from Service Director, Service Assistant Director, Head of Service Environmental Health Manager or Licensing Manager. The Cautioning Officer must not have taken an active part in investigating the case.
- 7.5 Should a person decline the offer of a simple caution a prosecution will be recommended.

8.0 PROSECUTION

- 8.1 The department recognises that the decision to prosecute is significant and could have far reaching consequences on the offender.
- 8.2 The decision to undertake a prosecution will be taken after proper consultation in accordance with the Scheme of Delegation for the council's functions. The decision to proceed with a prosecution will normally be taken following legal advice. The matters to be taken into account when deciding if the issue of proceedings is proportionate include:
 - the seriousness and nature of the alleged offence;

- the role of the suspect in the commission of the offence:
- any explanation by the suspect or any agent or third party acting on their behalf;
- was the suspect in a position of trust, responsibility or authority in relation to the commission of the offence:
- is there evidence of premeditation or disregard of a legal requirement for financial reward;
- risk of harm to the public, an individual or the environment;
- relevant previous history of compliance:
- · reliability of evidence and witnesses
- any mitigating or aggravating circumstances or the likelihood that the suspect will be able to establish a defence;
- suspect's willingness to prevent a recurrence of the offence;
- the need to influence future behaviour of the suspect:
- the likely penalty to be imposed; and
- a prosecution is in the public interest, there is realistic prospect of conviction and sufficient evidence to support proceedings.
- 8.3 All relevant evidence and information will be considered before deciding whether to instigate proceedings in order to enable a consistent, fair and objective decision to be made.
- 8.4 Where an act or omission is capable of constituting both a summary and either way offence, when deciding which offence to charge the following will be considered:
 - the gravity of the offence;
 - the adequacy or otherwise of the powers of the summary court to punish the offence:
 - the record of the suspect:
 - the suspect's previous response to advice or other enforcement action;
 - the magnitude of the hazard;
 - any circumstances causing particularly great public alarm;
 - comments from the council's Solicitor's Office.
- As a general rule an individual or business will be given a reasonable opportunity to comply with the law although in some circumstances prosecution may be undertaken without giving prior warning, e.g.
 - the contravention is a particularly serious one:
 - the integrity of the licensing framework is threatened.

9.0 Home Office and Government Advice: Problem premises on probation

9.1 The licensing authority supports the strategies of interventions and tough conditions to be assembled into packages released in 2008. The current version is appended (appendix A).

11. APPEALS

If any person is unhappy with the action taken, or information or advice given they will be given the opportunity of discussing the matter with the relevant team manager, Head of Service or Assistant Director. Any such appeal does not preclude any aggrieved person from making a formal complaint about the service or any officers. Any such complaint will be dealt with in accordance with corporate procedures and guidance.

Complaints that are not dealt with by the council's complaints procedure are listed in corporate policy and include:

- Complaints where the complainant or another person has commenced or intends to commence legal proceedings against the council.
- Complaints where the council has commenced or intends to commence legal proceedings against the complainant or another person relating to the matter of complaint.

11. SHARED ENFORCEMENT ROLES

Lead agency status between Sussex Police, East Sussex Fire and Rescue Service and the council's trading standards, environmental health and licensing officers are determined between the agencies at county level. The current position is appended (appendix H).

ANNEX A

"PROBLEM PREMISES ON PROBATION" - RED AND YELLOW CARDS: HOW IT WOULD WORK

The problem

- 1. In many cases, revocation of a premises licence effectively kills any business which is focussed on retailing alcohol. This means that not only the business owner suffers, but most people working there will lose their livelihoods. Many of these workers will be entirely innocent of any wrong-doing. There is also an impact on those who rely indirectly on income from the premises such as local food suppliers or cleaning contractors, and the closure of a premises can deprive some communities of their local shop or restrict local consumer choice. Enforcement agencies that apply for reviews and local councillors sitting on licensing committees are well aware of this potential impact and it can lead to a reluctance to use the powers in the act to revoke the licence instantly for any failure to promote the licensing objectives. This risks patchy enforcement and uneven solutions to alcohol-related problems around the country.
- 2. In addition, in many cases, enforcement agencies will prefer to negotiate additional voluntary conditions with problem premises against the threat of review as an immediate, pragmatic and less bureaucratic solution. While this may be a reasonable approach in many cases, there is a risk that some premises are not being dealt with as firmly as necessary, particularly given the level of test purchase failures. Nor are voluntary agreements particularly visible, lessening the deterrent effect on other premises.
- 3. Government wishes to support the enforcement agencies and licensing authorities by providing clear guidance on a "yellow card / red card" system, which would ensure a firm response to problems, but which give premises an opportunity to reform. The intention is that such a system would be highly visible and send a clear

message to alcohol retailers, and the public, that action will be taken against those who act contrary to the licensing objectives and the law.

4. The proposed interventions below would not prevent the giving of an instant red card in an appropriately serious case. It should be realised that a "test purchase" failure often masks multiple offences that have gone undetected.

Supporting enforcement agencies

- 5. The government will encourage enforcement agencies mainly the police, trading standards officers and environmental health officers to seek more reviews in the knowledge of the yellow card/red card system described below. This will mean not giving formal warnings. It will mean that on identifying problem premises, the licensing authority will be engaged faster than it might have been in the past.
- 6. Enforcement agencies would be encouraged to seek reviews when local intelligence suggests that individual premises are selling to children or causing other crime problems or causing noise nuisance.
- 7. Under the law, the licensing authority must then hold a hearing so long as the application relates to one of the four licensing objectives and is made by a responsible authority or by other persons like a local resident or another local business.

First intervention

- 8. Responsible authorities will be encouraged to propose a package of touch new conditions to be added to the existing conditions which are designed to combat the identified problem. The kinds of conditions that we have in mind are set out in Annex A. These would not be appropriate for every premises and need to be tailored to the nature of the problem and the type of premises. Such action should be supplemented where appropriate by:
- Removal of the designated premises supervisor and his/her replacement (the manager is removed);
- Suspension of the licence for between one day and three months according to the circumstances.
- Restriction on trading hours cutting hours of trading in alcohol.
- Clear warning that a further appearance will give rise to a presumption of revocation.
- 9. If appropriate following review, the licensing authority should consider these packages of conditions and action s to challenge problem premises more aggressively.
- 10. For example, requiring a major supermarket to make all alcohol sales through a single till manned by a person aged 25 years or older in order to tackle sales to underage. Over a year, this would potentially cost such a supermarket £millions. It would also make them reflect on their levels of supervision at other stores.
- 11. In addition, enforcement agencies should make the premises in question a priority for test purchases and more regular inspections.

12. The aim would be to put the premises on probation. Effectively, they are given a yellow card. They are put on notice that the next offence or breach would mean an automatic second intervention – a red card.

Second intervention

- 13. In the absence of improvement, enforcement agencies should seek another review. The licensing authority again must grant a hearing.
- 14. If satisfied on the issue of the lack of improvement, the licensing authority should look to **revoke the licence**. The action should be publicised in the area as an example to other retailers.

Implementation

- 15. Requires:
- Development with the Home Office of a toolkit and guidance for police, trading standards and ethos;
- Initial letters to Leaders of local authorities and Chief Executives:
- Ultimately, stronger statutory Guidance to be laid in Parliament for licensing authorities themselves.
- 16. Central Government cannot tell licensing authorities what to do. The review powers are devolved to them. Similarly, central government cannot direct enforcement agencies how to enforce the law. It would remain their judgement when and how to act.

ANNEX B

POSSIBLE TOUGH CONDITIONS TO BE ASSEMBLED INTO PACKAGES

n.b. These would not be appropriate for every premises and need to be tailored to the nature of the problem and the type of premises.

GREATER CONTROL OVER SALE

- 1. Designated checkout(s) for alcohol sales (supermarket). Impact on protection of children from harm, but also impact on sales and goodwill (probable loss of trade to competitors).
- 2. Personal licence holder/DPS to be on site at all times during sales of alcohol. Impact on protection of children from harm and new costs if additional staff have to qualify as personal licence holder.
- 3. Personal licence holder/DPS to supervise and authorise every individual sale of alcohol. Impact on protection of children from harm and new costs if additional staff have to qualify as personal licence holder.
- 4. SIA registered security staff to be present at points of sales to support staff refusing sales to u-18s and drunks.
- 5. Alcohol sales only to be made only by person aged not less than 25 years. Impact

on protection of children from harm, but also impact on sales and goodwill (probable loss of trade to competitors).

- 6. CCTV installed at all points of sale and recorded. Recordings can be examined by a constable or trading standards officer to determine sales to minors or drunks.
- 7. The licensed premises shall join the Business Crime Reduction Partnership scheme.

TRAINING

- 8. All staff to read and sign a declaration that they understand the law every time they start a shift.
- 9. Train all staff engaged in selling alcohol in alcohol awareness (not just personal licence holders). All new staff to be trained within two weeks of commencing employment. Evidence of training to be retained in writing and to be available for inspection by any authorised person and training standards officers. Impact on all licensing objectives.

ALCOHOL SALE BANNED AT CERTAIN HOURS

- 10. No alcohol sales Mon Fri between 4pm and 8.30pm. Impact on protection of children from harm or targeted hours reflecting times when local intelligence indicates under 18s may be purchasing alcohol.
- 11. No alcohol sales Friday to Sunday. Impact on all four licensing objectives.

ALCOHOL DISPLAYS

- 12. No displays of alcohol or advertising of alcohol promotions that can be seen from outside the premises.
- 13. No alcohol stocks promoted alongside goods likely to appeal to children (eg confectionary, toys).

CUTTING DOWN ON SHOPLIFTING

- 14. SIA registered security staff to be present at alcohol aisles during opening times to prevent attempted under age sales or theft.
- 15. Location of alcohol stocks/displays not to be sited near the entrance/exit to deter shoplifting.
- 16. No direct public access to alcohol products like tobacco, alcohol to be kept behind a dedicated kiosk.

NAMING AND SHAMING

17. Display an external sign/yellow card to state which of the licensing act objectives they have breached and what action has been taken against them.

OTHERS

- 18. Maintain a log of all under-age attempted purchases from those who appear to be under 18 or drunk.
- 19. Children aged under [18 years] not to be present or (not more than one child at any one time) on premises (other than children living on the premises or of the people working on the premises); or only children under 18 accompanied by an adult to be permitted on the premises during retailing hours. Impact on protection of children from harm.
- 20. Products to be labelled (a label stuck to the bottle or can) to show the details of the shop from which it was bought. Purpose would be to provide evidence of unlawful sales if product found commonly in possession of persons under 18.
- 21. Designated single items beer, alcopops and cider not to be sold to any person. Impact on protection of children from harm. Purpose would be to reduce sales to children and drunks. Alternative would be to prescribe sales of beer, alcopops and cider in quantities of less than four.
- 22. CCTV installed, monitored and 24 hour recordings kept for a week and made available to constables and persons authorised under the 2003 Act to help identify attempted proxy purchasing.
- 23. Where there is no designated smoking area, readmission after midnight should normally be prohibited.

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: 20/07/2021

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: 20/07/21

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:

Appendix A – Part A of Premises Licence

Appendix B – Review Application

Appendix C – Supporting Representations from local residents and Ward Councillors

Appendix D – Supporting Representation from Licensing Authority

Appendix E – Supporting Representation from Food, Health & Safety Team Brighton & Hove City Council

Appendix F - Response from Premises Licence Holders legal representative

Appendix G - Map of area showing Premises

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. 5th edition. Public Health Intelligence. January 2019

Background Documents

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



APPENDIX A

Schedule 12 Part A

Regulation 33, 34

Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2014/06022/LAPRMV

Part I - Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Pascals Bistro Bar 6 Queens Place Second Avenue Hove BN3 2LT

Telephone number 01273 729990

Licensable activities authorised by the licence

Performance of Recorded Music Late Night Refreshment Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Performance of Recorded Music - Indoors.

Music will be played by MPs player or CDs using amplifiers and speakers.

Monday to Thursday: 11:00 - 00:00, Friday to Saturday: 11:00 - 01:00, Sunday: 11:00 - 23:00

Late Night Refreshment – Indoors & Outdoors

Monday to Thursday: 23:00 - 00:00, Friday to Saturday: 23:00 - 01:00

Sale by Retail of Alcohol

Monday to Thursday: 11:00 - 00:00, Friday to Saturday: 11:00 - 01:00, Sunday: 11:00 - 23:00

Non-standard timings in respect of all the above activities: New Years Eve

Licence Issued: 01.09.2020

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The opening hours of the premises

Monday to Thursday: 11:00 - 00:00, Friday to Saturday: 11:00 - 01:00, Sunday: 11:00 - 23:00

Non-standard timings: New Years Eve

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption on the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Said Pascal Madjoudj REDACTED TEXT

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

REDACTED TEXT

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

REDACTED TEXT

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Annex I - Mandatory conditions

- **S 19**; mandatory conditions where licence authorises supply of alcohol
 - no supply of alcohol may be made under the premises licence
 - (a) at a time when there is no designated premises supervisor in respect of the premises, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
 - every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
- I.—(I) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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- 3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 4.— (I) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 5. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."
- 6. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

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- 7. For the purposes of the condition set out in paragraph I—
- (a)"duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(1);
- (b)"permitted price" is the price found by applying the formula—

P=D+(DxV)

where—

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(2).
- 8. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 9. (I) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
- **S 21**; mandatory condition: door supervision

where a premises licence includes a condition relating to security activity, the licence must include a condition that each individual must be licensed by the Security Industry Authority (there are exemptions re theatre and films and clubs)

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Annex 2 - Conditions consistent with the Operating Schedule

For the Prevention of Crime and Disorder:

I. To use mobile support units and/or door supervisors in consultation with the police on special events.

For Public Safety:

2. To provide toughened glasses.

For the Prevention of Public Nuisance:

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

For the Protection of Children from Harm:

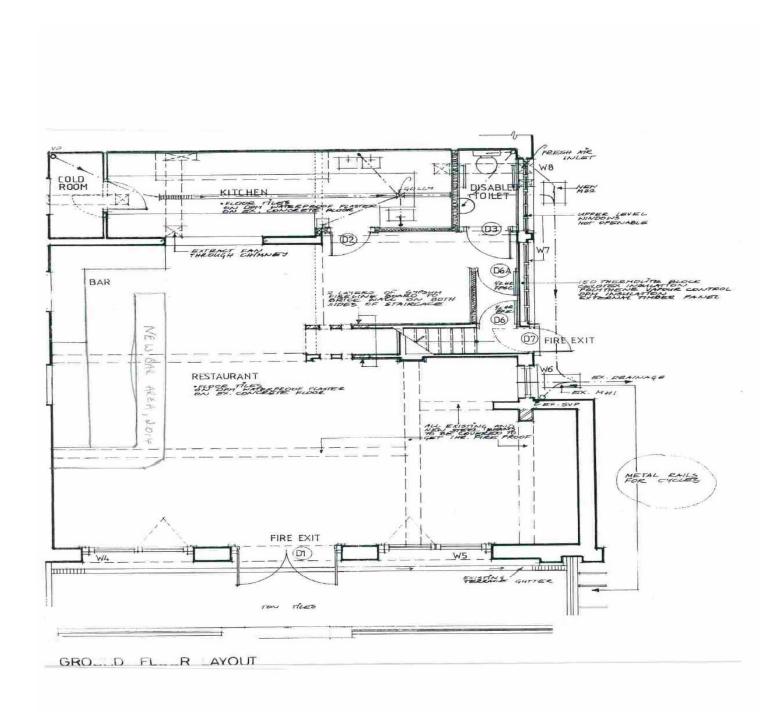
- 4. Licensees and staff must operate a 'Challenge 21' policy in that any person attempting to purchase alcohol who appears under the age of 21 will be asked to produce photographic identification. Acceptable ID includes a passport, driving licence with a photograph, or a Portman Group, Citizen Card or Validate proof of age card bearing the "PASS" mark hologram.
- 5. No persons under the age of 18 to be unaccompanied after 20:00 hours.

Annex 3 - Conditions attached after a hearing by the licensing authority - N/A

Licence Issued: 01.09.2020 6 of 8

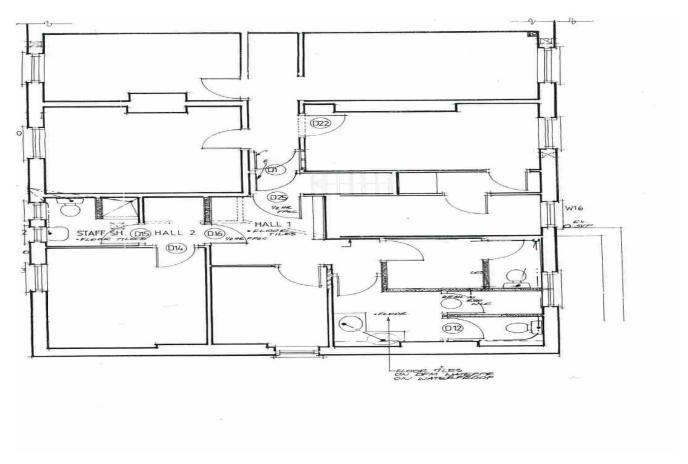


Annex 4 - Plans



Licence Issued: 01.09.2020 7 of 8





APPENDIX B



Application for the review of a premises licence under the Licensing Act 2003 PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I, (insert name of applicant)

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

Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details			
Pascal's Bistro			
Postal address of premises or, if none, ordnance survey map reference or description			
6 Queens Place			
Post Town	Post code (if known)		
Hove	BN3 2LT		

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

Said Pascal MADJOUDJ

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

1445/3/2014/06022/LAPRMV

Part 2 - Applicant details

I am,				
	Please mark X for yes			
1) an interested party (please complete (A) or (B) below)				
a) a person living in the vicinity of the premises				
b) a body representing persons living in the vicinity of the premises				
c) a person involved in business in the vicinity of the premises				
d) a body representing persons involved in business in the vicinity of the premises				
2) A responsible authority (please complete (C) below)				
3) a member of the club to which this application relates (please complete (A) below)				
(A) DETAILS OFINDIVIDUAL APPLICANT (fill in as applicable)				
(A) DETAILS OF INDIVIDUAL AFFLICANT (IIII III as applicable)				
Please mark X for yes				
Mr Mrs Miss Ms Other title (for example, Rev)				
(ror example, nev)	<u> </u>			
Commands				
Surname First names				
	Please mark X for yes			
I am 18 years old or over				
Current postal address if different from premises address				
Doutime contact talanhana numbar				
Daytime contact telephone number				
E-mail address (optional)				
<u> </u>				

Name and address	
Talanhana namban (Kana)	
Telephone number (if any)	
Email address (if any)	
Email address (ii arry)	
(C) DETAILS OF RESPONSIBLE AUTHORITY APPL	ICANT
Name and address:	
Over the Belline	
Sussex Police Brighton & Hove Licensing	
1 st Floor	
John Street	
Brighton BN2 OLA	
BIVE OLA	
Telephone number (if any)	
01273 REDACTED TEXT	
(Email address (if any)	
REDACTED TEXT	
This application to review relates to the following lie	censing objective(s)
	Please mark X for yes (one or more boxes)
1) the prevention of crime and disorder	
2) public safety	
3) the prevention of public nuisance	
4) the protection of children from harm	
, and procession of ormation from from	
Please state the ground(s) for review (please rea	ad guidance note 1)

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

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

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

Drug Swab Results

Alarms of between 1 and 2 times the alarm threshold can be classed as a "low" response. It could be attributed to cross contamination of the surface tested, background contamination, or greatly degraded historic contamination. It is not indicative of recent direct contact.

Alarms of between 2 and 3 times the alarm threshold can be classed as a "medium" response. It could be attributed to cross contamination of the surface tested or recent historic contamination that may have been left a number of days prior to the sample being taken.

Alarms of between 3 and 4 times the alarm threshold can be classed as a "high" response. This level of response would not be attributed to cross contamination and is indicative of recent and direct contact with measurable quantities of the narcotic identified by the machine.

Readings of 4.00 and above are estimated to relate to microgram amounts of contamination being transferred to the sample media. This level of contamination is not generally experienced in any other environment than somewhere that has been in direct contact with a bulk amount of the source narcotic, i.e. this level is not generally experienced as background contamination or through incidental cross contamination by being in close contact with other contaminated areas or persons.

11th September 2020

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

The results from the drugs swab were as follows:-

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

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

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

18th December 2020

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

The results from this drug swab were as follows:-

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

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

28th May 2021

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

The results from this drug swab were as follows:-

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

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

Serious incident

22nd May 2021

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

<u>Licence breaches & interactions</u>

14th August 2020

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

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

Annex 2 – Public safety:

To Provide toughened glasses.

Annex 2 – Prevention of public nuisance:

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

11th September 2020

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

26th September 2020

Licensing inspection conducted and no issues reported.

03rd October 2020

Licensing inspection conducted and no issues reported.

23 rd October 2020				
icensing inspection conducted and no licensing issues reported. Concerns raised over COVID breaches with customers walking around with no masks and not being challenged by staff and tables close together.				
05 th December 2020				
Licensing inspection conducted. DPS given advice about serving persons already or on the verge of being intoxicated as it was felt that some customers had reached that point.				
23 rd December 2020				
Final warning sent to the premises following the 2 nd high drug readings. Within that it was asked they provide us with a drugs policy and action plan by 31 Dec 2020. This policy and plan has never been submitted to Police.				
In summary, Sussex Police have no confidence in the management of the premises, having seen little improvements in reducing the levels of drug misuse within the premises and the recent assault. Sussex Police contend that the licensing objective of the prevention of crime & disorder is being significantly undermined.				
On reviewing the current licence we do not feel that adding any additional conditions would help in reducing the risks as the existing conditions on the licence are not being complied with.				
Further, as Said Pascal MADJOUDJ is the premises licence holder (PLH) and the current DPS, a new DPS is also not an option as MADJOUDJ will still ultimately be in control of the premises licence. There is no mechanism within the Licensing Act 2003 to remove the PLH.				
The exclusion of the sale of alcohol by retail from the scope of the licence or the restriction of times for licensable activity could have been amended, however this course of action will not address the root cause of the issues associated with this venue; the PLH failing to prevent drug use within and allowing intoxication to reach a level where assaults are taking place.				
The recommendation of Sussex Police therefore, would be the revocation of the premises licence.				
Please mark X for yes				
Have you made an application for review relating to this premises before				
If yes please state the date of that application				
If you have made representations before relating to this premises please state what they were and when you made them				
N/A				

			Please mark X for yes
the p	re sent copies of this form and enclosures bremises licence holder or club holding the opriate	•	and 🔀
	lerstand that if I do not comply with the ab be rejected	ove requirements my applicati	on 🔀
	OFFENCE, LIABLE ON CONVICTION T INDER SECTION 158 OF THE LICENSIN OR IN CONNECTION W	IG ACT 2003 TO MAKE A FA	
Part 3 – Sig	natures (please read guidance note 3)		
	f applicant or applicant's solicitor or o behalf of the applicant please state in v		See guidance note 4). If
Signature (o	n behalf of the applicant)		
o ignataro (o	n bonan er ane appnoanty		
REDACTED	TEXT		
Inspector REDACTED	TEXT		
Date: 11 Jur	ne 2021		
Congoity			
Capacity:			
Force Licensir Sussex Police			
	me (where not previously given) and po tion (please read guidance note 5)	ostal address for correspond	lence associated with
REDACTED Sussex Polic 1st Floor John Street			
Post town		Post code	
Brighton		BN2 0LA	

Telephone number (if any)

REDACTED TEXT

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

REDACTED TEXT

Notes for Guidance

- 1. The ground(s) for review must be based on one of the licensing objectives.
- 2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- 3. The application form must be signed.4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

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



Brighton & Hove Licensing Unit

Police Station John Street Brighton BN2 OLA

Tel: 01273 404 535 ext. 550826

Email: brighton.licensing@sussex.pnn.police.uk

Date: 22nd July 2021

BY EMAIL

REDACTED
Licensing Officer
Brighton & Hove City Council

Dear REDACTED,

Re: Pascal's, 6 Queens Place, Hove – Review of a premises licence under the Licensing Act 2003.

Further to our original application to call a review of the above premises licence, please find below additional paperwork of which we would be grateful if you could share with the licensing panel.

It details our communications that we have had over a period of time with the management and also an update on the assault that we mention within the original documents.

I can confirm that we will not be requesting for any of the hearing to be heard behind closed doors.

If you require any further information please do not hesitate to contact us.

Yours sincerely,

REDACTED
Licensing Officer
Brighton & Hove Division
Sussex Police

Telephone: 101 | 01273 470101

Email: brighton.licensing@sussex.pnn.police.uk

Email sent to Said Pascal MADJOUDJ on 14th Sept 2020 following first drug swabs.

From: Brighton Licensing **Sent:** 14 September 2020 11:15

To: REDACTED

Subject: Pascal's, 6 Queens Place Hove - Drug Readings

Importance: High

Good Morning Pascal,

Further to our visit and phone conversation on Friday 11th September 2020, as promised below are the results from the drug swabs we took.

Sink in male toilet – 2.67
Hand dryer in male toilet – 0
Hand drying in male/disabled toilet – 1.90
Ledge in male/disabled toilet – 6.29
Male/disabled toilet seat – 4.62
Male/disabled toilet roll holder – 5.94
Ladies right cubical toilet roll holder – 5.74
Lades right cubical toilet seat – 4.99
Ladies hand dryer – 4.89
Ladies left cubical toilet roll holder – 5.71
Ladies left cubical toilet seat – 5.70

All the above results are for cocaine. Attached is a document that explains the above numbers in detail.

As mentioned on the phone, I have never had a venue have so many high readings. It is now down to you to turn these results around and make your venue less drug friendly. Some suggestions are:

- Removing flat surfaces within the toilets.
- Instant ban on anyone seen to be taking drugs or found with them.
- Regular toilet checks often people taking drugs will do it with another person so making sure only 1 person is in a cubical and remove anyone in breach of this.
- Posters see attached.

With such high readings and breaches of your licence conditions, we could call a review now of your licence however, we will give you this opportunity as part of our stepped approach to get on top of the drug issues within your premises. If we have not seen a vast improvement of these readings when we come back to re-test, you will leave us with no other option but to call a review.

As you know, we are also very concerned in how you're operating your premises in regards to COVID. As of today please be reminded of the new requirement of no more than 6 persons at a table and you must be doing track and trace. You have a responsibility to ensure your staff and customers are kept safe – at the moment we don't believe this is happening. You need to keep intoxication levels down, have background music only and ALL customers should be seated. Other venues throughout the City of all sizes are able to comply with this – there is no reason why your venue can't as well.

If you have any questions in regards to anything I have mentioned above, please do not hesitate to contact us.

We will be monitoring your venue and as mentioned, we will be back in near future to conduct new drug swab tests.

Kind Regards

REDACTED

REDACTED

Police Licensing Officer

Brighton & Hove Licensing Unit : John Street, Brighton Telephone: 01273 404 535 Ext: 550826 Mobile: REDACTED

Copy of documents attached to the above email sent to Said Pascal MADJOUDJ on 14th Sept 2020

Itemiser Drug Machine Readings

Alarms of between 1 and 2 times the alarm threshold can be classed as a "low" response. It could be attributed to cross contamination of the surface tested, background contamination, or greatly degraded historic contamination. It is not indicative of recent direct contact.

Alarms of between 2 and 3 times the alarm threshold can be classed as a "medium" response. It could be attributed to cross contamination of the surface tested or recent historic contamination that may have been left a number of days prior to the sample being taken.

Alarms of between 3 and 4 times the alarm threshold can be classed as a "high" response. This level of response would not be attributed to cross contamination and is indicative of recent and direct contact with measurable quantities of the narcotic identified by the machine.

Readings of 4.00 and above are estimated to relate to microgram amounts of contamination being transferred to the sample media. This level of contamination is not generally experienced in any other environment than somewhere that has been in direct contact with a bulk amount of the source narcotic, i.e. this level is not generally experienced as background contamination or through incidental cross contamination by being in close contact with other contaminated areas or persons.



Copy of letter sent to Said Pascal MADJOUDJ on 17th Sept 2020

Police Station
John Street
Brighton
BN2 OLA

Tel: 01273 404 535 ext. 550826

Email: brighton.licensing@sussex.pnn.police.uk

Date: 17th September 2020

Pascal Madjoudj Pascal's 6 Queens Place Hove East Sussex BN3 2LT

Dear Mr. Madjoudj,

Re: Pascal's, 6 Queens Place, Hove - Licensing Act 2003 - Unauthorised licensable activities & drug readings.

Our records show that you are listed as the premises licence holder and designated premises supervisor of the above premises.

Following our visit to your premises on Friday 11th September 2020, the following breaches of your licence where witnessed by ourselves:

Annex 2:

For Public Safety:

2. To provide toughened glasses.

The outside tables were full of glasses and wine and beer bottles.

For the Prevention of Public Nuisance:

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

Your windows and doors were open with loud music coming from inside. It was very clear that the above condition was not being complied with.

I remind you that non-compliance with licence permissions and 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 a fine, or to both.

The highlighted breach constitutes an offence of carrying on licensable activity otherwise than under and in accordance with an authorisation (the premises licence and the attached conditions). Please can you now ensure these breaches are rectified with immediate effect. Police Licensing will monitor to ensure compliance and advise you that any further breaches of your licence will result in enforcement action being taken.

I would also like to remind you of the drug swab readings that we took on the same night – I have emailed these to you as well on Monday 14th Sept 2020.

Sink in male toilet – 2.67
Hand dryer in male toilet – 0
Hand drying in male/disabled toilet – 1.90
Ledge in male/disabled toilet – 6.29
Male/disabled toilet seat – 4.62
Male/disabled toilet roll holder – 5.94
Ladies right cubical toilet roll holder – 5.74
Lades right cubical toilet seat – 4.99
Ladies hand dryer – 4.89
Ladies left cubical toilet roll holder – 5.71
Ladies left cubical toilet seat – 5.70

As stated within my email, these readings are very high – the highest I have seen at a venue and that's even taking in to account the night clubs. When we re visit to re test, if these results have not vastly improved, we will be left with no other option but to call a review of your premises licence.

If there are any matters within this letter that you wish to discuss then please do not hesitate to contact us via the email address above.

Yours sincerely,

REDACTED
Licensing Officer
Brighton & Hove Division
Sussex Police

c.c Brighton & Hove City Council Licensing Team - via email.

Copy of letter sent on 19th Dec 2020 to Said Pascal MADJOUDJ with second drug swab results.

Police Station John Street Brighton BN2 OLA

Tel: 01273 404535 ext. 550808

Email: brighton.licensing@sussex.pnn.police.uk

19/12/2020

Mr Said MADJOUDJ REDACTED

Dear Said MADJOUDJ

Our records show that you are the Designated Premises Licence Holder and Premise Licence Holder for Pascal's Bistro Bar 6 Queens Place, Second Avenue Hove BN3 2LT.

As you are aware I attended last night in the company of licensing officer REDACTED from Brighton & Hove County Council were a licensing check was carried out and the re testing of the drug swabbing.

The results of the drug swabbing are as follows;

I have included last times score, latest score are in red / amber

Sink in male toilet -2.67, < 5.14Hand dryer in male toilet -0, < 5.34Hand drying in male/disabled toilet -1.90 < 5.81Ledge in male/disabled toilet -6.29 < 6.34Male/disabled toilet seat -4.62 < 6.30Male/disabled toilet roll holder -5.94 < 6.74Ladies right cubical toilet roll holder -5.74 < 1.30Lades right cubical toilet seat -4.99, < 0Ladies hand dryer -4.89 < 1.55Ladies left cubical toilet roll holder -5.71 < 5.96Ladies left cubical toilet seat -5.70 < 4.22

As you can see the majority of your readings are substantially higher than the time of my last visit and show no overall improvement.

Readings of 4.00 and above are estimated to relate to microgram amounts of contamination being transferred to the sample media. This level of contamination is not generally experienced in any other environment than somewhere that has been in direct contact with a bulk amount of the source narcotic, i.e. this level is not generally experienced as background contamination or through incidental cross contamination by being in close contact with other contaminated areas or persons.

What this means is very recently people have consumed the drugs using these areas.

You have very high drug readings throughout the venue which need to be drastically reduced.

What we would normally suggest in situations like this is you need to make the area less user friendly for drug taking. Remove flat surfaces if possible and if not cover them with a material that would not make it possible for them to snort drugs of them. You could also increase your toilet checks and make the patrons aware that the toilets will be checked on a regular basis.

I will have to consult with my supervision to ascertain what the next stage will be and I will be in touch in due course but you have our e-mail address if you wish to discuss the results in the interim.

Yours sincerely,

REDACTED Licensing Police Officer Brighton & Hove Division

c.c Brighton & Hove City Council Licensing Team.

c.c REDACTED

c.c Pascal's Bistro Bar 6 Queens Place, Second Avenue Hove BN3 2LT.

Copy of further to email sent on 23rd Dec 2020 to Said Pascal MADJOUDJ following the second drug swab results.

From: Brighton Licensing
Sent: 23 December 2020 11:24

To: REDACTED **Cc:** REDACTED

Subject: Final Warning - Sussex Police

Dear Pascal,

c.c REDACTED Brighton & Hove City Council Licensing.

We are emailing you today in your position of Designated Premises Supervisor and Premises Licence Holder of Pascal's Bistro, 6 Queens Place, Hove, BN3 2LT.

Further to the email sent to you on 19th Dec 2020 from REDACTED in relation to the recent drug readings, we have had a conversation with supervision and on their advice, issuing you with a final warning in line with our stepped approach.

You have had two high drug readings and also COVID compliance concerns. Normally we would call you in for a meeting but due to COVID this is not possible.

As part of this formal warning, we kindly ask that you forward us an action plan and your drugs policy detailing how you're going to address the issue of persons using your premises to consume drugs.

I'm sure you may have heard the term "County Lines" – this is when drug dealers operate outside of the city such as London and use other persons to courier in and sell drugs within Brighton & Hove. Often the persons they use locally are minors who are groomed in to becoming dealers. It's because of this and the effects drugs has on a person that we take this issue very seriously.

You will be subject to further checks and unless we see a vast improvement in the drug readings, we will be left with no other option but to launch a review of your premises licence which could result in it being revoked.

If we could ask that you send us your drug policy and the action plan by 31st Dec 2020 please.

Should you have any queries in relation to anything within this email, please do not hesitate top contact us.

Kind Regards

REDACTED

Police Licensing Officer

Brighton & Hove Licensing Unit: John Street, Brighton Telephone: 01273 404 535 Ext: 550826 Mobile: REDACTED

Copy of letter sent to Said Pascal MADJOUDJ on 15th April 2021 following COVID breaches.

Police Station John Street Brighton BN2 OLA

Tel: 01273 404535 ext. 550808

Email: brighton.licensing@sussex.pnn.police.uk

15/04/2021

Said Pascal MADJOUDJ REDACTED

Dear Mr MADJOUDJ

The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021

RE: Pascals Bistro Bar, 6 Queens Place, Second Avenue, Hove BN3 2LT

Our records show that you are the Holder of the Premises Licence and Designated Premise Supervisor. I write with reference to the above premises where Police Licensing had cause to attend the premise at 20.00 on 15/04/2021 due to reports being made that there were persons seated inside your restaurant eating and drinking whilst seated at tables.

As you are fully aware when myself and my colleague attended you had 2 tables inside seated, 1 table of 2 people and a larger table of people, possibly of 6 people having a celebration near the bar.

I personally spoke with you, you then informed the customers they had to move outside, the excuse you offered me was that they had booked ages ago.

Please read the below regulation that you have failed to comply with

In relation to a breach of a Step 2 restriction imposed by regulation 7 and Part 2 of Schedule 2, paragraph 9(1) (Restrictions on service of food and drink for consumption on the premises - applies to business or service listed in paragraph 13(4), or is carried on from, or provided at, premises of a kind specified in paragraph 13(4)):

- Failed, without reasonable excuse, to close the premises, or part(s) of the premises, in which food or drink are provided for consumption on the premises; and/or
- Failed, without reasonable excuse, to cease providing food or drink for consumption on the premises
- Failed, without reasonable excuse, to cease carrying on a business/providing a service other than as permitted by paragraph 9(2)(a), 9(2)(b), or the exceptions listed in paragraphs 10 and 11

Please note the penalties for not complying with the above regulation which would apply in this case.

Amount of Penalty and period to pay

In the case of a fixed penalty notice issued in respect of a business restriction offence, the amount of the fixed penalty to be specified under regulation 12(5)(c) is—

a) £1,000, if the fixed penalty notice is the first one issued to the person in respect of a business restriction offence;

- b) £2,000, if the fixed penalty notice is the second one issued to the person in respect of a business restriction offence;
- c) £4,000, if the fixed penalty notice is the third one issued to the person in respect of a business restriction offence;
- d) £10,000, if the fixed penalty notice is the fourth one, or any subsequent one, issued to the person in respect of a business restriction offence.

I verbally informed you that that this was your absolute last chance to get the current Regulations correct and that if you were found with customers siting inside eating and drinking you would be issued with a £1000 fine.

If there are any matters within this letter that you wish to discuss then please do not hesitate to contact us via the email address above.

Yours sincerely,

REDACTED
Licensing Police Officer
Brighton & Hove Division

c.c Brighton & Hove City Council Licensing Team. c.c Pascals Bistro Bar, 6 Queens Place Second Avenue Hove BN3 2LT c.c REDACTED

Copy of email sent on 03rd June 2021 to Said Pascal MADJOUDJ with third drug swab results.

From: Brighton Licensing Sent: 03 June 2021 12:22

To: REDACTED

Subject: Drug Reading Results

Dear Pascal,

Below are the results from the drug swabs that REDACTED took on 28th May 2021.

SINK IN MALE TOILET – COCAINE 5.17

HAND DRYER IN MALE TOILET – COCAINE 5.87

HAND DRYING IN DISABLED TOILET – COCAINE 5.90

LEDGE IN DISABLED TOILET – COCAINE 6.20

DISABLED TOILET SEAT – COCAINE 2.62

DISABLED TOILET ROLL HOLDER – COCAINE 4.90

LADIES RIGHT CUBICAL TOILET ROLL HOLDER – 00.00

LADIES HAND DRYER – COCAINE 00.00

LADIES LEFT CUBICAL TOILET ROLL HOLDER – COCAINE 00.00

LADIES LEFT CUBICAL TOILET ROLL HOLDER – COCAINE 00.00

LADIES LEFT CUBICAL TOILET SEAT – COCAINE 00.00

Although we have seen zero trace in the ladies, we continue to see high results in the male and disabled toilets. We will be holding a meeting with our supervision to talk through the results and to get their steer on how we plan to move forward with the issues at the premises.

Kind Regards

REDACTED

REDACTED

Police Licensing Officer

Brighton & Hove Licensing Unit: John Street, Brighton Telephone: 01273 404 535 Ext: 550826 Mobile: REDACTED

SUSSEX POLICE MG 11(T)

RESTRICTED (when complete)

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

				URN			
Statement of:	REDACTED						
Age if under 18:	O'18	(if over 18 insert 'over 18')	Occupation:	Police Consta	able		
This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.							
Signature: REDACTED			Date 20/07/2021				
Tick if witness evidence is visually recorded (supply witness details on rear) I first attended Pascals Bistro 6 Queens Place Hove BN3 3LT in the capacity of a Police Constable working as a Licensing Officer on 14 th August 2020 alongside with my colleague REDACTED and representatives from Brighton and Hove Council. On this occasion during the midst of Coronavirus the venue was very busy both inside and out. Track and trace was available and Said Pascal MADJOUDJ informed us the capacity inside was 51 but it was obvious they had far more customers inside than this, some male groups of customers appeared to be very loud and on the verge of being intoxicated in my opinion. It was noted there was one SIA working on the door at the premises who was not displaying his badge which he is supposed to do.							
On 11 th Septemb premise, the resi		d Pascals Bistro in the cor Illows	npany of REDAC	CTED to carry o	ut drug	swabbing	of the
Male Toilets							
Sink- Cocaine 2.6	57						
Top of Hand Dry	er – 0						
Disabled Toilet							
Ledge inside cub	icle area – C	ocaine 6.29					
Toilet Seat – Coc	aine 4.62						

Toiler Roll Holder - Cocaine 5.94

Ladies Toilet

Right Cubicle Toilet roll holder - Cocaine 5.74

Right Toilet Seat - Cocaine 4.99

Left cubicle toilet roll holder - Cocaine 5.71

Left Toilet Seat - Cocaine 5.70

Top of Hand dryer – Cocaine 4.89

I am aware that REDACTED e-mailed Mr MADJOUDJ the results with ideas and actions that could be taken to reduce the high scores the next time.

The next time I visited Pascals was 4th November 2020 at 22.15 in the company of REDACTED carrying out post lockdown checks and the venue was not open. On arrival the lights were on and persons could be seen seated within including Mr MADJOUDJ who according to my notes had no mask on, he stated that the persons inside where staff including a door staff person. He also informed us that moving forward he would be operating for takeout food. We reminded him of his responsibilities of how he could operate under the Covid restrictions that were in place at the time.

I further visited Pascals on 2nd December 2012 at 20:12 in the company of REDACTED. Mr MADJOUDJ advised us he was only serving alcohol to customers who were having food and he was allowing guests to stay a further hour after they had eaten. We identified a group of people that were sitting at the front in the outside area who seemed to only be drinking and again in my opinion seemed quite intoxicated, we were advised that they had eaten already by Mr MADJOUDJ who we noted was not wearing a face mask again having previously been told to so unless exempt.

I next attended Pascals on the 18th December in the company Of REDACTED, Trading Standards and Licensing Officer from Brighton and Hove Council.

I carried out the second round of drug testing and can show the results as follows

Male Toilets

Sink - Cocaine 5.14

Top of Hand Dryer - Cocaine 5.34

Disable Toilet

Top of Hand dryer – Cocaine 5.81

Ledge inside cubicle area - Cocaine 6.34

Toilet Seat -Cocaine 6.34

Toilet roll holder - Cocaine - Cocaine 6.74

Ladies Toilets

Right Cubicle toilet roll holder – Cocaine 1.30

Right toilet seat 0

Left Cubicle toilet roll holder – Cocaine 5.96

Left cubicle toilet seat – Cocaine 4.22

Top of Hand dryer – Cocaine 1.55

It was noted on this visit that there was 1 SIA door supervisor working, Challenge 25 posters were visible but the CCTV was displaying an incorrect time, this being 1 hour and 22 minutes fast

Mr MADJOUDJ informed me he allowed 2-3 hours for people when in the restaurant I gave him my opinion that this would acceptable if they were having a 3 course dinner but not if they were only having 1 course and he had to be mindful of what was reasonable under the Covid restrictions at the time.

Further to this I observed that Mr MADJOUDJ and staff were wearing a mixture of masks and visors and people were seated in the venue, again in my opinion the intoxication level of certain groups may have been on the higher side.

On 15th April 2021 I attended Pascals following reports that Covid restrictions were not being complied with and that persons were sitting inside the premises eating. I observed on my visit 2 tables that were seated inside, 1 table of 2 and a larger table of possibly 6 people, when I spoke with Mr MADJOUDJ he informed me that they had taken the booking prior the restrictions and moved the table to an outside area. Following this I sent Mr MADJOUDJ a Covid breach letter.

On 28th May 2021 at 22.00 I re attended Pascals to carry out a further drug swabbing with colleagues from Brighton and Hove Council, the results are as follows,

Male Toilets

Sink - Cocaine 5.17

Top of Hand dryer - Cocaine 5.84

Disabled Toilet

Top of Hand dryer – Cocaine 5.90

Ledge inside cubicle area – Cocaine 6.20

Toilet Seat – Cocaine 2.62

Toilet roll holder - Cocaine 4.90

No drugs were detected in the female toilets on this visit.

On the morning of 27th May 2021 I attended Pascals Restaurant having received an email from a Sgt in CID that they were having great difficulties in obtaining the CCTV from the restaurant. On my arrival Mr MADJOUDJ was working in the kitchen but came through to see me and I explained to him that my colleagues had previously attended on two occasions to obtain CCTV but felt they had been "fobbed off". I was aware that one colleague had been told by Mr MADJOUDJS staff that there was no CCTV as a builder had cut through the wire and another colleague who had visited later had been told by the staff that only Mr MADJOUDJ could help but made no mention of the CCTV being broken.

Mr MADJOUDJ immediately apologised for his staff and told me he had told the staff off but could offer no explanation as to why they had said what they had. I asked him to burn his CCTV off for the date and time required, this being between 23rd May 22.30 leading into 24th May at 00.30. Mr MADJOUDJ could not load the CCTV on his phone as apparently there was limited internet and it would not load, it was at this time he

decided to tell me that his CCTV only stored recordings for 1 day, which I found astonishing, I even recall asking him what was the point in that. Mr MADJOUDJ replied that CCTV was not one of his licensing conditions and he had it just for one day in case there was a problem there and then. I have visited hundreds of premises with CCTV and have never come across a venue purposely only recording for 1 day and to be honest I personally questioned the truthfulness if it. It was at this time I felt I was left with no other option than to seize the CCTV hard drive and take it back to the police station so at least we had the box secure.

On 21st June 2021 at 15.15 I received a phone call from a gentleman claiming to be doing work for Mr MADJOUDJ and wanted to know how to make the toilets less inviting for drug takers, I unfortunately didn't catch the man's name but he told me that he had installed the bathroom and that the toilet seats had cost a lot of money which was something similar to what Mr MADJOUDJ had said on one of my previous visits, he then have me the impression that he did a lot of maintenance work for Mr MADJOUDJ. I did explain that this was a bit late in the day as it was 9 months after the first high drug readings and general advice given had been given to Mr MADJOUDJ to try and help eradicate the problem. I further went on to give advice such a removing flat surfaces and or moving and dryers/ toilet roll holders etc. This male also explained that the CCTV system was going to be upgraded to which I explained our basic expectation. Our basic expectation is to record all internal and external areas and to retain the data for 31 days, to have the correct date and time, to have some available on site to be able to use the system at all time and be able to download or send us the CCTV in a timely manner.

REDACTED 20/07/21

Summary of GBH incident

Occurrence Date & Time: Saturday 22nd May 2021 at Midnight

Occurrence Locations: Pascal's, 6 Queens Place Hove and Victoria Grove Hove

Summary:

Police responded to a report that a male had been assaulted in a public space on Victoria Grove, Hove by REDACTED. Of note REDACTED is not connected to the incident as in neither parties had been inside prior. Witnesses to the assault are customers of REDACTED that were sitting within the outside seating area.

In interview the aggressor states he had an altercation with the victim in Pascal's and whilst inside the venue punched the victim once to the face feeling he was himself about to be attacked. This seems to be over a comment relating to drugs. The aggressor states he was asked to go to the toilet with others and believes it was to take cocaine. He then mentions to the victim his noise is red and this is when the whole incident starts with the victim receiving his first punch to the face. At this point security intervene and ejected both of them.

Witness in REDACTED were alerted to the sound of males yelling in the street. They state to officers that both the victim and aggressor were in Pascal's. REDACTED. During the course of the evening an argument has occurred and both were ejected by security. The victim has approached the witnesses saying he is unsure why the other male was being aggressive. The witnesses describe the victim as being intoxicated. Soon after the aggressor approaches the victim and punches him for a second time which resulted in the victim falling backwards and striking his head with force on the pavement.

Resulted Injures are consistent with an offence of Grievous Bodily Harm (GBH) and of which the aggressor has pleaded guilty at court and is now awaiting sentencing.

APPENDIX C

JO CON ENDS 09.07.21 VALID PCD & PPN (B)

From: REDACTED TEXT Sent: 01 July 2021 10:04

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Re: Pascals Bistro Bar 6 Queens Place, Hove, BN3 2LT Licence Review

I have read the advice of **REDACTED TEXT** and, as a resident of **REDACTED TEXT** can say that I agree with his observations.

No proper regard has been paid to the Covid regulations in any of the lockdowns; I have seen people in the premises obviously drinking rather than working on a number of occasions when the premises should have been shut.

The level of drug taking does not surprise me at all. Sometimes people are dealing in the street **REDACTED TEXT** and drunkenness is common and seems not to be controlled by the management.

The noise can be really loud at night and his licence allows his terrace to be open to 1am at weekends, which is far too late for our residential area.

Frankly, Pascal just behaves as if rules and regulations are for other people and, like **REDACTED TEXT** I have no confidence that he will stick to any conditions that might be imposed.

Sincerely

REDACTED TEXT

From: REDACTED TEXT Sent: 06 July 2021 10:10

To: EHL Safety < EHL. Safety@brighton-hove.gov.uk >

Subject: Re: Pascals Bistro Bar 6 Queens Place, Hove, BN3 2LT Licence Review

I am a bit puzzled. I would have thought that disregard of Covid regulations and that the premises are the venue for drug taking and may therefore be connected with the drug dealing that I have seen outside **REDACTED TEXT** had a lot to do with crime, public safety and prevention of public nuisance.

Best wishes

REDACTED TEXT

From: REDACTED TEXT Sent: 06 July 2021 22:31

To: EHL Safety < EHL.Safety@brighton-hove.gov.uk > Subject: Licensing Review - Pascals Bistro Bar

JO CON ENDS 09.07.21 VALID PPN (D)

Dear REDACTED TEXT,

With regards to the licensing review for Pascals Bistro Bar of 6, Queens Place, Hove BN3 2LT. I would like to put forward following points to be considered at the hearing;

The original business of over 10 year ago, was a well regarded restaurant of the local area.

- 1. The business was strictly a restaurant with no music or casual bar service.
- 2. Over the years, with a change in the trading name, the boundary of the business operation and licensing changed;
 - Operating as a simple bar
 - Regular events / private parties and loud music
 - Operation and serving tables on the pavement
 - Large screens showing sport programmes
 - A significant turn-over of staff and general managers.
 - Licensing hours extended to after midnight.
- 3. This clear change from the original business has brought about the following continued nuisance to the local community and close neighbours.
 - The casual nature of the venue attracts larger crowds of patrons only consuming alcohol
 - The management have little control over the consumption of excessive alcohol
 - Excessive crowds are permitted to gather on the premises against COVID restrictions.
 - Excessive crowds spill onto the pavement area blocking the thoroughfare
 - o No consideration is given to the noise generated by these large crowds.
 - Patrons were permitted to visit the indoor premises whilst national restriction forbade such activity
 - Patrons are freely encouraged to park illegally either at the front of the premises or blocking the adjacent Mews.
 - The owner has made several unauthorised alterations to a listed building without planning permission
 - o These alterations are in breach of building regulations
 - The alternations and additional doorway significantly increase the radiated noise for adjacent neighbours
 - Business rubbish is dumped in the adjacent Mews and Church Road Lane.
 - Business rubbish has been dumped in communal bins
 - The building fabric and fitting are not maintained including drainage and kitchen extraction equipment.

In general, these points only emphasise the owner has no consideration or respect for the local community and neighbourhood, continuing to operate outside the law clearly demonstrated by his attitude towards repeated grievances.

With regards,

REDACTED TEXT

JO CON ENDS 09.07.21 VALID PCD & PS (E)

Dear licensing team,

We are writing in response to the review of license for **Pascals Bistro Bar (pka La Fourchette) 2021/01792/LAREV** 6 Queens Place, Hove as ward councillors for Brunswick and Adelaide which the premises is within. We note the unusual circumstances of this being a review requested by Sussex Police on the grounds of Prevention of Crime and Disorder.

Our concerns with the license are as follows:

Prevention of crime and disorder

This premises is within the Cumulative impact zone₁, recognising the impact that the number of licensed premises has on the immediate area.

The immediate area which this premises is within is close to a large residential population. Residents regularly report to us as councillors that they have been kept up at night or woken up at night by drunk and disorderly behaviour taking place in this area.

In the surrounding area, 40% of crimes reported between June 2020 – May 2021 relate to anti-social behaviour₂. It should also be considered that the impact of anti-social behaviour makes the area unsafe for residents and visitors. As councillors we regularly receive complaints from residents in the surrounding streets regarding noise from the number of licensed premises in the area.

Public safety

The Brunswick and Adelaide ward is densely populated. This density means that the licensing authority must be mindful of the undue impact of licence applications that have the potential to impact so many people at once.

Drinking outside licensed venues in this area in 2016 tragically led to a death of a young man who was killed under a truck outside the Temple Bar public house. A premises serving alcohol on a major road into the city until 1am on some days can

1 https://present.brighton-

 $hove.gov.uk/Published/C00000117/M00005639/Al00050736/\$20160310125641_008564_0036763_SoLP2015\\ Changes Accepted 210116.doc A.ps.pdf$

2 https://www.police.uk/pu/your-area/sussex-police/adelaide/?tab=Statistics

only add to this danger. This road is busy and has traffic throughout all hours of the day.

The neighbourhood already faces some stark consequences for access to alcohol. According to the Brighton & Hove Public Health Framework for Assessing Alcohol Licensing Police recorded alcohol related incidents are the 8th highest in the city.3

There is a clear and well-evidenced relationship between alcohol consumption and antisocial behaviour and crime.

In addition, discussions we have had previously from nearby residents have raised concerns regarding the opening hours of the terrace and access to the pavement for people with disabilities or buggies due to the pavement licensing.

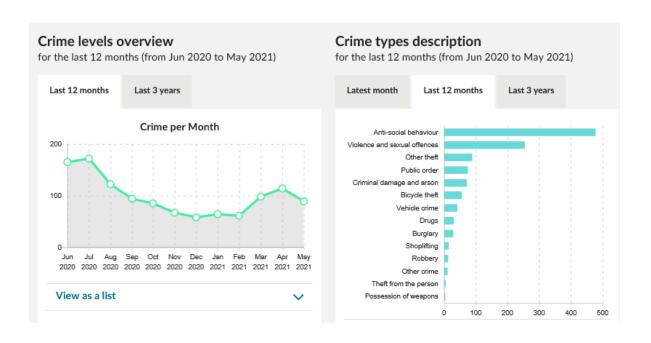
We also understand that this has been raised by Sussex Police as a result of drug swabbing, assault and non-compliance with covid-19 measures. We have also had communication from residents and seen ourselves evidence which would back up non-compliance; including lack of social distancing and tables close together.

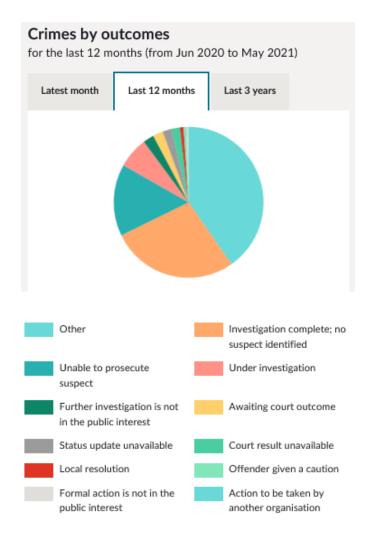
We would be grateful if this could be taken into consideration with the review

Best wishes

REDACTED TEXT

3 https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/Public%20Health%20Framework%20for%20assessing%20Alcohol%20Licensing%20Annual%2 OReport%202018.pdf







Safer Communities Licensing Team

Brighton & Hove City Council 2nd Floor Bartholomew House Bartholomew Square Brighton BNI IJP

REDACTED TEXT

Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 IJP

Date:

30 June 2021

Our Ref:

2021/01021/LICREP/EH

Phone:

REDACTED TEXT

Email:

REDACTED TEXT

JO CON ENDS 09.07.21 VALID PCD, PS & PPN (A)

Dear REDACTED TEXT

Licensing Act 2003

Representation in support of an application by Sussex Police seeking a review of the Premises License - 2021/01792/LAREV Pascals Bistro Bar, 6 Queens Place, Hove BN3 2LT

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 Pascals Bistro Bar, 6 Queens Place, Hove BN3 2LT.

This representation is made as the Licensing Team have concerns that the licensing objective of the Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance are not being upheld.

The history of this matter is explained in more detail in the application of Sussex Police.

On 3 August 2020, following a complaint received that the premises were not complying with Covid restrictions, an email was sent providing advice/guidance. A copy of this email can be seen at Appendix A.

On 17 August 2020, following a visit made to the premises on 14 August 2020, a further email was sent. A copy of this email can be seen at Appendix B and Mr Madjoudj response dated 21 August 2020 at Appendix C.

On 11 September 2020, following a re-visit carried out at the premises on 14 September 2020, a further warning was sent. A copy of this email can be seen at Appendix D.

On 2 December 2020, a further visit was carried to the premises and again issues were found. On 5 December 2020, a further warning was sent to the premises. A copy of this email can be seen at

www.brighton-hove.gov.uk

Appendix E. On 10 December 2020, a response was sent from the Bar Manager. A copy of this response can be seen at Appendix F.

On 18 December 2020, I accompanied Sussex Police where they carried out drug swabbing in the premise's toilets. The results of these tests were given to Mr Madjoudj.

Following a visit conducted by Sussex Police on 15 April 2021, on 23 April 2021, a further warning was sent relating to Covid restrictions being breached. A copy of this email can be seen at Appendix G.

On 28 May 2021, a visit was carried out at the premises where Sussex Police again conducted drug swabbing. Again, these results were given to Mr Madjoudj.

Photos of the premises obstructing the public highway, with tables and chairs, without any consent or permission issued by Highways can be seen at Appendix H.

I have little confidence in Mr Madjoudj as the Premises Licence Holder and Designated Premises Supervisor in running the premises. Despite substantial Officer interaction with this premises, including visits, advice and warnings, it is my opinion that the premises is poorly run, there are breaches of the premises licence and the licensing objectives are not being upheld. I believe if the premises 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, Public Safety and Prevention of Public Nuisance are met.

Yours sincerely

REDACTED TEXT

REDACTED TEXT

Licensing Officer Licensing Team

Appendix A – Email sent dated 3 August 2020

Appendix B - Email sent dated 14 August 2020

Appendix C - Email received dated 21 August 2020

Appendix D – Email sent dated 14 September 2020

Appendix E – Email sent dated 5 December 2020

Appendix F - Email received dated 10 December 2020

Appendix G - Email sent dated 23 April 2021

Appendix H – Photos of highways obstruction

APPENDIX A

From: REDACTED TEXT Sent: 03 August 2020 16:06

To: REDACTED TEXT

Subject: La Fourchette, 6 Queens Place, Second Avenue, Hove BN3 2LT - 2020/16694/LICCOV/EH

Importance: High

Dear Said Pascal Madjoudi

Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 Keeping Workers and Customers Safe during Covid 19 La Fourchette, 6 Queens Place, Second Avenue, Hove BN3 2LT

We have received a complaint that you are not complying with social distancing in your premises and outside.

You are responsible for taking all reasonable steps to ensure that everyone, including staff, customers and delivery personnel entering your premises are not exposed to Covid-19.

You must carry out a risk assessment to consider and control measures relating to Covid-19 and your operation.

https://www.hse.gov.uk/risk/assessment.htm.

Objective: To manage interactions at the venue resulting from service of food and drink.

Steps that will usually be needed:

- Maintaining social distancing (2m, or 1m with risk mitigation where 2m is not viable, is acceptable) from customers when taking orders from customers.
- Using social distance markings to remind customers to maintain social distancing (2m, or 1m with
 risk mitigation where 2m is not viable, is acceptable) between customers of different households or
 support bubbles.
- Minimising customer self-service of food, cutlery and condiments to reduce risk of transmission. For example, providing cutlery and condiments only when food is served.
- Encouraging contactless payments where possible and adjusting location of card readers to social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable).
- Providing only disposable condiments or cleaning non-disposable condiment containers after each
 use.
- Reducing the number of surfaces touched by both staff and customers. For example, asking customers to remain at a table where possible, or to not lean on counters when collecting takeaways.
- Encouraging contactless payments where possible and adjusting location of card readers to social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable).

- Minimising contact between front of house workers and customers at points of service where appropriate. For example, using screens or tables at tills and counters to maintain social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable).
- Ensuring all outdoor areas, with particular regard to covered areas, have sufficient ventilation. For example, increasing the open sides of a covered area.

Below is the latest update of guidance:

https://assets.publishing.service.gov.uk/media/5eb96e8e86650c278b077616/working-safely-during-covid-19-restaurants-pubs-bars-takeaway-090720i.pdf

If you wish to discuss the contents of this email I can be contacted on REDACTED TEXT

Regards

REDACTED TEXT | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities
Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP **REDACTED TEXT**

Our customer promise to you

We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

Rate your experience

We are committed to providing you services in accordance with our <u>Customer Promise</u>.

Please <u>tell us about your experiences</u> of using Brighton & Hove City Council services. It will take no longer than 5 minutes to complete.

CORONAVIRUS - WASH YOUR HANDS MORE OFTEN FOR 20 SECONDS Use soap and water or a hand sanitiser when you:

- Get home or into work
- Blow your nose, sneeze or cough
- Eat or handle food



Protect yourself & others

For more information go to nhs.uk/coronavirus

APPENDIX B

From: REDACTED TEXT Sent: 17 August 2020 15:57

To: REDACTED TEXT Cc: REDACTED TEXT

Subject: Licensing Act 2003 - Warning - La Fourchette, 6 Queens Place, Second Avenue, Hove BN3 2LT -

2020/16694/LICCOV/EH

Importance: High

Dear Said Pascal Madjoudj

The Health and Safety at Work Act 1974
Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020
Licensing Act 2003 - Breach of Licence Conditions - Warning
La Fourchette, 6 Queens Place, Second Avenue, Hove BN3 2LT
Premises Licence Number: 2014/06022/LAPRMV

I am writing to you in your capacity as the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) for the above premises concerning a complaints we have received concerning your premises continuously causing a Public Nuisance regarding noise coming from your premises and no social distancing measures being carried out.

I emailed you regarding these complaints on 3 August 2020 (a copy of this email can be found below).

I am also aware that my colleague, **REDACTED TEXT**, has also been in contact with you.

On Friday 14 August 2020 accompanied by colleagues from Police Licensing and Environmental Protection Officer visited your premises and spoke with yourself.

At the time of our visit to your premises, there was no evidence of any social distancing measures in place. The inside and outside area was completely fall. Customers were also on the Public Highway and Road. You did have an SIA on duty, but he had clearly not been given any instructions or guidance from you. I note Police Licensing also spoke to him about not complying with his SIA conditions.

I see from your risk assessment you provided to **REDACTED TEXT** that you were only having 51 customers at any time, to include the inside area and terrace area. When I spoke to you, you advised that your capacity was for 60 people. There was clearly over 100 people at the time of my visit, which consisted of over 40 people using the terrace area (not counting the customers on the Highway and Road). Your security guard advised there was about 120 people in total, although he was not keeping count.

I also asked to see a copy of your 'track and trace' contact details for 14 August. You eventually produced a piece of paper with about 5-6 names on, stating that it was difficult to keep, and what could you do if people didn't want to provide you with any details.

There is a higher risk of transmitting COVID-19 in premises where customers and visitors spend a longer time in one place and potentially come into close contact with other people outside of their household. To manage this risk you should collect details and maintain records of staff, customers and visitors.

I also carried out a licensing inspection and below are breaches of your premises licence condition:

Annex 2 - Conditions consistent with the Operating Schedule

For Public Safety:

2. To provide toughened glasses.

The outside tables were full of glasses and wine and beer bottles.

For the Prevention of Public Nuisance:

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

Your windows and doors were open with loud music coming from inside. It was very clear that the above condition was not being complied with.

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 permission's 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
- 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 officers monitoring the City both day and night.

A copy of this email has also been sent to the Police Licensing, Environmental Protection Team and REDACTED TEXT

If wish discuss the above please contact me on REDACTED TEXT

Yours sincerely

REDACTED TEXT | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer

Communities

Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T REDACTED TEXT

Our customer promise to you

We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

Rate your experience

We are committed to providing you services in accordance with our <u>Customer Promise</u>.

Please <u>tell us about your experiences</u> of using Brighton & Hove City Council services. It will take no longer than 5 minutes to complete.

CORONAVIRUS - WASH YOUR HANDS MORE OFTEN FOR 20 SECONDS Use soap and water or a hand sanitiser when you:

- Get home or into work
- Blow your nose, sneeze or cough
- Eat or handle food



Protect yourself & others

For more information go to nhs.uk/coronavirus

From: REDACTED TEXT Sent: 03 August 2020 16:06

To: REDACTED TEXT

Subject: La Fourchette, 6 Queens Place, Second Avenue, Hove BN3 2LT - 2020/16694/LICCOV/EH

Importance: High

Dear Said Pascal Madjoudj

Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 Keeping Workers and Customers Safe during Covid 19 La Fourchette, 6 Queens Place, Second Avenue, Hove BN3 2LT

We have received a complaint that you are not complying with social distancing in your premises and outside.

You are responsible for taking all reasonable steps to ensure that everyone, including staff, customers and delivery personnel entering your premises are not exposed to Covid-19.

You must carry out a risk assessment to consider and control measures relating to Covid-19 and your operation.

https://www.hse.gov.uk/risk/assessment.htm.

Objective: To manage interactions at the venue resulting from service of food and drink.

Steps that will usually be needed:

- Maintaining social distancing (2m, or 1m with risk mitigation where 2m is not viable, is acceptable) from customers when taking orders from customers.
- Using social distance markings to remind customers to maintain social distancing (2m, or 1m with risk mitigation where 2m is not viable, is acceptable) between customers of different households or support bubbles.
- Minimising customer self-service of food, cutlery and condiments to reduce risk of transmission. For example, providing cutlery and condiments only when food is served.
- Encouraging contactless payments where possible and adjusting location of card readers to social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable).
- Providing only disposable condiments or cleaning non-disposable condiment containers after each use.
- Reducing the number of surfaces touched by both staff and customers. For example, asking
 customers to remain at a table where possible, or to not lean on counters when collecting
 takeaways.
- Encouraging contactless payments where possible and adjusting location of card readers to social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable).
- Minimising contact between front of house workers and customers at points of service where appropriate. For example, using screens or tables at tills and counters to maintain social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable).
- Ensuring all outdoor areas, with particular regard to covered areas, have sufficient ventilation. For example, increasing the open sides of a covered area.

Below is the latest update of guidance:

 $\frac{https://assets.publishing.service.gov.uk/media/5eb96e8e86650c278b077616/working-safely-during-covid-19-restaurants-pubs-bars-takeaway-090720i.pdf$

If you wish to discuss the contents of this email I can be contacted on REDACTED TEXT

Regards

REDACTED TEXT | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities

Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

REDACTED TEXT

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Protect yourself & others

For more information go to nhs.uk/coronavirus

APPENDIX C

From: **REDACTED TEXT**Sent: 21 August 2020 12:44

To: REDACTED TEXT

Subject: Licence and Covid Pascal Madjoudj

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Good Afternoon REDACTED TEXT.

Thank you for your email.

Since your visit we have new security for a Friday and Saturday night to help monitor the number of customers on the premises.

We have implemented a maximum number of people 75 including the terrace with 8 on the highway which the tables will be removed on a Friday and Saturday between 8-830pm to discourage people from gathering on the public high way.

Also we have another manager and door supervisor who will help implement the new changes.

Kind Regards

Pascal Madjoudj

Sent from my iPhone

APPENDIX D

From: REDACTED TEXT

Sent: 14 September 2020 13:35

To: REDACTED TEXT

Subject: Licensing Act 2003 - Final Warning - La Fourchette (aka Pascals), 6 Queens Place, Second Avenue, Hove BN3

2LT - 2020/21786/COVIDC/EH

Importance: High

Dear Said Pascal Madjoudj

The Health and Safety at Work Act 1974
Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020
Licensing Act 2003 - Breach of Licence Conditions – Final Warning
La Fourchette (aka Pascals), 6 Queens Place, Second Avenue, Hove BN3 2LT
Premises Licence Number: 2014/06022/LAPRMV

I am writing to you in your capacity as the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) for the above premises regarding a re-visit carried out at your premises on Friday 11 September 2020 with Police Licensing and Environmental Protection Officers and spoke with yourself.

In my previous email you were informed of specific areas to improve in your business, provided with the relevant guidance and instructed to undertake/review a/your risk assessment in order to protect your staff and customers from the risk of COVID-19.

Although you had provided my colleague **REDACTED TEXT** with an updated risk assessment, it was noted that insufficient action had been taken following my advice and further improvements are needed within your business to protect staff and customers from COVID-19.

Also at the time of our visit it was witnessed that the intoxication level of some of your customers was unacceptable. There was vertical drinking and lack of social distancing of customers which was not being managed by you or your staff.

I also noted that you were still breaching your premises licence conditions:

Annex 2 – Conditions consistent with the Operating Schedule

For Public Safety:

2. To provide toughened glasses.

The outside tables were full of glasses and wine and beer bottles.

For the Prevention of Public Nuisance:

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

Your windows and doors were open with loud music coming from inside. It was very clear that the above condition was not being complied with.

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.

I also would like to remind you that it is an offence under S141of the Licensing Act 2003 to sell alcohol to a person who is drunk;

- (1) A person to whom subsection (2) applies commits an offence if, on relevant premises, he knowingly—
 - (a) sells or attempts to sell alcohol to a person who is drunk, or
 - (b) allows alcohol to be sold to such a person.
- (4) A person guilty of an offence under this section is liable on summary

Irrespective of the permission's 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.

In light of the above information, I am issuing you with a **Final Warning** in accordance with our Licensing Enforcement Policy.

Please note this Authority and Sussex Police have officers monitoring the City both day and night.

A copy of this email has also been sent to the Police Licensing, Environmental Protection Team and REDACTED TEXT

If wish discuss the above please contact me on REDACTED TEXT

Yours sincerely

REDACTED TEXT | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities

Brighton & Hove City Council 20d Floor Boyte Hoves Boyte Council 20d Floor Boyte Hoves Boyte Council 20d Floor Boyte Hoves Boyte Council 20d Floor Boyte Council

Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

REDACTED TEXT

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Rate your experience

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Protect yourself & others

For more information go to nhs.uk/coronavirus

APPENDIX E

From: REDACTED TEXT

Sent: 05 December 2020 16:31

To: REDACTED TEXT Cc: REDACTED TEXT

Subject: FINAL WARNING - Pascals Bistro Bar, 6 Queens Place, Second Avenue, Hove BN3 2LT -

2020/49244/COVIDC/EH

Importance: High

Dear Said Pascal Madjoudj

The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020
The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England)
Regulations 2020

Pascals Bistro Bar, 6 Queens Place, Second Avenue, Hove BN3 2LT

I am writing to you following a visit to your premises accompanied by colleagues from Police Licensing, PC REDACTED TEXT and REDACTED TEXT from Environmental Protection, on Wednesday 2 December 2020. At the time of our visit we witnessed that you were breaching the above Regulations. Whereby, you were not wearing a face coverings, which you have been advised about on previous visits.

By law, staff and customers of venues that provide food and drink will be required to wear a face covering in the following circumstances, unless they have an exemption.

Businesses must remind customers and staff to wear a face covering where required (for example by displaying posters).

Face Coverings - STAFF

It is compulsory for retail, leisure and hospitality staff to wear a face covering in areas that:

- are open to the public and;
- where they come or are likely to come within close contact of a member of the public.

This includes shops, supermarkets, bars, pubs, restaurants, cafes, banks, estate agents, post offices and the public areas of hotels and hostels.

The new requirement for hospitality staff to wear face coverings only applies to consumer-facing staff and not 'back of house' kitchens or office areas of hospitality premises. Staff working 'back of house' will only have to put on a mask if they move into public customer-facing areas of the business e.g. staff will need to wear a face covering when moving from the back kitchen into the seating area where customers may be present.

If businesses have taken steps in line with <u>Health and Safety Executive guidance for COVID-19 secure workplaces</u> to create a physical barrier between workers and members of the public then staff behind the barrier will not be required to wear a face covering. However, you are urged to discuss the installation of any screens/barriers with you inspecting officer before you spend money on something that may not be suitable.

Businesses already have legal obligations to protect their staff under existing employment law. This means taking appropriate steps to provide a safe working environment, which may include providing face coverings where appropriate, alongside other mitigations such as screens and social distancing Businesses should advise workers how to use face coverings safely.

Face Covering - CUSTOMERS

Customers must wear a face covering at all times when in premises providing hospitality (bars, pubs, restaurants, cafes), except when seated at a table to eat or drink.

Businesses should take reasonable steps to encourage customer compliance for example through in-store communications or notices at the entrance. If necessary, police can issue fines to members of the public for non-compliance. Businesses will not be required to provide face coverings for their customers.

Some people do not have to wear a face covering including for <u>health</u>, age or <u>equality reasons</u>. No one who is exempt from wearing a face covering should be denied entry if they are not wearing one.

For the full guidance see:

https://www.gov.uk/government/publications/face-coverings-when-to-wear-one-and-how-to-make-your-own/face-coverings-when-to-wear-one-and-how-to-make-your-own

I am so providing with guidance for Licensed Premises:

Restrictions on service of food and drink for consumption on the premises

- 13.—(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Tier 2 area that falls within paragraph 15(2) and which serves alcohol for consumption on the premises may sell food or drink for consumption on the premises only if
 - a) the food or drink is ordered by, and served to, a customer who is seated on the premises, and
 - b) the person takes all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.
- (4) For the purposes of this paragraph, a "table meal" is a meal eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purposes of a table.

Requirement to close businesses selling alcohol for consumption on the premises

- 14.—(1) A person responsible for carrying on a business of a public house, bar or other business involving the provision of alcohol for consumption on the premises must cease to carry on that business, unless subparagraph (2) applies.
- (2) This sub-paragraph applies if alcohol is only served for consumption on the premises as part of a table meal, and the meal is such as might be expected to be served as breakfast, the main midday or main evening meal, or as a main course at such a meal.
 - (3) For the purposes of sub-paragraph (1)—
 - (a) alcohol provided by a hotel or other accommodation as part of room service is not to be treated as being provided for consumption on its premises;
 - (b) an area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business), or which customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.
- (4) For the purposes of this paragraph, a "table meal" is a meal eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service
- of refreshments for consumption by persons not seated at a table or structure serving the purposes of a table.

In addition to this;

- you must not socialise with anyone you do not live with or who is not in your support bubble in any indoor setting, whether at home or in a public place
- you must not socialise in a group of more than 6 people outside, including in a garden or a public space this is called the 'rule of 6'.

• businesses and venues can continue to operate, in a <u>COVID-Secure</u> manner, other than those which remain closed by law, such as nightclubs.

The guidance states:

- pubs and bars must close, unless operating as restaurants. Hospitality venues can only serve alcohol with substantial meals.
- hospitality businesses selling food or drink for consumption on their premises are required to:
 - o provide table service only, in premises which sell alcohol.
 - o close between 11pm and 5am (hospitality venues in airports, ports, transport services and motorway service areas are exempt).
 - stop taking orders after 10pm.
- businesses that do not ordinarily serve food may enter into a contracting arrangement in order that they are able to do so and remain open. However, allowing customers to bring food into the premises that had been purchased elsewhere in order to consume alcohol remains prohibited.

As the legislation states that the alcohol is to be served 'as part of' the meal it is clear that the main purpose of frequenting the premises should be to have a main table meal and this should be a plated meal, served at a table. The alcohol is only 'part of it 'and therefore secondary to the meal.

The regulations are clearly not intended to allow a person to sit and drink multiple alcohol drinks for a much longer period either side of a meal being ordered and consumed.

Premises should only accept a drinks order alongside a food order, to prevent people ordering drinks but subsequently not ordering a meal. A drink ordered alongside food may be served in advance of it. The end of the meal is likely to be an appropriate time to stop taking orders of alcohol, although one further drink could be considered.

The regulations require the substantial meal to be ordered from and provided by the premises which is serving alcohol. It is not permissible for customers to order a takeaway to be delivered to a pub or bar, or to otherwise bring their own food into the premises: food must be ordered in the same transaction in which alcohol is purchased in order for the premises to be deemed to be operating as a restaurant.

If a pub/bar that has previously not had a food offer wants to transition providing a substantial meal itself, it will need to comply with legal requirements applying to food businesses. This would include Register a New Food Business (brighton-hove.gov.uk), with an inspection by a food safety team being part of that to check that the kitchen is capable of being used for that purpose. You will also need to comply with the guidance for Food Allergens (brighton-hove.gov.uk). There may also be planning considerations, depending on where and how the business intends to prepare food.

The amount of alcohol being served should be proportionate to the food being provided, and premises should not offer / customers should not expect that spending an unlimited amount of time in a pub or bar will be deemed compliant simply because some food has been provided. Meals should also not be artificially served, for example to fit within the natural breaks of a parallel event like a quiz or live performance as the meal must be the 'main activity'. Under the new Regulations, the purpose for the persons on site is for a main meal, alcohol and performances are secondary to the meal as the main activity because to be open you must be operating as a restaurant first and foremost.

The guiding principle in this must be the intention of the regulations, which is that alcoholic drinks should be secondary to the meal. Enforcement will be targeted at those premises which are clearly stretching things too far by allowing customers to stay well beyond the duration of a meal and in effect facilitating longer drinking sessions which present a greater COVID 19 transmission risk.

Making your establishment COVID-19 secure will make both your clientele and staff feel safer and will reduce the risk of closure and local lockdowns.

For further Covid-related advice and information you can visit our website at:

https://new.brighton-hove.gov.uk/coronavirus-covid-19

I must advise that if further breaches are witnessed, then enforcement will be taken.

Yours sincerely

REDACTED TEXT | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities

Brighton & Hove City Council, 2nd Floor, Bartholomew House, Bartholomew Square, Brighton BN1 1JP **REDACTED TEXT**

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Rate your experience

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APPENDIX F

From: Pascal Madjoudj REDACTED TEXT

Sent: 11 December 2020 13:16

To: REDACTED TEXT

Subject: Re: FINAL WARNING - Pascals Bistro Bar, 6 Queens Place, Second Avenue, Hove BN3 2LT -

2020/49244/COVIDC/EH

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

I am the new Bar manager. Please do not hesitate to give me an email or a call if you have any other concerns.

Kind regards,

REDACTED TEXT

On Thu, 10 Dec 2020 at 17:17, REDACTED TEXT wrote:

Dear REDACTED TEXT

Thank you for your response.

Could I please ask what your position is within Pascals Bistro Bar?

Many thanks

Regards

REDACTED TEXT | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities

Brighton & Hove City Council, 2^{nd} Floor, Bartholomew House, Bartholomew Square, Brighton BN1 1JP **REDACTED TEXT**

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From: Pascal Madjoudj REDACTED TEXT

Sent: 10 December 2020 16:37

To: REDACTED TEXT

Subject: Re: FINAL WARNING - Pascals Bistro Bar, 6 Queens Place, Second Avenue, Hove BN3 2LT -

2020/49244/COVIDC/EH

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear **REDACTED TEXT**

I am writing in response to your email, final warning notification. At Pascal's, we have been taking Covid 19 risk management very seriously as illustrated by our Covid risk assessment and rigorous implementation of control measures.

I have investigated the circumstances at the time of your visit and offer the following information. A member of our team, Mr Madjoudj had been sat at a table without a face covering whilst working. He then moved from the bar area, to behind the bar, again without a face covering, in breach of regulations. At the time, all other regulatory obligations were being met.

I have reminded all staff of the regulations and the seriousness of breaching regulations. To further reinforce guidelines, I will be briefing staff at the start of every shift.

Please be assured of our full attention to Covid compliance. Kind regards

REDACTED TEXT

On Sat, 5 Dec 2020 at 16:30, REDACTED TEXT wrote:

Dear Said Pascal Madjoudi

The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020
The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England)
Regulations 2020

Pascals Bistro Bar, 6 Queens Place, Second Avenue, Hove BN3 2LT

I am writing to you following a visit to your premises accompanied by colleagues from Police Licensing, PC **REDACTED TEXT** and **REDACTED TEXT** from Environmental Protection, on Wednesday 2 December 2020. At the time of our visit we witnessed that you were breaching the above Regulations. Whereby, you were not wearing a face coverings, which you have been advised about on previous visits.

By law, staff and customers of venues that provide food and drink will be required to wear a face covering in the following circumstances, unless they have an exemption.

Businesses must remind customers and staff to wear a face covering where required (for example by displaying posters).

Face Coverings - STAFF

It is compulsory for retail, leisure and hospitality staff to wear a face covering in areas that:

- are open to the public and;
- where they come or are likely to come within close contact of a member of the public.

This includes shops, supermarkets, bars, pubs, restaurants, cafes, banks, estate agents, post offices and the public areas of hotels and hostels.

The new requirement for hospitality staff to wear face coverings only applies to consumer-facing staff and not 'back of house' kitchens or office areas of hospitality premises. Staff working 'back of house' will only have to put on a mask if they move into public customer-facing areas of the business e.g. staff will need to wear a face covering when moving from the back kitchen into the seating area where customers may be present.

If businesses have taken steps in line with <u>Health and Safety Executive guidance for COVID-19 secure</u> <u>workplaces</u> to create a physical barrier between workers and members of the public then staff behind the barrier will not be required to wear a face covering. However, you are urged to discuss the installation of any screens/barriers with you inspecting officer before you spend money on something that may not be suitable.

Businesses already have legal obligations to protect their staff under existing employment law. This means taking appropriate steps to provide a safe working environment, which may include providing face coverings where appropriate, alongside other mitigations such as screens and social distancing Businesses should advise workers how to use face coverings safely.

Face Covering – CUSTOMERS

Customers must wear a face covering at all times when in premises providing hospitality (bars, pubs, restaurants, cafes), except when seated at a table to eat or drink.

Businesses should take reasonable steps to encourage customer compliance for example through in-store communications or notices at the entrance. If necessary, police can issue fines to members of the public for non-compliance. Businesses will not be required to provide face coverings for their customers.

Some people do not have to wear a face covering including for <u>health</u>, age or <u>equality reasons</u>. No one who is exempt from wearing a face covering should be denied entry if they are not wearing one.

For the full guidance see:

https://www.gov.uk/government/publications/face-coverings-when-to-wear-one-and-how-to-make-your-own/face-coverings-when-to-wear-one-and-how-to-make-your-own

I am so providing with guidance for Licensed Premises:

Restrictions on service of food and drink for consumption on the premises

- 13.—(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Tier 2 area that falls within paragraph 15(2) and which serves alcohol for consumption on the premises may sell food or drink for consumption on the premises only if
 - a. the food or drink is ordered by, and served to, a customer who is seated on the premises, and
 - b. the person takes all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.
- (4) For the purposes of this paragraph, a "table meal" is a meal eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purposes of a table.

Requirement to close businesses selling alcohol for consumption on the premises

- 14.-(1) A person responsible for carrying on a business of a public house, bar or other business involving the provision of alcohol for consumption on the premises must cease to carry on that business, unless subparagraph (2) applies.
- (2) This sub-paragraph applies if alcohol is only served for consumption on the premises as part of a table meal, and the meal is such as might be expected to be served as breakfast, the main midday or main evening meal, or as a main course at such a meal.
 - (3) For the purposes of sub-paragraph (1)
 - a. alcohol provided by a hotel or other accommodation as part of room service is not to be treated as being provided for consumption on its premises;
 - b. an area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business), or which customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.
- (4) For the purposes of this paragraph, a "table meal" is a meal eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service

of refreshments for consumption by persons not seated at a table or structure serving the purposes of a table.

In addition to this;

- you must not socialise with anyone you do not live with or who is not in your support bubble in any indoor setting, whether at home or in a public place
- you must not socialise in a group of more than 6 people outside, including in a garden or a public space this is called the 'rule of 6'.
- businesses and venues can continue to operate, in a <u>COVID-Secure</u> manner, other than those which remain closed by law, such as nightclubs.

The guidance states:

- pubs and bars must close, unless operating as restaurants. Hospitality venues can only serve alcohol with substantial meals.
- hospitality businesses selling food or drink for consumption on their premises are required to:
 - o provide table service only, in premises which sell alcohol.
 - close between 11pm and 5am (hospitality venues in airports, ports, transport services and motorway service areas are exempt).
 - stop taking orders after 10pm.
- businesses that do not ordinarily serve food may enter into a contracting arrangement in order that
 they are able to do so and remain open. However, allowing customers to bring food into the
 premises that had been purchased elsewhere in order to consume alcohol remains prohibited.

As the legislation states that the alcohol is to be served 'as part of' the meal it is clear that the main purpose of frequenting the premises should be to have a main table meal and this should be a plated meal, served at a table. The alcohol is only 'part of it 'and therefore secondary to the meal.

The regulations are clearly not intended to allow a person to sit and drink multiple alcohol drinks for a much longer period either side of a meal being ordered and consumed.

Premises should only accept a drinks order alongside a food order, to prevent people ordering drinks but subsequently not ordering a meal. A drink ordered alongside food may be served in advance of it. The end of the meal is likely to be an appropriate time to stop taking orders of alcohol, although one further drink could be considered.

The regulations require the substantial meal to be ordered from and provided by the premises which is serving alcohol. It is not permissible for customers to order a takeaway to be delivered to a pub or bar, or to otherwise bring their own

food into the premises: food must be ordered in the same transaction in which alcohol is purchased in order for the premises to be deemed to be operating as a restaurant.

If a pub/bar that has previously not had a food offer wants to transition providing a substantial meal itself, it will need to comply with legal requirements applying to food businesses. This would include Register a New Food Business (brighton-hove.gov.uk), with an inspection by a food safety team being part of that to check that the kitchen is capable of being used for that purpose. You will also need to comply with the guidance for Food Allergens (brighton-hove.gov.uk). There may also be planning considerations, depending on where and how the business intends to prepare food.

The amount of alcohol being served should be proportionate to the food being provided, and premises should not offer / customers should not expect that spending an unlimited amount of time in a pub or bar will be deemed compliant simply because some food has been provided. Meals should also not be artificially served, for example to fit within the natural breaks of a parallel event like a quiz or live performance as the meal must be the 'main activity'. Under the new Regulations, the purpose for the persons on site is for a main meal, alcohol and performances are secondary to the meal as the main activity because to be open you must be operating as a restaurant first and foremost.

The guiding principle in this must be the intention of the regulations, which is that alcoholic drinks should be secondary to the meal. Enforcement will be targeted at those premises which are clearly stretching things too far by allowing customers to stay well beyond the duration of a meal and in effect facilitating longer drinking sessions which present a greater COVID 19 transmission risk.

Making your establishment COVID-19 secure will make both your clientele and staff feel safer and will reduce the risk of closure and local lockdowns.

For further Covid-related advice and information you can visit our website at:

https://new.brighton-hove.gov.uk/coronavirus-covid-19

I must advise that if further breaches are witnessed, then enforcement will be taken.

Yours sincerely

REDACTED TEXT | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities

Brighton & Hove City Council, 2^{nd} Floor, Bartholomew House, Bartholomew Square, Brighton BN1 1JP **REDACTED TEXT**

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We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

Rate your experience

We are committed to providing you services in accordance with our <u>Customer Promise</u>.

Please <u>tell us about your experiences</u> of using Brighton & Hove City Council services. It will take no longer than 5 minutes to complete.

CORONAVIRUS - WASH YOUR HANDS MORE OFTEN FOR 20 SECONDS Use soap and water or a hand sanitiser when you:

- Get home or into work
- Blow your nose, sneeze or cough
- · Eat or handle food



Protect yourself & others

For more information go to nhs.uk/coronavirus

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APPENDIX G

Dear Said Pascal Madjoudj

The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 Pascals Bistro Bar, 6 Queens Place, Second Avenue, Hove BN3 2LT

I am writing to you in your capacity as the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) for the above premises following a visit by Sussex Police on 15 April 2021. We have been advised that you were allowing persons inside your restaurant, eating and drinking whilst seated at tables. This contravenes the above Regulations.

In relation to a breach of a Step 2 restriction imposed by regulation 7 and Part 2 of Schedule 2, paragraph 9(1) (Restrictions on service of food and drink for consumption on the premises - applies to business or service listed in paragraph 13(4), or is carried on from, or provided at, premises of a kind specified in paragraph 13(4)):

- Failed, without reasonable excuse, to close the premises, or part(s) of the premises, in which food or drink are provided for consumption on the premises; and/or
- Failed, without reasonable excuse, to cease providing food or drink for consumption on the premises
- Failed, without reasonable excuse, to cease carrying on a business/providing a service other than as permitted by paragraph 9(2)(a), 9(2)(b), or the exceptions listed in paragraphs 10 and 11

Please note the penalties for not complying with the above regulation which would apply in this case.

Amount of Penalty and period to pay

In the case of a fixed penalty notice issued in respect of a business restriction offence, the amount of the fixed penalty to be specified under regulation 12(5)(c) is—

- a) £1,000, if the fixed penalty notice is the first one issued to the person in respect of a business restriction offence;
- b) £2,000, if the fixed penalty notice is the second one issued to the person in respect of a business restriction offence;
- c) £4,000, if the fixed penalty notice is the third one issued to the person in respect of a business restriction offence;
- d) £10,000, if the fixed penalty notice is the fourth one, or any subsequent one, issued to the person in respect of a business restriction offence.

All businesses have a legal requirement to carry out a Covid risk assessment before opening. In the risk assessment you need identify control measures relating to Covid-19 and your operation. Risk assessments must be specific to your operation and they may differ from others. You may need to implement or think about other risks and control measures specific for your business.

I need to remind you that Covid-19 is highly contagious (a biological hazard) and is captured by the Health and Safety at Work etc Act 1974. You therefore have a duty to protect the health and safety of staff and customers at all times.

The government has issued guidance on social distancing and extra vigilance over personal hygiene and we advise that you and your staff comply with government guidance to ensure a 2m distance is kept between each other and customers at all times.

If you fail to take action to safeguard yourself, your staff and your customers and we assess the risk as unacceptable then we have the power to take formal action to make you comply and if necessary, we can stop you trading.

Please be advised that follow up visits will be carried out.

Regards

REDACTED TEXT| Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities

Brighton & Hove City Council, 2nd Floor, Bartholomew House, Bartholomew Square, Brighton BN1 1JP REDACTED TEXT

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- Blow your nose, sneeze or cough
- Eat or handle food

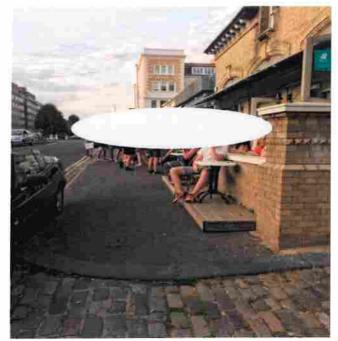


Protect yourself & others

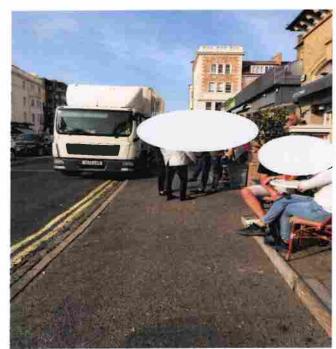
For more information go to nhs.uk/coronavirus

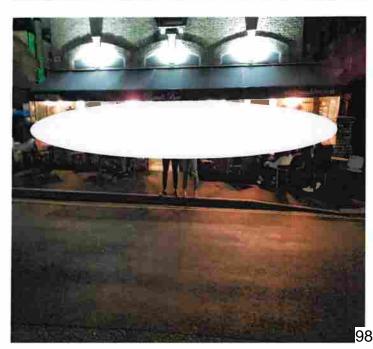
APPENDIX H













APPENDIX E



Regulatory Services Bartholomew House Bartholomew Square Brighton BN1 1JP

REDACTED TEXT

Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 IJP

Date: 6 July 2021

Our Ref:

Contact: REDACTED TEXT
Phone: REDACTED TEXT

Email: REDACTED TEXT

JO CON ENDS 09.07.21 VALID PS (C)

Dear REDACTED TEXT

Licensing Act 2003

Representation in support of an application by Sussex Police seeking a review of the Premises License - 2021/01792/LAREV Pascals Bistro Bar. 6 Queens Place, Hove BN3 2LT

I write to make a representation on behalf of the Council's Food, Health and Safety 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 Pascals Bistro Bar, 6 Queens Place, Hove BN3 2LT.

This representation is made as the Food, Health and Safety Team have concerns that the licensing objective of the Public Safety is not being upheld.

The history of this matter is explained in more detail in the application of Sussex Police.

On 4 August 2020, following complaints received from local residents and visit by **REDACTED TEXT** Licensing Officer I phoned restaurant, now called Pascal's Bar. I was informed that Pascal Madjoudj, the owner was away **REDACTED TEXT** for 3 days. The new manager, **REDACTED TEXT** advised that a Covid Risk Assessment had been carried out. Following this conversation, I sent an email requesting a copy of the Covid risk assessment. On receipt of the risk assessment further email was sent with my comments on and asking for a revised version by 12 August 2020. Copies of email correspondence and risk assessment can be seen at Appendices A, B and C.

If requested by a third party under the provisions of the **Freedom of Information Act 2000** the contents of this letter may be disclosed by Brighton & Hove City Council. For further advice please contact (01273) 291207 or search our website on www.brighton-hove.gov.uk/foi

Telephone: 01273 290000 www.brighton-hove.gov.uk

On 12 August 2020, as no revised risk assessment had been received, I visited the premises. At the time of this visit I spoke with Pascal Madjoudj, and discussed cleaning, hygiene and the risk assessment. Pascal Madjoudj telephoned **REDACTED TEXT** and informed me that I would receive the risk assessment in the next 2 days.

On 20 August 2020, a further email was sent to Pascal Madjoudj, following another visit by **REDACTED TEXT** and her findings at time of visit. A copy of this email can be seen at Appendix D.

On 21 August 2020, I received an email from **REDACTED TEXT** with the updated risk assessment. A copy of this email and documents and my response can be seen at Appendices E, F, G and H.

Following a further visit by **REDACTED TEXT** and her findings at time of visit, a further email was sent to Pascal Madjoudj on 16 September 2020. A copy of this email can be seen at Appendix I.

On 17 September 2020, I served an Improvement Notice on Pascal Madjoudj and the premises. Copies of correspondence and Improvement Notice can be seen as Appendices J, K, L, M and N.

Based on my previous interactions with Pascal Madjoudj and the premises, I have little confidence in either the owner or any individuals who are running the premises.

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 Public Safety are met.

Yours sincerely

REDACTED TEXT

REDACTED TEXT

Senior Technical Officer

Appendices A, B, C - Copies of email correspondence and risk assessment

Appendix D – Copy of email dated 20 August 2020

Appendices E, F, G, H – Copy email and documents 21 August 2020

Appendix I – Email sent dated 16 September 2020

Appendices J, K, L, M, N - Email sent, and Improvement Notice dated 17 September 2020

Appendix A

From: REDACTED TEXT Sent: 05 August 2020 15:20

To: REDACTED TEXT Cc: REDACTED TEXT

Subject: FW: Pascal's Bar - Covid-19 Risk Assessment with comments

Dear REDACTED TEXT

I have now read through your Risk Assessment and attach a version with my comments. I understand that the original document was produced by **REDACTED TEXT** for their sites and that you have tweaked it for Pascal's Bar (previously La Fourchette). However, it needs to be made specific to Pascal's Bar and it requires much more detail on the Covid-19 control measures that you have put in place.

Since we spoke yesterday, I have been sent a photo taken in the evening on Saturday 1st August 2020 outside the premises, showing a densely packed terrace, and a large crowd of people spilling out onto the pavement and into the road. These people are all very close together and so there is a very high risk of spreading Coronavirus. This situation is unacceptable and must not be repeated. Some people clearly have bottled drinks in their hands and they are obstructing the public highway. I understand that my colleague in Licensing has written to Pascal about this.

I understand that the changes you have made since you started work include going over to table service only, which will help alleviate some of the problems. However, it is essential that you complete the Risk Assessment fully and put all necessary controls in place to stop the virus spreading. Being 'Covid Secure' will protect the staff, customers and the business. I expect that you and Pascal are aware of the potential consequences for the business if there was an outbreak linked to the restaurant, with possible formal closure being something that I am sure you would wish to avoid. I appreciate that you have made changes and it's good that you are willing to do more. I also attach a Toolkit which includes on Page 2 a link to a template Risk Assessment, showing all the areas you need to consider. I hope this is helpful, along with my comments on additional detail required. Please contact me to discuss if it's unclear.

Please send me a copy of your revised Risk Assessment by 12 August 2020.

Once completed, you must share your Risk Assessment with your staff and let customers know you have completed it and have safety measures in place. Details of how to do this and a poster you can display to tell customers are on Page 11 of the restaurant guidance:-

https://assets.publishing.service.gov.uk/media/5eb96e8e86650c278b077616/working-safely-during-covid-19-restaurants-pubs-bars-takeaway-090720i.pdf

You will see from the list of revisions at the start of the guidance that it is constantly being updated as we learn more about Coronavirus, so it's important that you regularly check for updates.

I have copied this email in to the restaurant, but In case I get another bounceback from **REDACTED TEXT** please can you provide me with an alternative working email address for Pascal as I need to write to him? Alternatively, please can you forward this email on to him and ask him to reply to me?

Many thanks for your help. Please contact me if you have any questions or need further guidance. Best to email me and I will then phone you.

Kind regards,

REDACTED TEXT

Food Safety Team, Environmental Health & Licensing Public Health, Brighton & Hove City Council Bartholomew House, Bartholomew Square Brighton, BN1 1JP

Tel: REDACTED TEXT

www.brighton-hove.gov.uk/foodsafety

My working days are Monday to Thursday

CORONAVIRUS

Keep your business safe by following social distancing guidelines:https://www.hse.gov.uk/coronavirus/social-distancing/index.htm

WASH YOUR HANDS MORE OFTEN FOR 20 SECONDS Use soap and water or a hand sanitiser when you:

- Get home or into work
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- Eat or handle food



Protect yourself & others

For more information go to nhs.uk/coronavirus

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From: REDACTED TEXT Sent: 04 August 2020 17:08

To: REDACTED TEXT

Subject: Re: Pascal's Bar - Covid-19 Risk Assessment and table spacing

Hi REDACTED TEXT

Thanks for the Risk Assessment, I've had a quick look at it but will have a proper read through tomorrow and email you my comments. It is important that it is site-specific though, and includes details of all the Covid-19 controls that you have put in place in the restaurant.

Thanks for confirmation about the name change and ownership.

I will be in touch again soon.

Kind regards,

REDACTED TEXT

Food Safety Team, Environmental Health & Licensing Public Health, Brighton & Hove City Council Bartholomew House, Bartholomew Square Brighton, BN1 1JP

Tel: REDACTED TEXT

www.brighton-hove.gov.uk/foodsafety

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From: REDACTED TEXT

Sent: Tuesday, August 4, 2020 4:51:11 PM

To: REDACTED TEXT

Subject: Re: Pascal's Bar - Covid-19 Risk Assessment and table spacing

Hi REDACTED TEXT

Please find attached Risk assessment I've put together.

It is still running by the same company but it's being renamed and branded to Pascals Brasserie. But the owners ect are the same. Please let me know if you have any other concerns. Which I can implement to sort out.

REDACTED TEXT

On 4 Aug 2020, at 16:12, **REDACTED TEXT** > wrote:

Dear REDACTED TEXT

It was good to talk to you, I'm pleased to hear that you have completed a Risk Assessment and that the table spacing has now been sorted out. You also mentioned that the number of tables has been reduced, the outside ones changed to seat 4s now, table service and no more standing at the bar and that you have hand sanitisers in place.

I would be pleased to receive a copy of the Risk Assessment.

Also, if you could confirm that the name of the business has changed from La Fourchette to Pascal's Bar, I will update our records, thank you. Is the company running the business still La Fourchette Brasserie Ltd or has that changed as well? If it's changed, I may need Pascal (or someone else) to fill out a new Food Business Registration Form.

Many thanks for your help.

Kind regards,

REDACTED TEXT

Food Safety Team, Environmental Health & Licensing Public Health, Brighton & Hove City Council Bartholomew House, Bartholomew Square Brighton, BN1 1JP

REDACTED TEXT

www.brighton-hove.gov.uk/foodsafety

My working days are Monday to Thursday

CORONAVIRUS

Keep your business safe by following social distancing guidelines:https://www.hse.gov.uk/coronavirus/social-distancing/index.htm

WASH YOUR HANDS MORE OFTEN FOR 20 SECONDS Use soap and water or a hand sanitiser when you:

- Get home or into work
- Blow your nose, sneeze or cough
- Eat or handle food

<image001.jpg>

Protect yourself & others

For more information go to nhs.uk/coronavirus

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HAZAROS	RISK TO WHOM DEGREE OF RISK		ADDITIONAL COMMENTS ON SITE SPECIFIC CONTROLS	
Before Work:			REDACTED TEXT	
Staff Knowledge			How do you keep a record of this training/briefing?	
		training and briefing done with team members Pre arrival symptoms check	REDACTED TEXT How will you do this? Include the symptoms in this document, ie new	
Arriving to work	Staff - HIGH	Travel to work - assess per individual All staff to follow guidance on public transport and stagger shifts to avoid public transport at peak times Cycle to work preffered. Is there a safe space for bikes to be locked up securely?	continuous cough, fever, change/loss of taste or smell	
		Walking for those live near -		
Protected Characteristics		We will understand and take into account individual's particular circumstances	You also need to consider the mental health and wellbeing of all your staff	
On Arrival:			and how you will provide support & information	
Spread of infection	Staff/Customer HIGH	Keturn to work Health Questionnaire & Advice	REDACTED TEXT Do you have posters on	
Outside clothes		Everyone to wash hands on arrival and use hand sanitise? Remove out of work clothes - change to uniform/work clothes on site Designated staff area for bags, clothes etc and staff	display reminding people about washing hands, not to come in if they have symptoms and other precautions?	
contamination		<u> </u>	kept in office	
Induction:				
Spread of infection	Staff/Customer · HIGH	On site training:	REDACTED TEXT How will you ensure staff can take customers' orders	
		New service measures explained and demonstrated: Roles: Floor, host, bar, cleaning, table service Run through H&S measures & risk assessments Cleaning products refresher - COSHH	safely? 2m distancing or other measures, eg face masks/visors for waiting staff? Avoid sharing pens and order pads.	
		Distancing measures & Expectations Caring for your colleague & customer training Hygiene and cleaning measures expectations Designated roles and clean down before and after shift swaps	meeting on Friday with te	
Ouring Work:				
Staff Knowledge	Staff/Customer - HIGH	Daily briefing:		
		Changes to health questionnaire Changes to service measures Changes risk assessment What your role is today Hygiene and cleaning measures	REDACTED TEXT Have you considered additional Personal Protective Equipment	
Medical Conditions		Staff who have pre-existing conditions or living with people who do to take the safest available roles	(PPE) such as gloves for cleaning and face masks to protect each other and customers (where	
Breaks	Staff/Customer - HIGH	Encouraged outside or in designated areas Staggered with other shift members Wash sanitise hands on return	2m distance can't be maintained)? Safe disposal of used PPE?	
Ising the toilet	Staff/Customer - HIGH	Employees able to skip queue if no staff toilet in place. Toilet check to take place at the same time - clean as you	REDACTED TEXT Remember it's not just	
pread of infection	Staff/Customer -	go	cleaning, but disinfection too, using a suitable disinfection too, using a suitable disinfectant that also kills viruses, paying particular attention to hand-contact points and also surfaces such as table tops	
hrough surfaces	HIGH	Hygiene and Cleaning: Sanitiser stations and regular handwashing Checklist reminders for frequent cleaning schedule Clean as you go in shared staff areas		
pread of infection	Staff/Customer - HIGH	If staff feel unwell, staff should follow isolation measures. If difficulty breathing 111 should be contacted. Ops Manager should be contacted.		
fter Work:		e Ma		
oread of infection		Post shift review with all team members Staff informed to wash their work clothes at a minimum temperature of 60 degrees.		

APPENDIX B – STAFF, CUSTOMER, PREMISES, KITCHEN

HAZARDS	RISK TO WHOM/ DEGREE OF RISK	CONTROLS AND PRECAUTIONS ADDITIONAL COMMENTS ON SITE SPECIFIC CONTROLS
Before Arrival:		REDACTED TEXT
Overcrowding		Customers encouraged to use booking system to minimise queueing outside. Customers given time-slot to help manage crowds Where will take-away customers queue/wait? Is it clear where to go? S How are you keeping customer records for NHS Test & Trace?
On Arrival:		
Spread of infection	Customers/Staff	Sanitiser station on arrival with signage asking
Spread of Infection	- High	customers to use when entering
Keeping a sofe social distance		Clear instructional signage of new service procedures by entrance and queueing Directional signage - queueing system Host support during peak times Customers asked not to move furniture around REDACTED TEXT Barriers? Floor markers to keep 2m apart? REDACTED TEXT Signs on tables or menus? Staff aware of layout and positioning of
Disabilities		tables and chairs when putting them out each day, or putting back after re-arranging them for bigger groups? Maybe draw out a layout plan. Queues where possible will be wheelchair accessible and customers with disabilities will be attended to on an individual basis
During Visit:	***************************************	
Keeping a safe social distance to limit soread of infection	Customers/Staff - High	Full Table service where possible via KC with instructions on table to how to use with staff support table service in inside area outside and takeaway at bar
		Clear signage and queue system if order at the bar Social distancing measures and directional flow and signage Food and drink brought to table on tray or glasses handled from the bottom 1/3 of glass Tray on table server steps back / or area on table to place glasses down Same process for clearance REDACTED TEXT REDACTED TEXT
Condiments		Condiments prepared per order into individual ramekins REDACTED TEXT Is this what you do? Other options are mentioned elsewhere in this document.
Toilets	Customers/Staff - High	Limited number of people in toilet per use dependant on amount of toilets and entrance/exit space ladies z at a time gents/uisable ± at a time. Ormais one are Toilet queing system and clear signage - host to assist
Customer Conflict	Customers/Staff - High	Customers not respecting social distance will be asked politely to leave Pets are asked to be kept on leads Children running around asked to stay at family table unless accompanied by adult to toilet No Childrens entertainment (colouring etc) to be supplied, customers are asked to bring their own THE REDACTED TEXT No group singing or build amplified music either, so that customers don't group singing or build amplified music either, so that customers don't group singing or build amplified music either, so that customers don't group singing or build amplified music either, so that customers don't group singing or build amplified music either, so that customers don't group singing or build amplified music either, so that customers don't group singing or build amplified music either, so that customers don't group singing or build amplified music either, so that customers don't group singing or build amplified music either, so that customers don't group singing or build amplified music either, so that customers don't group singing or build amplified music either, so that customers don't group singing or build amplified music either, so that customers don't group singing or build amplified music either, so that customers don't group singing or build amplified music either, so that customers don't group singing or build amplified music either, so that customers don't group singing or build amplified music either, so that customers don't group singing or build amplified music either, so that customers don't group singing or build amplified music either, so that customers don't group singing or build amplified music either, so that customers don't group singing or build amplified music either, so that customers don't group singing or build amplified music either group singing or build amp
Accidents, security and other incidents	Customers/Staff - High	In an emergency, for example, a fire or break-in, people do not have to stay 2m apart if it would be unsafe. People involved in the provision of assistance to others should pay particular attention to sanitation measures immediately afterwards, including washing hands
After Visit:		<u> </u>
Spread of infection	Customers/Staff - High	Thorough and regular hygiene and cleaning processes Sanitising table and chairs between each use

HAZARDS	RISK TO WHOM/ DEGREE OF RISK	CONTROLS AND PRECAUTIONS	ADDITIONAL COMMENTS ON SITE SPECIFIC CONTROLS
Before Opening:	Staff/Ctam		
Business ready to open safely	Staff/Customers -HIGH		
_,,,		Daily manager walk-around: posters, signage etc,	
		sanitiser stocked, PPE, IT Check	
Equipment safety	Staff/Customers	Re-starting equipment - check safe to use, statutory	
Equipment sujety	-HIGH	certs reinstated	
		Adjusted Capacity Calculation based on number of seats	i
	m. cc/m	in remaining in the business. Table layout will be done allowing space for social distance and walkways for staff	:
Overcrowding	Staff/Customers -HIGH	and customers. As there will be no vertical drinking,	62 inside plus 26 on terrace
	-nign	capacity will be calculated entirely from seats. Excess	REDACTED TEXT
		furniture will be removed.	If no screens and less than 2m between customers seated at
		As spacing of furniture is maintained to Gov. guidelines	tables, you need to state what
		on social distancing, the duty manager/host will manage	other mitigation you have in place and how it is managed
		the seating arrangements so we can assess that screens	and maintained
		are not essential between tables. This also applies to	full table service inside on
		screens at bars. If we are to operate fully by table	
		service, no one will be at the bar for extended periods	
		contact time so no screens necessary.	REDACTED TEXT
		Business lay out with new service journey - including	You need to clearly state exactly what the controls
		distancing measures, floor plans, directional signage,	are in your business - this
		clear queueing system, no pinch points and no vertical	Risk Assessment need to be site-specific rather
		drinking	than generic
		Moving furniture to allow for easiel distancing massures	
Moving Furniture -	Staff/Curtamor-	Moving furniture to allow for social distancing measures excess furniture to be put in storage. Any staff moving	•
Лoving Furniture - Лanual Handling	Staff/Customers -HIGH	furniture must have completed Manual Handling	
vianuai Hanaiing	-nign	training	REDACTED TEXT
		Table plan and distancing measures	Again, be specific about
		•	A REDACTED TEXT
	Staff/Customers	Flush through water systems for 3-5 minutes before use	Please email me a copy of
.egionaires	-HIGH	and temperature checks Opening Checklist	your Opening Checklist
			REDACTED TEXT
	Rick of Statutory	No items (or queueing) will be placed on public highway	Where will customers queue and how will you
	notices and	if avoidable, if items are put on highway, they will be	keep them distant from
Public Highway	closure -	placed to ensure they do not reduce pavement space	people dining on the
	MEDIUM	that prevents the public from social distancing	REDACTED TEXT
			Are you allowing any
		Karana aka kusimasa alkasatad annaa and not ancroach	walk-ins or do all customers have to book
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During Opening: Maintaining Social Distance Maintaining Social Distance and Distance and Distance and Deliveries Deliveries	Staff/Customers -HIGH Staff/Customers -HIGH Staff/Customers -HIGH Staff/Customers -HIGH Staff/Customers -HIGH Risk of Statutory notices and closure - MEDIUM	each other and be clearly marked out with tape. Duty Manager/Host will limit number of people entering the premises in line with reduced capacity calculation. Visitors - sign in, by appointment, service workers not during busy times, washing hands on arrival Toilets - frequent cleaning, signage, staggered queing, considered with service flow Queues - clear markings, signage, no pinch pointes, considered with flow of service and toilet queues Consider neighbours, other businesses and passers by when managing queues and crowd dispersal Service and payment areas where table service not poss Stagger staff use - one at a time in cellar, office, dry store and walk in fridge freezers Areas to be divided up by job role to limit spread between staff Clean as you go rule, equipment, door handles etc Bar work stations: spacing for side by side working, reduce close working as much as possible, set job roles and shift patterns to particular areas on site Maintain social distance with delivery drivers & deliveries put away promptly into correct area delivery will be before business opens Keeps doors and windows open where possible Keep internal doors open (unless fire door) to minimise touch points	terrace? How will you ensure that customers don't socialise with other people outside of their household/bubble/group booking? REDACTED TEXT You must also ask visitors to confirm that they have not had any Covid symptoms or been in meaning the second of
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HAZARDS	RISK TO WHOM/ DEGREE OF RISK	CONTROLS AND PRECAUTIONS	ADDITIONAL COMMENTS ON SITE SPECIFIC CONTROLS
Before Opening:			
Business ready to open safely	Staff/Customers -HIGH	Follow normal Trail procedures, plus extra Covid daily checklists by shift leader covering: cleaning product stocks, frech whites for staff, workstation shift plan, staff health checks, signage in place.	REDACTED TEXT Do you use the Trail system? I thought this was just for REDACTED TEXT Co premise Do you provide fresh whites REDACTED TEXT
Uniform	Staff/Customers -HIGH	CPL Training completed before return to work Staff to change into uniform in business and asked to only bring minimum personal belongings	Again, is CPL just the system that REDACTED TEXT use? What training have you given your staff in Covid measures?
Whilst Open:		, and an extended a second many	Records of this training?
Overcrowding	Staff/Customers -HIGH	Allowing kitchen access to as few people as possible. Putting teams into shifts to restrict the number of workers interacting with each other. Spacing workstations apart as much as possible, recognising the difficulty of moving equipment such as sinks, hobs and ovens.	REDACTED TEXT How do you keep kitchen staff separate from bar staff and floor staff? REDACTED TEXT How have you done this in your kitchen? It's really narrow.
		Using 'one way' traffic flows to minimise contact. Minimising access to walk-in pantries, fridges and freezers, for example, with only one person being able to access these areas at one point in time.	REDACTED TEXT Is this marked out, if so, how? REDACTED TEXT Do you have a walk-in pantry? Make this site- specific to your business.
Contact	Staff/Customers -HIGH	Minimising contact at 'handover' points with other staff, such as when presenting food to serving staff and delivery drivers. Continuing high frequency of hand washing throughout the day. Asking workers to wash hands before handling plates and takeaway boxes.	Explain exactly how you do this.
Breaks	Staff/Customers -HIGH	Minimising interaction between kitchen staff and other workers, including when on breaks.	REDACTED TEXT How do you do this?
Touch points and general hygiene	Staff/Customers -HIGH	Increase cleaning frequency to existing cleaning procedures. Pay close attention to surfaces, touch points and utensils	REDACTED TEXT As before, they need disinfecting with a product that kills viruses
Condiments etc	Staff/Customers -HIGH	Providing only disposable condiments or cleaning non- disposable condiment containers after each use. Or use ramekins to dispnse per use.	REDACTED TEXT So which of these do you actually do?
Menus	Staff/Customers -HIGH	Display menus on boards and or laminated menus or disposing of paper menus aftereach use. Any changes to existing menus require allergen list	REDACTED TEXT Again, which of these do you actually have in place? Disposable menus are the safest.
Handover	Staff/Customers -HIGH	Full clean down at shift handovers, phones, touch points	REDACTED TEXT Clean and disinfect, using product which kills viruses

Considerations for restairting your business safely

Version



The Better Business for All (BBfA) partnership has used their knowledge and expertise to bring together resources from trusted organisations to help guide you through the main considerations for restarting your business safely. This Covid-19 Toolkit provides useful documents such as a risk assessment template and action plan, business checklists and useful guides to help you. In addition to considerations suggested in this Toolkit, please ensure you also keep up to date with current Government guidelines relevant to the control of

Your first question should be can I open?

Check if you are on the list of premises that can open-Click Here

Prior to re-opening:

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If you cannot open yet, you should still start considering the risks and controls required to be in place once you are allowed to open.

Conduct a risk assessment specific to your business and complete the 'COVID secure' checklist (If you have 50 or more employees this should also be published on your website)

This Better Business for All (BBfA) COVID-19 Tool Kit will help guide you to restarting your business safely.

Delivered in Partnership





COVID-19 Tool Kit

Considerations for restarting your business safely

(Version 1)



gov.uk, Food Standards Agency . The aim is that businesses will find the template checklists, action plan, and documents of practical use when re-opening. This toolkit has been collated from current government guidance by staff across the BBFA partnership. Sources include, CIEH, Food Innovation Wales,

NOTE: The checklists contain examples of relevant controls based on current guidance. Although these should help give you some direction you should amend and add controls that are relevant to your specific business having completed your risk assessment.

Please click on the link in the table to view and download the document.

actifon.	1 Risk Ass	Section 1 Risk Assessment and Action Plan	nin	
ssue Vo.	Issue Date	Document title (click to download)	Purpose	Relevant Guidance Links
	20/05/20	COVID-19 Risk Assessment	A template Risk Assessment form for you to complete to record the controls you have in place to prevent the spread of coronavirus at the workplace. Use in conjunction with the action plan document to record your findings and actions required	Risk Assessment(HSE) Working Safely during Coronavirus A Short Guide (HSE) Talking with your workers about preventing coronavirus (HSE) Working Safely during coronorvirus (GOV.UK) Covid Secure Poster
	20/02/20	5 Steps to Working Safely	5 steps to working safely will help you consider what to focus when carrying out your risk assessment.	
	20/05/20	Action Plan	A supplementary document to record all of the actions you need to carry out as a result of your risk assessment. Use this alongside the risk assessment if required.	

Page 3 of **6**

COVID-19 Tool Kit

Considerations for restarting your business safely

(Version 1)



Section	2 Revinin	Section 2 Return to Work- Staff, Visitors, Customers	. Customers	
Issue No,	Ssue Date	Document title (click to download)	Purpose	Relevant Guidance Links
>	20/05/20	Staff Checklist	A restart checklist to help you ensure your staff remain well and fit to work. Including consultation, recognition of additional training needs and management of hygiene requirements in the workplace.	Protecting Home Workers (including Display Screen Equipment) (HSE) Mental Health (CIEH) Shielding of those most Vulnerable to COVID-19 Guidance for pregnant women
۸1	20/05/20	Travel to Work	Matters requiring consideration for people who need to travel to and from work in vehicles and on public transport.	Gov UK Travel Guidance
۲۸	20/05/20	Staff Handbook	We have started a staff handbook for you. This is to help communicate the main changes you have put in place following your COVID-19 risk assessment. It should include any new instructions staff need to follow.	NHS Guidance
۸1	20/05/20	Personal Protective Equipment overview	The personal protective equipment overview gives a summary of the government guidance of the use of PPE to protect against COVID-19 outside of health care settings. This is being constantly reviewed. Please keep up to date with the latest guidance.	BSI guide to masks and face coverings for use in the UK during the COVID-19 pandemic.pdf BSIF CE Certificate Checklist for PPE.pdf
7	20/05/20	Customer Checklist	A restart checklist to help you ensure customer access and social distancing controls are in place.	
5	20/02/20	Visitors Guide	We have started a visitor guide to help you communicate any controls you have put in place to contractors and visitors coming into your business	

COVID-19 Tool Kit

Considerations for restarting your business safely

(Version 1)



Section	3 Return	Section 3 Return to Work- Premises and Utilities	l Utilities	
Ssue No.	Issue Date	Document title (click to download)	Purpose	Relevant Guidance Links
V	20/05/20	Building Services and Utilities Checklist	Checklist to help identify and record checks on water, gas etc necessary for a business that has been closed for a period of time.	
7	20/05/20	Legionella Checklist	Checklist to record actions taken on your hot and cold water systems. NOTE: Not suitable for larger businesses	CIEH Legionnaire's disease Guide to Legionella and Legionnaires disease
>	20/05/20	Work Area Checklist	This checklist will help you consider the management of social distancing in your workplace	Guidance on Social Distancing HSE Posters Limiting the number of Customers Keep 2m Distance when Queueing Keep 2m Distance
۸1	20/05/20	<u>Site Plan</u>	The aim of the site plan is to provide an overview of all the locations within the site and the movements of products, materials and people and hints and tips for safe working practices.	

Section 4 Return to Work- Personal Hygiene and Cleaning Issue Bocument title Purpose No. Date Click to download V1 20/05/20 Cleaning and Personal Hygiene Checklist Purpose Hygiene Checklist COVID-19 controls.				
to Work- Personal Hygiene and Cleaning Document title (click to download) Cleaning and Personal Hygiene Checklist COVID-19 controls.				
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Better Business for All A local partnership between Businesses and Regulatory Services to promote growth		Relevant Guidance Links	Posters and Social Media messaging https://coronavirusresources.phe.gov.uk/	
our business safely (Version 1)	19 checks	Purpose	A self-audit to record measures you have identified in your risk assessment remain in place and to	record any corrective actions.
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Section 6 Guidance for specific types of work

Visit Working Safely during coronorvirus (GOV.UK) for guidance on specific types of work to assist with your risk assessment and consideration of appropriate COVID-19 workplace controls for:

- Construction and other outdoor work,
 - Factories, plants and warehouses,
 - Labs and research facilities,

 - Offices and contact centres, Other people's homes,
- Restaurants offering takeaway or delivery, 4. 7. 9. 7. 8.
 - Shops and branches, and
- Guidance for people who work in or from Vehicles.

Please note there are additional web links relevant to food businesses

Chartered Institute of Environmental Health Advice: Working Safely in a food business (CIEH) Food Standards Agency Advice: Food gov.uk and Food Business Re-opening Checklist

Government Advice: Gov.UK Guidance for Food Business during Covid 19

COVID-19 Toolkit Version 1 (26/05/20)

Considerations for restarting your business safely

Section 7 Trading Standards

For further information in the area of trading standards, for example; supplying Personal Protective Equipment (PPE), hand sanitiser, switching to telephone sales and sales and pricing practices during COVID-19 outbreak, please refer to: https://www.devonsomersettradingstandards.gov.uk/business/covid-19general-advice-for-businesses.

Section 8 Business Support

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The Growth Hub team are working hard to keep you updated on Covid-19 Support for Business and inform you of the latest on Government schemes and other business support to assist with managing through the impacts of the Coronavirus. Here follows links to schemes, advice, guidance and further business support: https://www.heartofswgrowthhub.co.uk/covid-19-support-for-business/

What is Better Business for All (BBfA)?

BBfA is a local partnership between businesses, business support and regulators and across Devon & Somerset to promote local economic prosperity, whilst maintaining public protection. BBfA aims to improve how regulatory services are delivered in Devon & Somerset and to show how working with your local regulators can save you time and money, improve your competitiveness and help you grow your business.

Links to the regional local authority contacts can be found here: https://www.heartofswgrowthhub.co.uk/better-business-for-all/

You can also contact the Heart of the South West Growth Hub team to help you navigate business support options, find answers to your question and identify the right support to meet your business needs and aspirations https://www.heartofswgrowthhub.co.uk/get-in-touch/ or Call 03456 047 047

COVID-19 Toolkit Version 1 (26/05/20)

Appendix D

From: REDACTED TEXT Sent: 20 August 2020 16:48

To: REDACTED TEXT Cc: REDACTED TEXT

Subject: Pascal's Bar, 6 Queens Place, Hove, BN3 2LT - warning letter re lack of Covid controls

Importance: High

Dear Pascal,

I was very concerned to hear what my colleague **REDACTED TEXT** and the Police saw at your premises when they visited on 14 August 2020. I had warned you just 2 days before about the importance of carrying out a proper Risk Assessment and putting adequate controls in place to minimise the risks of Coronavirus transmission. I have still not received a copy of your revised Risk Assessment.

I must warn you that continued non-compliance, cases linked to your business, or evidence of high Coronavirus transmission could result in the formal closure of your business. The attached letter explains more in detail and you have 7 days in which to send me your revised Risk Assessment. Printed copies have been sent out in the post. I have copied in my colleagues in Licensing and Environmental Protection. I also attach a Registration Form for you to complete and return to show the change of trading name of the business.

I look forward to receiving your Risk Assessment and completed Registration Form. Further visits will be made to check for compliance in due course.

Kind regards,

REDACTED TEXT

Food Safety Team, Environmental Health & Licensing Public Health, Brighton & Hove City Council Bartholomew House, Bartholomew Square Brighton, BN1 1JP

REDACTED TEXT

www.brighton-hove.gov.uk/foodsafety

My working days are Monday to Thursday

CORONAVIRUS

Keep your business safe by following social distancing guidelines:https://www.hse.gov.uk/coronavirus/social-distancing/index.htm

WASH YOUR HANDS MORE OFTEN FOR 20 SECONDS Use soap and water or a hand sanitiser when you:

- Get home or into work
- Blow your nose, sneeze or cough
- Eat or handle food



Protect yourself & others

For more information go to nhs.uk/coronavirus



Regulatory Services Bartholomew House Bartholomew Square Brighton BN1 1JP

REDACTED TEXT

Date: 20 August 2020

Our Ref: 2020/16096/COVIDC/EH,

2020/15689/FPHYG/EH & 2020/15961/FPHYG/EH

Contact: REDACTED TEXT Phone: REDACTED TEXT Email: REDACTED TEXT

FIRST CLASS

Copy also sent to premises (for the attention of Mr P Madjoudj) and by email to REDACTED TEXT

Dear Sir/Madam,

The Health and Safety at Work Act 1974
The Health Protection (Coronavirus, Restrictions) (England) Regulation 2020
Food Safety Act 1990
The Food Safety and Hygiene (England) Regulations 2013
Regulation (EC) No. 852/2004
Complaints about hygiene issues, overcrowding and a lack of social distancing
Re: Pascal's Bar (formerly La Fourchette), 6 Queens Place, Hove, BN3 2LT

I write with reference to recent phone calls and emails sent to Mr Pascal Madjoudj and REDACTED TEXT (the Manager) and my visit to your premises on 12 August 2020. During this visit, recent complaints were discussed with Mr Madjoudj in person and Mr REDACTED TEXT on the phone. We recently received two complaints alleging the bin area smelt and covered in broken glass, there were flies in the bar and food was being prepared where dirty plates and cutlery were stacked up in the kitchen. A further complaint concerned noise from loud music, overcrowding of the premises, a lack of social distancing and the tables and chairs on the terrace being very close together. The noise issue is being dealt with by our Field Officer our-of-hours Team, but playing loud music also has implications for Covid-19 (Coronavirus) controls within your business. If people on the premises have to raise their voices over loud music, there is an increased risk of the virus spreading in airborne droplets, as I explained to Mr Madjoudj during my visit on 12 August 2020.

I first discussed these complaints with Mr Madjoudj by phone on 30 July 2020 and was told that he and the new Manager were looking at re-arranging the customer seating over the weekend. I emailed guidance including posters showing how to safely arrange seating for social distancing. I phoned again on 4 August 2020 and spoke to Mr REDACTED TEXT as I was told that Mr Madjoudj was away. Mr REDACTED TEXT described Covid control measures that had been put in place and emailed me a copy of the Risk Assessment for the business. The Risk Assessment was based on one produced by the REDACTED TEXT and was not site specific. It also required much more

detail on the Covid control measures in the business, as I explained in my email to Mr Madjoudj and Mr REDACTED TEXT on 4 August 2020.

In the email, I explained what you needed to do to protect your staff, customers and other people affected by your business (eg visitors, contractors, delivery drivers) from Coronavirus. As an employer, you have a duty under the Health & Safety at Work etc Act to protect people from harm. In particular, I expressed my concern at the photo taken in the evening on Saturday 1 August 2020 outside the premises, showing a densely packed terrace, and a large crowd of people spilling out onto the pavement and into the road. The people were all very close together and so there is a very high risk of spreading Coronavirus. I warned you that this situation was unacceptable and must not be repeated. Some people clearly had bottled drinks in their hands and they were obstructing the public highway. I understand that my colleague in Licensing (REDACTED TEXT) emailed Mr Madjoudi about this on 3 August 2020 as she had also received a complaint. I understand that she made a further visit with REDACTED TEXT from Environmental Protection and the Police on 14 August 2020. In her warning letter emailed to Mr Madjoudi and Mr REDACTED TEXT on 17 August 2020, Ms REDACTED TEXT states that there was no evidence of any social distancing measures in place at the time of the visit. The inside and outside of the premises were overcrowded. This is particularly disappointing as I had met with Mr Madjoudj on site on 12 August 2020, 2 days prior to Ms REDACTED TEXT visit, and explained clearly what measures were required. Customers should be sat at tables and not standing around together drinking. I left a printed copy of our seating guidance to assist you in working out a safe seating plan and I advised on how tables and chairs should be rearranged. I also explained that the seats on the pavement were too close to the ones on the terrace and so needed to be moved round or a screen installed on top of the boundary wall. Without these measures, there is a risk of customers contracting Coronavirus from close contact with others groups of people.

Below is a further explanation of what you need to do with regard to customer seating:-

Seating

You should ensure that as a minimum, you enable customers to sit at least 1 metre apart from people not in their household/bubble in all directions (measure from person to person as sat in their chairs). If customers are seated at 1 metre (and not 2 metres), you must also have extra controls in place, such as:

- Screens between people;
- Ensure good ventilation;
- Set up chairs back to back;
- If this is not possible side to side (least preferred).

This applies to all the business's tables and chairs inside and outside. You may need permission from the council's Highways Team for tables and chairs on the pavement, so I suggest that you contact them. You must also ensure that staff keep at least 1 metre apart from customers and from each other. I gave Mr Madjoudj a poster that you may find helpful to put up for staff and customers to see to ensure they have an understanding of why tables and chairs may be arranged in a certain way or why they cannot sit in a certain place.

I expect you to manage seating arrangements by ensuring that customers do not move chairs and tables (unless it is to accommodate all members of their household/bubble only). Your staff need to monitor this and you could put notices up or stickers on the tables telling customers not to move the furniture.

When I visited on 12 August 2020, I had not been sent a copy of your revised Risk Assessment. Mr REDACTED TEXT asked for a further two weeks to complete it but as you should have carried out a Risk Assessment at the beginning of lockdown in March (as your business was to continue trading

as a take-away during restrictions), and had re-opened fully at the beginning of July, I felt you had already had adequate time. I asked for the revised document to be sent to me by 14 August 2020. To date, this has still not been received. I ask that you email me a copy of your revised Covid-19 Risk Assessment within 7 days. If it is not received by then, continued non-compliance could result in the service of a Prohibition Notice to close your premises until you carry out an adequate Risk Assessment and put control measures in place to minimise the risks from Covid-19. I must warn you that we can close your business at any time if we see further poor compliance, the risk of transmission remains high or if there are cases linked to your business. Ms REDACTED TEXT has also warned you about the potential impact on your alcohol licence from failing to meet your licence conditions.

In your Risk Assessment, you also need to address the 'pinch point' by the customer toilets/kitchen where people passing each other will be too close together, particularly if queuing for the toilets. You need to ensure that customers maintain social distancing when using the toilets, and devise a safe system, as there are two cubicles in the ladies' toilets but a shared lobby. The use of signs on the walls near the toilets, the toilet doors or floor markers indicating where to stand and how to maintain 2m distancing will all help to minimise the risk of the virus spreading, as discussed on site with Mr Madjoudj on 12 August 2020.

Incidentally, I noted that a new cubicle containing a urinal and wash hand basin had been installed by the kitchen. I believe that this, the new ladies' toilets and possibly other alterations that you have made to the building this year, require Building Control approval, so I have informed that Department. You must seek approval for such works.

I would reiterate what I said in my email of 4 August 2020 to Mr REDACTED TEXT copied to Mr Madjoudj. It is essential that you complete the Risk Assessment fully and put all necessary controls in place to stop the virus spreading. Being 'Covid Secure' will protect the staff, customers and the business. I expect that you are aware of the potential consequences for the business if there was an outbreak linked to the restaurant, with possible formal closure being something that I am sure you would wish to avoid. I included the Better Business for All Toolkit with a link to a template Risk Assessment, showing all the areas you need to consider.

The Health and Safety Executive (HSE) have also put together some guidance and an example risk assessment template to help you comply: https://www.hse.gov.uk/coronavirus/working-safely/risk-assessment.htm

Ms REDACTED TEXT also informed me that you did not have adequate records of customers when she visited on 14 August 2020. I will explain below what you should do:-

How to gather data from customers

Help the NHS 'Test and Trace' system by keeping a temporary record of customer details for 21 days in line with GDPR Regulations. You can do this by:

- Taking the name, email, phone number and date from one person per family/bubble
- Making sure you store the details safely so no one else can see them (locked box)
- Do not use the contact details for any other purpose
- Destroy the contact details after 21 days

You should assist the Test and Trace service by keeping a temporary record of your staff shift patterns and visitors to the business for 21 days too. See Pages 14 and 42 of the government's guidance for more information:-

https://assets.publishing.service.gov.uk/media/5eb96e8e86650c278b077616/working-safely-during-covid-19-restaurants-pubs-bars-takeaways-140820i.pdf

Making your establishment Covid-19 secure will make residents, visitors, your clientele and staff feel safer and will reduce the risk of closure and local lockdowns.

Finally, when I visited, I noted that the name of the premises has been changed from La Fourchette to Pascal's Bar. You must complete the enclosed Registration Form to show the new trading name and also to confirm that the above limited company is still the 'food business operator'. I ask that you return your completed form to me within 7 days, or you can complete it online at https://new.brighton-hove.gov.uk/business-and-trade/food-safety/start-and-register-new-food-business

Should you wish to discuss the contents of this letter further, please do not hesitate to contact me at the above address. For further Covid-related advice and information, you can visit our website at https://new.brighton-hove.gov.uk/coronavirus-covid-19

If you are unhappy with the service you have received, please contact the Regulatory Services Manager, contact number (01273) 292157.

Yours faithfully, REDACTED TEXT

REDACTED TEXT, Food Safety Officer.

Enclosure:- Food Registration Form
c.c. Mr P Madjoudj at the premises and by email
c.c. REDACTED TEXT – Brighton & Hove City Council

APPLICATION FOR THE REGISTRATION OF A FOOD BUSINESS ESTABLISHMENT

(Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, Article 6(2))

This form should be completed by food before commencing operation.	ousiness operators in resp	pect of new food business establishments and	d submitted to us 28 days
Address of Establishment (or addres	s at which moveable esta	blishment, like a mobile food van, is kept)	
	•••••	Post Code	
Trading name			
Telephone No	Ema	il	
Full name of Food Business Operat	or(s) (If a limited compar	ny, please provide company name)	
Status of Food Business Operator(s			
, ,	•	0.1 (9)	
Sole Trader Partnership	Limited Company	Other (Please specify	
Co. Number and registered addres	s. If not a limited Co.		
		Post Code	
Telephone No	Ema	il	
Type of food activity (Please tick ALL	the boxes that apply):		
Staff restaurant/canteen/kitchen		Hospital/residential home/school	
Retailer (including farm shop)		Distribution/warehousing	
Restaurant/café/snack bar		Food manufacturing/processing	
Market/ Market Stall		Importer	
Takeaway		Catering	
Hotel/pub/guest house	0	Packer	
Private house used for a food business		Moveable establishment e.g. ice cream van	
Wholesale/cash and carry		Primary Producer – livestock	
Food Broker		Primary Producer – arable	
Other (Please give details):			
If this is a new business, what date	do you intend to open	?	
Signature of Food Business Operat	or (s)	Date	
Name			(BLOCK CAPITALS)
Once completed, this form should	be sent to:	AFTER THIS FORM HAS BEEN	· · · · · · · · · · · · · · · · · · ·
Brighton and Hove City Council Food Safety Team Bartholomew House Bartholomew Square Brighton BNI IJP		MUST NOTIFY ANY SIGNIFIC THE ACTIVITIES STATED ABC CLOSURE) TO US AND SHOWN 28 DAYS OF THE CHANGE(S	OVE (INCLUDING ULD DO SO WITHIN

On the basis of the activities carried out, certain food business establishments are required to be <u>approved</u> rather than <u>registered</u>. If you are unsure whether any aspect of your food operations would require your establishment to be approved, please contact us for guidance – telephone 01273 292161 email <u>ehl.food@brighton-hove.gov.uk</u> or look at our website www.brighton-hove.gov.uk/foodsafety

Appendix E

From: REDACTED TEXT

Sent: Wednesday, August 26, 2020 11:12:45 AM

To: REDACTED TEXT

Subject: Fwd: Pascal's Bar - Covid-19 Risk Assessment and table spacing

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Morning REDACTED TEXT

In correspondence to your findings

Return to Work Questionnaire

I was surprised that there wasn't anything done here. So yes I borrowed it from my work **REDACTED TEXT** as it's what we used before we even opened so just so I could get the team here some advice on a structure. I understand it's not the latest information as you said changed last week but I carried out this training previously but it's to get the team at least have a understanding.

It is a bit generic words like pub bar break areas but I'll change it to hospitality venue or to pascals.

- This needs amending as government advice on shielding was changed 6 days ago when shielding for the clinically vulnerable was paused, see <a href="https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-extremely-vulnerable-persons-from-
- The government guidance on car sharing includes other safety precautions, not solely opening car windows.
- · Face coverings are mandatory on public transport.
- Your Questionnaire says "Every staff member must carry out a return to work assessment" do you have a copy of this document please?
- As the document refers to 'the pub's risk assessment, the pub's back office and staff break-out areas/canteens', is the Questionnaire also borrowed from the **REDACTED TEXT**? You need to make it relate to Pascal's Bar.
- If you have symptoms, you now have to self-isolate for 10 days. If you've been in contact with a case, it's 14 days, see https://www.nhs.uk/conditions/coronavirus-covid-19/self-isolation-and-treatment/when-to-self-isolate-and-what-to-do/

Visits to the business Coronavirus Policy Document

Any visitors will have to book in with us ... think that's what most companies are doing now. Delivery drivers have been told to deliver before doors open to public as well by myself.

Opening Checklist

Yes last week I had table toppers saying had to sign in for track and trace. However I've changed it today to having a QR code so it's stored in the cloud no papers and to comply with GDPR pic is attached

Risk Assessment

Staff sheet – I've ensured that we have got a disinfectant chemical to clean ... I've attached a picture

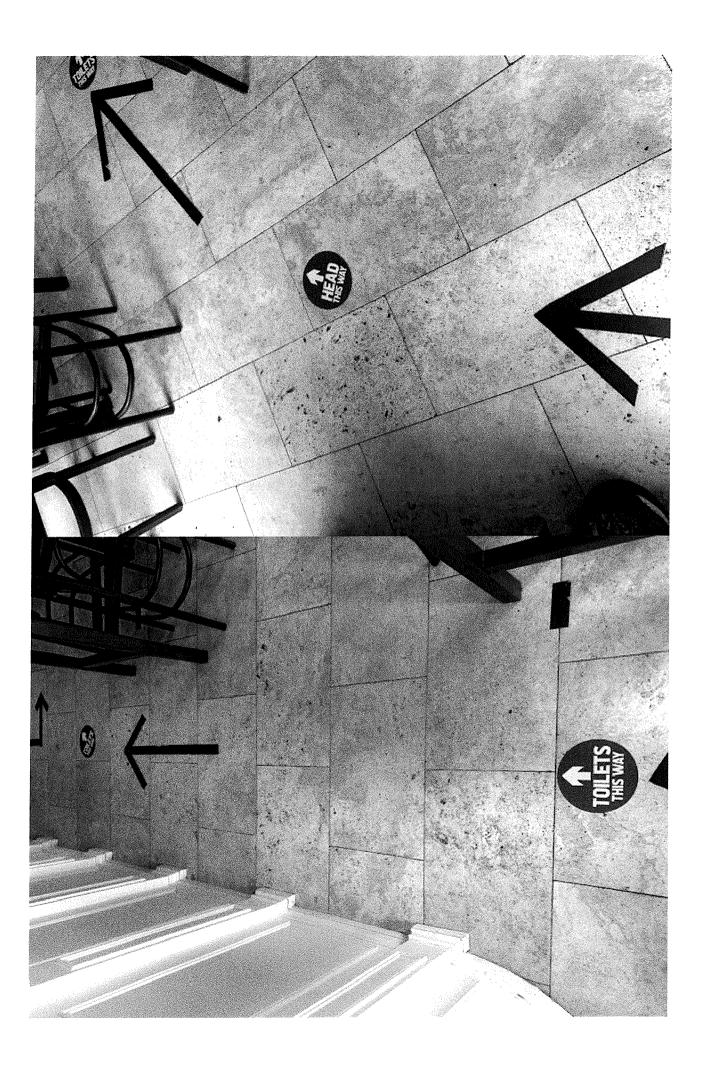
Legionnaire's Disease –this control was for after we reopened the bar and toilets etc ... I did not know that he / pascal had ran a takeaway Buisness whilst on lockdown. So that control was for when the Buisness was reopening. As everything is used now I'm only doing this once a week... is this ok ??

I have addressed the Walkin fridge freezer is done by the lead chef (the one at the pass) in the risk Assessment. I have put more signage on floors to guide customers for pinch points etc... team have been shown and trained on payment procedure (disinfected the Pdq machine on every usage) toilets we have signage coming in only allowing certain number of guests in as in risk Assessment 1 at a time for gents and two at time for ladies as have two cubicles.

To clarify my position as I think You need to know. I am here at pascals as a consultant not his manager as he is telling everyone. I currently work as a manager partner with **REDACTED TEXT** as well as with the **REDACTED TEXT** so I was asked 4 weeks ago to come and help him build a team for his site.

On my appointment I was surprised with the lack of organisation and basic information like having a risk assessments being in place ... (im lucky that I work with these big national companies who have a whole health and safety departments were we are informed and kept up to date with all matters) therefore I have used some info from **REDACTED TEXT** and the **REDACTED TEXT** to help me get this place up to scratch. And to be legal. I appreciate your time and hopefully together we can get it all sorted. I have attached some pics. My personal number is **REDACTED TEXT** please call me to discuss further as I'm not based on site as have two other venues that I run





Date: 24 August 2020 at 17:35:40 BST

To: REDACTED TEXT Cc: REDACTED TEXT

Subject: RE: Pascal's Bar - Covid-19 Risk Assessment and table spacing

Dear REDACTED TEXT

Thank you for your email of 21 August and the documents. I can see you have made changes to the Risk Assessment, but further amendments are still needed. I would reiterate that the Risk Assessment and other documents must reflect the procedures in place in Pascal's Bar. If you use documents from other companies to form the basis of your Risk Assessment and written policies, it is essential that the instructions in them are specific to your business. They must also be up to date and the Risk Assessment must be 'dynamic' so that it is amended in line with new rules/guidance as they are issued (see below).

Below are my comments which I would welcome your response to or copies of amended documents. If the documents are updated satisfactorily, I would then expect to see these procedures in place in the bar/restaurant.

Return to Work Questionnaire

- This needs amending as government advice on shielding was changed 6 days ago when shielding for the clinically vulnerable was paused, see <a href="https://www.gov.uk/government/publications/guidance-on-shielding-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19
- The government guidance on car sharing includes other safety precautions, not solely opening car windows.
- Face coverings are mandatory on public transport.
- Your Questionnaire says "Every staff member must carry out a return to work assessment" do you have a copy of this document please?
- As the document refers to 'the pub's risk assessment, the pub's back office and staff break-out areas/canteens', is the Questionnaire also borrowed from the **REDACTED TEXT?** You need to make it relate to Pascal's Bar.
- If you have symptoms, you now have to self-isolate for 10 days. If you've been in contact with a case, it's 14 days, see https://www.nhs.uk/conditions/coronavirus-covid-19/self-isolation-and-treatment/when-to-self-isolate-and-what-to-do/

Visits to the business Coronavirus Policy Document

- It may not always be possible for visitors to make an appointment.
- See above re self-isolation times.
- Again, this document refers to a pub, rather than the bar/business it needs to relate to. It also mentions 'the property team' so I guess it's a REDACTED TEXT document.

Opening Checklist

The Daily Manager Morning Checks refers to 'table toppers' being in place – do you have these?

Risk Assessment

- Staff sheet Hygiene & Cleaning as per my comment previously, remember it's not just cleaning, but disinfection too, using a suitable disinfectant that also kills viruses, paying particular attention to hand-contact points and also surfaces such as table tops
- Legionnaire's Disease your control is 'Flush through water systems for 3-5 minutes before use and temperature checks Opening Checklist', but I don't see the check listed on the Opening Checklist document.

• Premises sheet - my previous comments on managing pinch points and toilet use, taking card/cash payments, being site specific about the dry stores/walk-in freezer and whether or not delivery drivers use a separate entrance have not been addressed.

I'd be grateful if you or Pascal could reply by 27 August 2020. Many thanks.

Kind regards,

REDACTED TEXT

Food Safety Team, Environmental Health & Licensing Public Health, Brighton & Hove City Council Bartholomew House, Bartholomew Square Brighton, BN1 1JP

REDACTED TEXT

www.brighton-hove.gov.uk/foodsafety

My working days are Monday to Thursday

CORONAVIRUS

Keep your business safe by following social distancing guidelines: https://www.hse.gov.uk/coronavirus/social-distancing/index.htm

WASH YOUR HANDS MORE OFTEN FOR 20 SECONDS Use soap and water or a hand sanitiser when you:

- Get home or into work
- Blow your nose, sneeze or cough
 - Eat or handle food



Protect yourself & others

For more information go to nhs.uk/coronavirus

We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

Brighton and Hove City Council may disclose the contents of this email if requested by a third party, under the provisions of the **Freedom of Information Act 2000**. For further advice please contact (01273) 291207 or search our website on www.brighton-hove.gov.uk/foi

From: REDACTED TEXT Sent: 21 August 2020 13:39

To: REDACTED TEXT >

Subject: Re: Pascal's Bar - Covid-19 Risk Assessment and table spacing

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Hi REDACTED TEXT

Sorry for the lateness of this as it took a while to ensure it was site pacific and putting these controls in place . I have redone the Risk Assessment and gone through it with Pascal and team. I've restricted numbers and implemented more measures including Friday and Saturday evening taking tables and chairs of the public highway (the 4 tables on other side of wall) around 8-8.30 as. This way we can prevent people congregating outside and all people on terrace and inside are seated. Either the manager on duty or a security guard if I'm not here will be here from 7-1 am on these days to ensure this happens and everyone is seated.

I've attached updated Risk assessments with opening checklist for managers and staff return sheets regarding COVID-19.

Soeak soon

REDACTED TEXT

APPENDIX F

OPS MANAGER PRE OPEN

Re-Awaking the Business - To Do (Pre-Open)		
Ops Manager:	Y/N or N/A	Notes/Comments:
Licence Holder review - correct DPS for site		
Check required number of Licence Holders still in business		
Check Premises Licence - is security needed?		
Check Premises Licence - is takeaway allowed and will this be a part of the offer?		
Decide on Opening Hours		
Decide on Food Offer and Kitchen Opening Times		
Agree on any Welcome Back promotions	**************************************	
Forecast sales and build a base rota (REDACTED TEXT sites to agree with Ops)		
Check Manager has completed CPL courses		
Return to Work forms completed by Managers and any other REDACTED TEXT employees returning		
HR Review for any returning REDACTED TEXTemployees		
Support Manager with Ordering: Drinks / Food / Consumables		
Check delivery timeslots - do they need changing? Is cellar hatch in customer area - if so then delivery slots before opening times		
Organise removal of any additional security measures from closure (if applicable)		

Reinstate Cleaners (if applicable)	
Contact REDACTED TEXT to reinstate Bin Collections /	
change collection amount	
Full walkaround of building and 'Service Journey' -	
signage, floor markings, cleanliness, confidence in team	
etc	
Mark furniture for removal/replacement and [process to	
be confirmed]	
Support with Floor Plan & Capacity Calculation	
Support with Risk Assessments	
Support with Set-Up of Business	
Update spreadsheet on Teams on posters needed from	
Rob	
Check food and drink menus on Kitchen Cut & pricing	
Check Website for opening times and offer	
Check Design my Night has been updated with new table	Video guides:
plan & timeslots	
	https://collins.uservoice.com/knowledgebase/topics/100129-
	training-videos-venue-settings
Check Social Media - at least one post to show re-	
opening	
Final walk around of business, table plan ok, signage in	
place, sanitiser stations, risk assessments complete,	
training all complete, confidence in team	
Trail audit - what users are signed up? Do any need	
deleting off or adding on?	
Update business times on Trail and reinstate Trail	
Checklists	
Check Business Reopening Checklist on Trail is complete	
	A CALLES AND

OPS WEEKLY CHECKS

Ongoing Weekly Checks to be completed by Ops Manager			
Manager:	Y/N or N/A	Notes/Comments:	
Review with manager: Menus (drink and food), Service, Opening Times, Food Service Times etc.			
Sales and Rota review			
Service Journey review			
Risk Assessment review - any changes - have team been briefed of changes?			
Have all team who have returned completed their Return to Work Questionnaire? - Run report on CPL to check	The state of the s		
Briefing checks - are they happening daily?			
CPL Completion check for all mandatory courses included additional COVID-19 courses.			
Staff well-being check			T
Kitchen Cut - any new products need adding?	The same of the sa		

SITE MANAGER PRE OPEN

Re-Awaking the Business - To Do (Pre-Open)		
Business/Employee:	Y/N or	Notes/Comments:
CPL: Coronavirus - Taking Proactive Action	A/N	
CPL: Manager Ready to Serve		
Agree on Opening Hours with Ops		

Agree on Kitchen Hours and Food Offer	
Update Website with Opening Times	
Forecast sales and build a base rota (REDACTED TEXT sites to agree with Ops)	
Decide who to unfurlough based on expected sales	
Check required number of Licence Holders still in business	
RTW phone call brief with employees returning from furlough (including uniform, bringing belongings to work)	
RTW Questionnaire to employees returning	
Employees briefed on new CPL Course requirements	
Training on KC / New Systems	
Create Food Menu onto Kitchen Cut	
Add any 'non-core' items onto drinks list on Kitchen Cut	
Reinstate Cleaners?	
Drinks Order/s	
Food Orders (if applicable)	
Consumables Order	
Floor Plan & Capacity Calculation	
Update Floor Plan on Design my Night & Timeslots etc	Video 'how to' support: https://collins.uservoice.com/knowledgebase/topics/100129- training-videos-venue-settings
COVID 19 Risk Assessments	
Check through H&S and Fire Risk Assessments - are they due	
a review? Keview before re-opening.	
Update Website with Opening Times & Offer	
Update Social Media with Opening Times & Offer	
Check Emails	
Building	
Site Meter Readings	

Cradically time on alactaical amplications and times	
Gradually turn on electrical appliances and lights	
Check all lighting is working	
Check electrical wiring for any signs of rodent damage	
Be aware of any gas smells when turning on gas appliances	
where the water enteres the building and moving systematically to the most distant outlet. Run through until	
until the water is clear and feels cool to touch.	
Switch boilers back on and leave for 3 hours for water	
supply to be heated up	
Check temperature from taps closest and furthest away	
from the boiler. (Cold water should be below 20 degrees	
Hot water should be between 50-55 to reduce risk of	
scalding.)	
Adjust thermostats if needed and log any maintenance if	
needed.	
Test fire alarm and do full walk around checking fire door	
hinges, swelling, check fire extinguishers in good condition	
and mounted appropriately	
Check Intruder alarm	
Change alarm codes for those returning to work	
Check heating/air con works	
Log any equipment issues immediately that are business	
critical	
Check music system is working	
Check certification on any lifts or hoists	
Check WIFI (both staff and guest) are working	
Office:	

Get tills up to date	
WBS - does this automatically go to correct date	
Decide if card only or accepting cash (OPs decision) - Order float through Mary if needed	
Update tills if changes to pricing / Food & Drink offer	
Deep clean of office	
Deep clean of any staff areas (staff room / staff toilets etc)	
Re-issue keys to any managers returning to work	
Check CCTV still working and time & date correct	
Check for any pest issues	
Check PDQ's working	
Set Up Tablet	
Cellar:	
Clean gulleys of any stagnant water	
Turn on cellar cooling system	
Turn on the beer coolers and gas system	
Clean the beer lines following standard process	
Connect any kegs that are in date	
Soft drink dispense (cleaned directly by suplier)	
Deep clean cellar	
Organise any empties for collection	
Flush ice machine of water, clean and turn on. Empty and	
dump ice at least 3 times before using.	
Any equipment issues logged immediately	
Check all OOD beer has been destroyed correctly and logged	
Check for any pest issues	
Cellar PPE fully stocked and fit for purpose	

Check cellar flaps in good working order and not damaged	
If lift in place, check certfication is still in date	
Bar:	
Deep clean all surfaces behind bar	
Clean fridges and turn on	
Stock Up	
PPE stocked behind bar	
First Aid Kit fully stocked	
Flush coffee machine of water for 5 minutes, clean machine,	
open up and flush through steam wands	
Deep clean glass washer and run 2 cycles whilst empty	
Rennovate all glassware	
Certified copy of premises licence on display	
Updated price list displayed on bar	
Allergens /Weights and Measures signs displayed	
Clean hand wash basin/s and stock with soap and towels,	
display hand washing poster	
Check tills and printers all working correctly	
Floor:	
Whole area deep cleaned, including all surfaces, chairs,	
tables ornaments, nigh level dust	
Tables set out as per floor plan which sufficient social distance	
All tables numbered clearly	
Store any excess furniture (do not block any fire escape	
loutes) - all alige pich up with Ops II heeded	
Any opened condiments disposed of	

Clean and sanitise all salt and pepper shakers then refill	
Set up cutlery and crockery area as per new service cycle	
All signage put up including: toilets rules, queueing systems, waiting areas, entrance rules and explanations, table	
toppers etc	
Floor markings in place if needed	
Shields in place on bar and between tables (if applicable)	
Sanitiser stations fully stocked and in place	
PPE stocked in any floor stations	
Clean windows	
High chairs deep cleaned	
Toilets:	
Check all lighting is working	
Deep clean entire area	
Toilets are flushing quickly and effectively	
Fully stocked with toilet paper, hand soap and towels.	
Check all sinks are draining effectively and have a supply of hot and cold water	
Handwashing posters displayed	
Check hand-dryers are working and sanitise	
Baby changer unit in full working order and sanitised	
Same steps as above for accessible toilet (if applicable)	
Test disabled toilet alarm is working	
Outside:	
Outside area tidied - foliage / rubbish etc	
Outside furniture deep cleaned	

All 4-b l and a second	
All tables numbered clearly	
Respect our neighbours/garden closing times posters displayed	
A-boards updated and ready to go	
Entrance queue clearly marked out with posters and floor markings - not blocking any pavements	
Check all external lights and heaters are working	
Check and close off any kids play equipment	
Check all umbrellas / awnings are in good working order	
Check all planters are in good working order and free from damage or debris	
Check for any damage to fencing / gates / barriers	
Kitchen:	
Charge tablet and check is working	
Re-instate Trail checks	
Deep clean all fridges and turn on	
Check freezers for build up of ice and defrost if required	
Check door seals on oven have not perished or been damaged	
Deep clean all equipment, check all electrical wires for damage and if ok turn on	
Check filters on extract are clean	
Log any equipment faults immediately	
Check all dates on items in dry Store	
Calibrate probes	
Updated allergen menus available	
Kitchen uniforms are available and clean and fit for purpose	

Clean hand wash basins and fully stock with soap and towels	
and display hand washing poster	

DAILY MANAGER MORNING CHECKS

Duty Manager Morning Checks			Mon	Tues	Wedne	Thurs	Frida	Satur	Sund	week	
			day	day	sday	day	>	day	ay	endin	
										g	
Manager:	Y/N or N/A	Notes/Comme nts:									
All Employee's at work have completed a return to work health Questionnaire											
If employees first day complete reopening induction training (service journey, job roles and responsibilites, PPE Advice: use and safe disposal, Risk Assessments and safe working practices)											
Daily Brief with all team: any changes to floor plan / service cycle / medical check / any changes to risk assessments											
All posters still correct in place											
Sanitiser Stations in place and fully stocked											
All PPE available and in suitable locations											
Tables / Chairs as per floor plan											
Floor / Queue markings in place											
Table toppers with service explanation on all tables											
Shift Planner complete and roles delegated and communicated to team											

Final walk around checking cleanlings of entire	
ייילייי אינייליי דער טעודויים	
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ROUTINE HYGIENE CHECKS

Routine Hygiene Checks to do at intervals throughout the day	and the same of th	
Manager:	Y/N or N/A	Notes/Comments:
All customers and staff adhering to social distancing rules		
Sanitiser station well stocked		
Toilets well stocked with hand soap and drying facilities		
All touchpoints sanitised		
All posters still in place		

Return to Work Questionnaire and Advice to Staff

Thank you for returning to work with us after lockdown. We appreciate your hard work and dedication and want to make sure you feel safe and protected while working with us. We therefore ask that you take some time to read the following advice and fill out the return to work questionnaire. Guidance is changing regularly so we will keep you informed of all changes but do please let us know if you have any concerns about your working environment.

It is important to understand that you must not come to work if you have symptoms of coronavirus, live in a household where someone has coronavirus, or a vulnerable household.

Know the routes of transmission

- Direct contact to face eyes, nose from droplets spraying from an infected person onto another person who is in close contact.
- Contamination via droplets from sneezing and coughing landing on surfaces and then
 transferring via hands on to eyes and nose and mouth. Other means of secretions getting on
 to surfaces could be from infected people touching their eyes, nose and mouth and then
 touching surfaces with contaminated hands.
- Contaminated hands of infected people can transfer the virus directly to others (e.g. handshakes) or on to hand contact surfaces which can be picked up by other people's hands and transferred to their eyes, nose or mouth
- Possible transmission from faeces to hands and then directly or indirectly to the body via hands and hand contact surface transfer.

Be prepared

- Because it is believed that Coronavirus is infective during the 14-day incubation period, you
 could be carrying it without having any symptoms and wouldn't know; others you are in
 contact with may also be carrying the virus without any symptoms and could be infectious.
- Taking preventive measures means assuming that everyone may have it and taking action accordingly. It is not a waste of time and is actually very cheap to implement the most effective measures, because these involve firstly washing your hands at critical times and second keeping dirty hands away from your face.
- Increasing the frequency of disinfection of hand contact surfaces in public areas will help to reduce the risks, and whilst many businesses are now closed, those that remain open need to increase sanitising of tables, chairs, doors and door handles and any other touch points.

The precautions for this virus are pretty much the same as for any respiratory virus, so should also help to reduce the risk of getting other flu and cold viruses as well as norovirus which can be transmitted through poor hygiene.

Return to work

Every staff member must carry out a return to work assessment. This should be carried out for <u>all</u> staff returning to work in the pub environment (taking into account GDPR requirements regarding sharing and storing information). Please answer the following questions (before starting work):

- Do you have a pre-existing conditions that could effect you carrying out your daily tasks and out you at a higher risk of contracting the virus - Y / N
- are you one of the 1.5 million high risk shielding Y / N (If yes, notify your manager of this immediately)
- Are you living with someone who is one of the 1.5 million people shielding Y / N (If yes, notify your manager of this immediately)
- Do you have symptoms associated with Covid 19 or are living with someone with symptoms associated with Covid - Y / N
- Do you know to have been been close to somebody who now has Covid-19 Y / N
- Do you take public transport to work Y / N

You manager will carry out daily briefings with you, covering the latest Government and other advice regarding safe working. This is to

- review fitness to work status daily based on the above criteria and record this
- and reinforce controls daily

Hand washing

- First and foremost, you must wash your hands when leaving home and then when arriving at work you must wash your hands immediately upon arrival. This is vital.
- You must wash your hands at the start of every shift. That way any virus particles picked up
 on the way to work are removed before they can be spread to others either via direct
 contact (do not shake hands) or by touching hand contact surfaces (door handles, tables,
 kettle handles, kitchen equipment etc.)
- Hand gel, if used, needs to be anti-viral and the higher the alcohol content, generally the
 better it is (over 62% is recommended). Check the labels to ensure that they are effective.
 Gels are a good additional resource in the workplace and should be positioned to encourage
 use.

How you can protect yourself on the way to work/public transport

Keep your hands away from your face, particularly your eyes and nose

Your hands can pick up virus particles on any surface that is contaminated — anywhere where an infected person may have touched, or where someone has unwittingly transferred the virus from one contaminated surface to another. NEVER touch your eyes or inside your nose unless you have just washed your hands.

- Don't shake hands
- Keep to the current Government distance guideline away from any other persons and if
 possible don't share cars based on current distancing guidance. If you must share a car keep
 the windows open according to current Government advice.
- Stay apart as much as you can and turn away from people on public transport if you can, particularly if they are coughing or sneezing.

Staff protection

- If you are serving customers or taking payments, you must be protected, and whilst at the
 moment there is no obligation to use masks, you need to keep the minimum distance away
 as set out in Government guidance from customers.
- The most important thing is to remember the routes of transmission, and to work out what actions are best in your specific workplace. Ask your manager to see the pub's latest risk assessment.
- Heightened disinfection needs to be undertaken to disinfect all frequently touched areas such as bar surface, tables, chairs, counters tills, card machines etc.
- For staff break areas/canteens, stagger timings so if there are groups of you, you can have slots to reduce bunching up.
- In the pub back office, many people could be sharing the phone, keyboard, mouse, and the desk.
- Disinfect these before you sit down using an antimicrobial wipe that has anti-viral properties

 look on the label (leave these on the desk). As coronavirus is new, tests have not been
 done on this yet, but the next best thing is to use those products that claim to kill flu and
 cold viruses.
- Minimise contact when taking deliveries.
- Make sure that the minimum distancing rule applies at lunch or smoking / vaping breaks
- Where uniforms are worn, these should be washed at temperatures above 60°C or a laundry sanitising agent used if the fabrics can't be washed at such a temperature
- If a high temperature is not possible, and you have sufficient uniforms, leave the laundry in a bag in a safe place for 72 hours and then wash as normal. This is necessary where the uniform has come into contact with bodily fluids.

- Uniforms must not be worn on the way to work as it could become contaminated. For staff not wearing uniforms, it is advised that staff change into their work clothes on arrival at work, if it is practical to do so.
- Where uniforms aren't worn, you are advised to wash clothes at the same temperature as above
- To protect others Always sneeze or cough into the crook of your arm to prevent your hands becoming contaminated
- To protect others If you use a tissue, bin it immediately, or flush down the toilet and don't leave around on surfaces. Wash your hands or use hand gel afterwards
- If you have a high temperature and new continuous cough you must not come to work and follow the latest self-isolating guidance (currently 7 days self-isolation)
- If you live with someone who has symptoms of coronavirus you must not come to work and must self-isolate (currently for 14 days). If you then develop symptoms, this must be 7 days from onset.

I (Name):
have read and understood the above advice and have filled out the return to work questionnaire the best of my knowledge.
Signed:
Date :

Pascals COVID 19 Policy - Visitors to the business

This policy note applies to:

- 1. Pascal visiting personnel
- 2. Non-Pascals visitors/ contractors/ suppliers

Please note: when visiting our site we will work to keep everybody safe and keep a safe social distance at all times. Where this distance may not be possible, appropriate PPE will be worn. Our team have completed additional health and safety training directly related to Covid-19 and implemented additional hygiene measures to keep risk in the business to a minimum.

We ask all contractors and visitors to read the following and sign in and out on the next page.

- 1. You must only enter sites by appointment. No dropping in.
- 2. You must not enter these premises if you have or have had health symptoms consistent with COVID-19 (i.e. fever, new persistent cough, shortness of breath) without completing 7 days self-isolation or if someone in your household has had these symptoms without completing 14 days self-isolation.
- 3. You must wash your hands thoroughly (for at least 20 seconds) upon arrival and when necessary throughout your time on site when the hands may have become contaminated. If you leave the premises at any point, you must wash your hands when you return. You may also use the sanitiser station that is situated at the entrance of every building.
- 4. You must avoid touching your face while on site and always move away from others and sneeze or cough into a tissue or the crook of your arm to prevent the hands from becoming contaminated. Where a tissue is used, you must bin it immediately and wash your hands.
- 5. If you become unwell whilst on site, you must inform the manager in charge and leave immediately.
- 6. Whilst on site you must always maintain social distancing according to current Government regulations, from all pub team members, guests, delivery personnel, visitors and other contractors. Where this cannot be achieved, work must be completed out of hours to ensure social distancing is maintained.
- 7. If safety critical or business critical work needs to be completed during normal opening hours that cannot be accomplished whilst observing social distancing requirement, you must escalate this to the property team to require the business to be closed.
- 8. Any personal protective equipment (PPE) used by contractors must not be disposed of on site and must be removed for disposal as required. Face masks if used, must not be placed onto any surface on site and must always be kept on the contractor's person.
- 9. Contractors must not consume any food or drink whilst on site at this time.
- 10. Contractors and visitors may use the public toilet facilities and must observe hand hygiene requirements as above.
- 11. At all times the manager or operator in charge has control of the premises and if they feel at any point that social distancing or COVID-19 safety requirements are not being met, they are authorised to stop the work and ask the contractor or visitor to leave the premises without challenge.

Name	Date	Time In	Time Out
AMA MARKANINA			

Appendix H

Pascals Bar

Appendix I

From: REDACTED TEXT

Sent: 16 September 2020 15:31

To: REDACTED TEXT Cc: REDACTED TEXT

Subject: Pascal's Bar - Covid controls

Dear Pascal,

I just phoned the premises to talk to you about my colleague's joint visit with the Police last Friday. As you weren't around, I spoke to **REDACTED TEXT**. I am very concerned about what my colleague saw and as I have warned you before, businesses need to have robust procedures in place to prevent the spread of Covid-19. Practices such as singing, playing loud music, shaking hands, hugging and kissing customers and customers standing close together all risk spreading the virus and so are unacceptable behaviours during this pandemic. Intoxicated people lose their inhibitions and so this is also a potential risk.

These are all issues that should be under control if you were implementing the necessary controls identified in your Risk Assessment. Evidence shows that you were not managing the situation and this cannot be allowed to continue.

As a result of this, we will be serving an Improvement Notice on you requiring you to put proper Covid controls in place. I will deliver the Notice to you tomorrow. You will have 21 days to comply with the Notice. A full explanation will be given in the covering letter. Monitoring visits will be made and I would remind you again that we can also serve Prohibition Notices to close your business if we see further breaches of Covid controls. We will take whatever measures are required to keep the city, its residents, visitors and workers safe.

If you wish to discuss this, please email me your mobile number and I will ring you.

Kind regards,

REDACTED TEXT

Food Safety Team, Environmental Health & Licensing Public Health, Brighton & Hove City Council Bartholomew House, Bartholomew Square Brighton, BN1 1JP

REDACTED TEXT

www.brighton-hove.gov.uk/foodsafety

My working days are Monday to Thursday

CORONAVIRUS

Keep your business safe by following social distancing guidelines:https://www.hse.gov.uk/coronavirus/social-distancing/index.htm

WASH YOUR HANDS MORE OFTEN FOR 20 SECONDS Use soap and water or a hand sanitiser when you:

- Get home or into work
- Blow your nose, sneeze or cough
- Eat or handle food



Protect yourself & others

For more information go to nhs.uk/coronavirus

We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

Brighton and Hove City Council may disclose the contents of this email if requested by a third party, under the provisions of the **Freedom of Information Act 2000**. For further advice please contact (01273) 291207 or search our website on www.brighton-hove.gov.uk/foi

Appendix J

From: REDACTED TEXT

Sent: 17 September 2020 09:49

To: REDACTED TEXT Cc: REDACTED TEXT

Subject: Pascal's Bar, 6 Queens Place, Hove - Improvement Notice

Dear Mr Madjoudj,

Further to my email to you yesterday, I attach digital copies of documents that will be posted out/delivered later today. The Notice requires you to put all necessary controls in place to prevent the spread of Covid-19 (Coronavirus). One Notice is served on you and another on the Limited Company.

You have already been provided with a lot of guidance so I hope that you understand what you need to do to comply with the Notice.

If you have any questions, hopefully I will see you later at the premises, if not, then please email me your mobile number and I will ring you later today or on Monday.

Kind regards,

REDACTED TEXT

Food Safety Team, Environmental Health & Licensing Public Health, Brighton & Hove City Council Bartholomew House, Bartholomew Square Brighton, BN1 1JP

REDACTED TEXT

www.brighton-hove.gov.uk/foodsafety

My working days are Monday to Thursday

CORONAVIRUS

Keep your business safe by following social distancing guidelines:https://www.hse.gov.uk/coronavirus/social-distancing/index.htm

WASH YOUR HANDS MORE OFTEN FOR 20 SECONDS Use soap and water or a hand sanitiser when you:

- Get home or into work
- Blow your nose, sneeze or cough
- Eat or handle food



Protect yourself & others

For more information go to nhs.uk/coronavirus

We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

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Appendix K



Safer Communities Bartholomew House Bartholomew Square Brighton BN1 1JP

Health and Safety at Work etc. Act 1974, Sections 21, 23 and 24

IMPROVEMENT NOTICE Ref: 2020/00091/HSW21/EH

Name: REDACTED TEXT

Address: REDACTED TEXT

Trading As: Pascal's Bar, 6 Queens Place, Hove, BN3 2LT

I. REDACTED TEXT

1.

Being an inspector appointed by an instrument in writing made pursuant to section 19 of the said Act and entitled to issue this Notice of

2. Environmental Health & Licensing, Brighton and Hove City Council, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP

Telephone Number: (01273) REDACTED TEXT

Hereby give you notice that I am of the opinion that at: Pascal's Bar, 6 Queens Place, Hove, BN3 2LT

You, as an employer, have contravened in circumstances that make it likely that the contravention will continue or be repeated, the following statutory provisions:

Regulation 3 (1) (a) & (b) Management of Health and Safety at Work Regulations 1999

- 3. The reasons for my said opinion are: failure to implement a suitable and sufficient Risk Assessment of the risks of Covid-19 to your employees and others that may be affected by the activities you undertake
- 4. I hereby require you to remedy the said contraventions or, as the case may be, the matters occasioning them by **8 October 2020**

Signature: REDACTED TEXT DATE: 17 September 2020

An Improvement Notice is also being served on: **Mr Said Pascal Madjoudj** related to the matters contained in this Notice.

This is a relevant notice for the purposes of the Environment and Safety Information Act 1988.

HSCA - M (HSW) 99

SEE NOTES OVERLEAF

NOTES

- 1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc. Act 1974 and section 33(2) and Schedule 3A of this Act renders the offender liable on summary conviction, to imprisonment for a term not exceeding 6 months in England and Wales and 12 months in Scotland, or to a fine, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
- 2. An Inspector has power to withdraw an Improvement Notice or extend the period specified in the notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this notice.
- 3. The issue of this notice does not relieve you of any legal liability for failing to comply with any statutory provision referred to in the notice or to perform any other statutory or common law duty resting on you.
- 4. You can appeal against this notice to an Employment Tribunal. Details of the method of making an appeal can be found on the GOV.UK website at https://www.gov.uk/employment-tribunals/make-a-claim. An appeal can either be submitted online at the above website address, or by downloading form ET1 and posting it to either the Employment Tribunal Central Office (England and Wales), PO Box 10218, Leicester, LE1 8EG; or Employment Tribunal Central Office (Scotland), PO Box 27105, Glasgow, G2 9JR.

If you do not have access to the internet, contact the person who issued the Notice and ask to be supplied with a hard copy of form ET1 and guidance T420: Making a claim to an Employment Tribunal.

Time Limit for Appeal

A notice of appeal must be presented to the Employment Tribunal within 21 days from the date of service on the appellant of the Notice, or Notices, appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days.

The entering of an appeal suspends the Improvement Notice until the appeal has been determined or withdrawn, but does not automatically alter the date given in this notice by which the matters contained in it must be remedied.

The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (SI 2013 No 1237).

Public Availability of Information on all Enforcement Notices

- 1. The Health and Safety Executive (HSE), for its own purposes, records and monitors trends in the enforcement action it takes, and in the convictions and penalties imposed by the Courts. It is HSE's policy that this information should be brought to the public's attention. HSE also has a statutory obligation under the Environment and Safety Information Act 1988 to maintain a public register of certain notices. Details from this notice will therefore be stored on an electronic database, which is available on HSE's Website (www.hse.gov.uk).
- 2. Information on a notice will not be entered onto the database until after right of appeal against the notice has expired. Where a notice is withdrawn or cancelled on appeal no entry will be made. Entries relating to notices served on individuals will be kept on the database for a period of 5 years from the date of issue. Notices served on individuals under the age of 18 will be removed sooner.
- 3. Information will be withheld where, in HSE's belief, its disclosure would:
 - Cause harm or prejudice; or
 - · Be in breach of the law.
- 4. Personal information is dealt with in accordance with the Data Protection Act 1998. Where disclosure of personal information would be incompatible with the Act it will not be included on the database.

5.	If you are not satisfied with the information contained in the entry you have a further right to appeal to the HSE in the first instance.



Safer Communities Bartholomew House Bartholomew Square Brighton BN1 1JP

Health and Safety at Work etc. Act 1974, Sections 21, 23 and 24

IMPROVEMENT NOTICE Ref: 2020/00090/HSW21/EH

Name: Mr Said Pascal Madjoudj

Address: Pascal's Bar, 6 Queens Place, Hove, BN3 2LT

Trading As: Pascal's Bar, 6 Queens Place, Hove, BN3 2LT

1. I, REDACTED TEXT

Being an inspector appointed by an instrument in writing made pursuant to section 19 of the said Act and entitled to issue this Notice of

2. Environmental Health & Licensing, Brighton and Hove City Council, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP
Telephone Number: (01273) REDACTED TEXT

Hereby give you notice that I am of the opinion that at: Pascal's Bar, 6 Queens Place, Hove, BN3 2LT

You, as an employer, have contravened in circumstances that make it likely that the contravention will continue or be repeated, the following statutory provisions:

Regulation 3 (1) (a) & (b) Management of Health and Safety at Work Regulations 1999

- 3. The reasons for my said opinion are: failure to implement a suitable and sufficient Risk Assessment of the risks of Covid-19 to your employees and others that may be affected by the activities you undertake
- 4. I hereby require you to remedy the said contraventions or, as the case may be, the matters occasioning them by **8 October 2020**

Signature: REDACTED TEXT DATE: 17 September 2020

An Improvement Notice is also being served on: **REDACTED TEXT** related to the matters contained in this Notice.

This is a relevant notice for the purposes of the Environment and Safety Information Act 1988.

HSCA - M (HSW) 99

SEE NOTES OVERLEAF

NOTES

- 1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc. Act 1974 and section 33(2) and Schedule 3A of this Act renders the offender liable on summary conviction, to imprisonment for a term not exceeding 6 months in England and Wales and 12 months in Scotland, or to a fine, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
- 2. An Inspector has power to withdraw an Improvement Notice or extend the period specified in the notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this notice.
- 3. The issue of this notice does not relieve you of any legal liability for failing to comply with any statutory provision referred to in the notice or to perform any other statutory or common law duty resting on you.
- 4. You can appeal against this notice to an Employment Tribunal. Details of the method of making an appeal can be found on the GOV.UK website at https://www.gov.uk/employment-tribunals/make-a-claim. An appeal can either be submitted online at the above website address, or by downloading form ET1 and posting it to either the Employment Tribunal Central Office (England and Wales), PO Box 10218, Leicester, LE1 8EG; or Employment Tribunal Central Office (Scotland), PO Box 27105, Glasgow, G2 9JR.

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- 3. Information will be withheld where, in HSE's belief, its disclosure would:
 - Cause harm or prejudice; or
 - Be in breach of the law.
- 4. Personal information is dealt with in accordance with the Data Protection Act 1998. Where disclosure of personal information would be incompatible with the Act it will not be included on the database.

5.	If you are not satisfied with the information contained in the entry you have a further right to appeal to the HSE in the first instance.

Appendix M

Regulatory Services Bartholomew House Bartholomew Square

Brighton BN1 1JP

Mr S P Madjoudj Date: 17 September 2020
Pascal's Bar Our Ref: 2020/16096/COVIDC/EH

6 Queens Place Contact: REDACTED TEXT Hove Phone: REDACTED TEXT

BN3 2LT

Email: **REDACTED TEXT**

BY HAND

Dear Mr Madjoudj,

The Health and Safety at Work Act 1974

The Health Protection (Coronavirus, Restrictions) (England) Regulation 2020 Regulation 3 (1) (a) & (b) Management of Health and Safety at Work Regulations 1999

Complaints about overcrowding and a lack of social distancing Health & Safety Improvement Notice Reference Number 2020/00090/HSW21/EH Re: Pascal's Bar (formerly La Fourchette), 6 Queens Place, Hove, BN3 2LT

I write with reference to my previous letter to you dated 20 August 2020, emails sent to you and **REDACTED TEXT** to a visit made to the above premises by my colleague **REDACTED TEXT** two Police Officers on 11 September 2020, and her letter emailed to you on 14 September 2020. I also phoned the premises and emailed you on 16 September 2020.

In these emails/letters you were informed about complaints this Department had received regarding your Covid-19 control measures in the business. You were informed of specific areas to improve in your business, provided with the relevant guidance and instructed to undertake/review a/your risk assessment in order to protect your staff, customers and visitors to your business from the risk of Covid-19.

Unfortunately, this Department has continued to receive further complaints and as a result, a further visit was carried out on 11 September 2020 by REDACTED TEXT when poor practices were observed, specifically: people standing inside drinking close together and singing, lots of intoxication, people from different households shaking hands and hugging, loud music being played and groups of customers sitting very close to one another. These practices could result in the transmission of Covid-19 between people.

Continued/...

City Council

If requested by a third party under the provisions of the **Freedom of Information Act 2000** the contents of this letter may be disclosed by Brighton & Hove City Council. For further advice please contact (01273) 291207 or search our website on www.brighton-hove.gov.uk/foi

Telephone: 01273 290000 www.brighton-hove.gov.uk

It is apparent that insufficient action has been taken following advice given and further improvements must be made with your business to protect staff and customers from Covid-19.

As a result of the visit, we are now serving an Improvement Notice on you under the above legislation, requiring you to carry out a proper Risk Assessment and put adequate Covid-19 controls in place at the above premises within the next 21 days (by 8 October 2020). A Notice has also been served on REDACTED TEXT.

Monitoring visits will be made before the Notice expires, to assess progress. Further visits will be made after the expiry of the Notice to check for compliance.

In the interim, you must ensure you have read the updated guidance at https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/restaurants-offering-takeaway-or-delivery, implemented the necessary controls and trained staff on them.

For further Covid-related advice and information, you can visit our website at https://new.brighton-hove.gov.uk/coronavirus-covid-19

If you have failed to take the necessary action to safeguard yourself, your staff and your customers, and we assess the risk as unacceptable, we have the power to take formal action to make you comply, in line with our Enforcement Policy. If necessary, we can close your business until adequate measures are in place.

Please contact me if you have any queries concerning this letter or the enclosed Notice. If you are unhappy with the service you have received, please contact the Regulatory Services Manager, contact number (01273) **REDACTED TEXT**

Yours sincerely, REDACTED TEXT

REDACTED TEXT

Senior Technical Officer.

Enclosures: Improvement Notice 2020/00090/HSW21/EH

Copy of Enforcement Policy

c.c. Mr P Madjoudi by email to REDACTED TEXT

c.c REDACTED TEXT

Appendix N



Regulatory Services
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

REDACTED TEXT Date: 17 September 2020

Our Ref: 2020/16096/COVIDC/EH

FIRST CLASS

Contact: REDACTED TEXT
Phone: REDACTED TEXT

Email: **REDACTED TEXT**

Dear Sir/Madam,

The Health and Safety at Work Act 1974

The Health Protection (Coronavirus, Restrictions) (England) Regulation 2020 Regulation 3 (1) (a) & (b) Management of Health and Safety at Work Regulations 1999

Complaints about overcrowding and a lack of social distancing Health & Safety Improvement Notice Reference Number 2020/00091/HSW21/EH Re: Pascal's Bar (formerly La Fourchette), 6 Queens Place, Hove, BN3 2LT

I write with reference to my previous letter to La Fourchette Brasserie Ltd dated 20 August 2020, emails sent to Mr Madjoudj and **REDACTED TEXT** to a visit made to the above premises by my colleague **REDACTED TEXT** and two Police Officers on 11 September 2020, and her letter emailed to Mr Madjoudj on 14 September 2020. I also phoned the premises and emailed Mr Madjoudj on 16 September 2020.

In these emails/letters, you and Mr Madjoudj were informed about complaints this Department had received regarding your Covid-19 control measures in the business. You were informed of specific areas to improve in your business, provided with the relevant guidance and instructed to undertake/review a/your risk assessment in order to protect your staff, customers and visitors to your business from the risk of Covid-19.

Unfortunately, this Department has continued to receive further complaints and as a result, a further visit was carried out on 11 September 2020 by REDACTED TEXT when poor practices were observed, specifically: people standing inside drinking close together and singing, lots of intoxication, people from different households shaking hands and hugging, loud music being played and groups of customers

If requested by a third party under the provisions of the **Freedom of Information Act 2000** the contents of this letter may be disclosed by Brighton & Hove City Council. For further advice please contact (01273) 291207 or search our website on www.brighton-hove.gov.uk/foi

Telephone: 01273 290000 www.brighton-hove.gov.uk

sitting very close to one another. These practices could result in the transmission of Covid-19 between people.

It is apparent that insufficient action has been taken following advice given and further improvements must be made with your business to protect staff and customers from Covid-19.

As a result of the visit, we are now serving an Improvement Notice on you under the above legislation, requiring you to carry out a proper Risk Assessment and put adequate Covid-19 controls in place at the above premises within the next 21 days (by 8 October 2020). A Notice has also been served on Mr Madjoudj at the premises.

Monitoring visits will be made before the Notice expires, to assess progress. Further visits will be made after the expiry of the Notice to check for compliance.

In the interim, you must ensure you have read the updated guidance at https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/restaurants-offering-takeaway-or-delivery, implemented the necessary controls and trained staff on them.

For further Covid-related advice and information, you can visit our website at https://new.brighton-hove.gov.uk/coronavirus-covid-19

If you have failed to take the necessary action to safeguard yourself, your staff and your customers, and we assess the risk as unacceptable, we have the power to take formal action to make you comply, in line with our Enforcement Policy. If necessary, we can close your business until adequate measures are in place.

Please contact me if you have any queries concerning this letter or the enclosed Notice. If you are unhappy with the service you have received, please contact the Regulatory Services Manager, contact number (01273) **REDACTED TEXT**

Yours faithfully, REDACTED TEXT

REDACTED TEXT

Senior Technical Officer.

Enclosures: Improvement Notice 2020/00091/HSW21/EH

Copy of Enforcement Policy

c.c. Mr P Madjoudi by email to REDACTED TEXT

C.C REDACTED TEXT

APPENDIX F

— Mr Said Pascal N		ke
ivii Sala i ascai i	premises licence – Pascal's Bistro	
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Mr Said Pascal Madjoudj will say as follows: -

- 1. That he accepts inadvertent mistakes have been made since August 2020 but that he has made (and will continue to do so) significant improvements to the premises which will reassure the licensing authority that they can have ongoing confidence in the management of the premises. He will uphold the licensing objectives, namely the Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance.
- 2. Mr Madjoudj has taken on board the concerns of Sussex Police and the Licensing Officers raised in the application and as such he has decided to restructure his business. Pascal's Bar was previously 'Pascal's Brasserie'. He accepts that the concerns of this application occurred with 'Pascal's Bar'. He has now taken the sensible decision to revert the premises back to Pascal's Brasserie. Mr Madjoudj has owned and managed a number of restaurant/Brasseries in Brighton & Hove since 1999, without licensing issues. The licensing authority therefore can be reassured that there will be no further concerns moving forward.
- 3. In light of Mr Madjoudj's significant decision to revert the premises back to a brasserie, he will submit that either *no action* need be taken by the authority or if deemed appropriate that *informal action* is sufficient to respond to the concerns of Sussex Police and the Licensing Officers, whilst allowing the premises to remain open to save Mr Madjoudj's business and livelihood.
- 4. Mr Madjoudj seeks to respond to all the concerns raised in the Application to assist all parties.

The Application

The Application is made by Sussex Police with recommendations to revoke the premises licence raising the following concerns: -

- i. "No confidence in the management to operate the premises in a safe and responsible way and to maintain the licensing objectives";
- ii. Traces of drugs found in the premises;
- iii. Serving customers on the verge of intoxication;
- iv. A recent assault outside the premises;
- v. Failure to cooperate with recommendations made by officials.

Mr Madjoudj seeks to deal with each of the above concerns in his representations.

Concern (i) - "No confidence in the management to operate the premises in a safe and responsible way and to maintain the licensing objectives";

Mr Madjoudj

It will assist the licensing authority to acquire knowledge about Mr Madjoudj himself.

Mr Madjoudj is a family man. Married, with three children. He is fearful of the impact that a revocation will have on his livelihood and family.

Mr Madjoudj is primarily a chef/owner. His career, relevant to this application, commenced in 1999 when he opened a French Restaurant on Western Road in Brighton – 'La Fourchette'. In 2000, after many national press reviews, he opened 'La Petite Fourchette' in East Street Brighton as a small French bistro. After the success of both premises, he opened the larger 'La Fourchette' in Western Road.

It was in 2007 that he opened the premises relevant to this application as 'Pascal's Brasserie' (now 'Pascal's Bar'). Shortly followed by a further French patisserie 'La Fourchette Patisserie' on New Church Road, Hove.

In 2010 he took over the landmark cafe that is now the newly refurbished Birdcage on the beach – 'The Bandstand Café'

Mr Pascal has never had any licensing concerns after his many years of success of venues in Brighton & Hove (save for at most, occasional noise when guests have left).

The success of Mr Madjoudj's business has been his presence and culinary skills. Unfortunately, as his venues grew in number, size, and success, he spent less time in the kitchens and struggled to run all premises, alongside the recession and was 'let down' by what he will describe as 'well paid' chefs and managers. He made the difficult decision for the sake of his family to sell all his businesses save for Pascal's Brasserie.

In 2014 he returned as chef/owner to Pascal's Brasserie. He invested hard work and time into the premises to put the business back on track – reverting the name back to his original restaurant La Fourchette. This premises (30% bar, 70% restaurant) thrived for the past 5 years.

In the midst of the Covid Pandemic at the end of 2019/early 2020, he could see that the demand for high end food was no longer there, competition became harder, he had a lack of professional staff (chefs and waiters) impacted by Brexit and made the decision to change the premises to a Bar/Bistro where the cooking was easier to handle with less professional staff required. The change was successful and well received by guests, but he will accept that this is where the issues relevant to this application commenced.

Mr Madjoudj will say that he simply was not ready for the side effects of being so busy as a bar, but he has ample experience in the management of restaurants/brasseries.

Concern (ii) - Traces of Drugs found in the premises

Mr Madjoudj has never smoked or taken a drug throughout his entire life. He accepts that he was somewhat naïve to the excessive drinking and drug culture that can be present in such venues, particularly in the area of Hove where his premises are located. The drug testing results came as a huge shock and disappointment to Mr Madjoudj.

Mr Madjoudj will accept that the drugs issue has been difficult to handle. He invested significant funds to hire managers that reassured him that they were able to deal with such issues, having had previous experience in the city.

Issues commenced in July 2020 shortly after the first Covid lockdown. It seems that customers of the premises were particularly keen to celebrate the lifting of lockdown. He took the decision to hire a front of house manager who had vast experience in the bar industry but when it transpired that he was not appropriately responding to the issues relevant to the application, he acted promptly to terminate his contract.

He promoted an existing member of staff as assistant manager leaving himself to cook and manage the premises.

During the further month of lockdown, he lost all his staff who wanted to more Covid secure jobs (Deliveroo etc), one of his main waiters returned to France and the other sadly passed away following illness.

When the business reopened in November 2020, he was required to hire a new team. No one quite predicted the level of customers that followed. In hindsight he regrets opening between the 2nd and 3rd covid lockdown as he was not prepared for what was to follow, which has ultimately led to the concerns of the application.

During the 3rd lockdown Mr Madjoudj invested in a new manageress with a huge amount of experience in the Pub and Bar trade. She had previously managed the **REDACTED TEXT** on in the same area as Pascal's Bar. She was sure that she could resolve any issues, past or present. Her job was to work with Mr Madjoudj to put the appropriate systems in place, to be Covid safe and deal with all communications of the premises. Sadly, she did not deliver the above and the problems only got worse – she was subsequently dismissed as a result.

Since the dismissal of the manageress Mr Madjoudj has tried his upmost to comply with all requests from the Police and Licensing Officers. He accepts that he has made mistakes and is trying to promptly rectify these failings promptly.

Mr Madjoudj has undertaken the following changes to the premises to ensure that the licensing objective of the Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance can be achieved: -

a. Restructure of the business

From Monday 5th July 2021 Mr Madjoudj will revert the premises back to a brasserie from the bar. He will change the name of the premises from 'Pascal's Bar' back to 'Pascal's Brasserie'. This will be a clear step to show customers that the premises is no longer a bar, but a restaurant. His new manager **REDACTED TEXT** has ample experience in restaurants and brasseries to assist him with his ongoing aim to focus on 'what they do best'.

Immediate changes will include removing the high tables to dinner tables (save for tables 1-4 which are around the bar area).

There will be no tables or chairs obstructing the public highway.

Mr Madjoudj is keen and motivated to focus on returning the premises to the restaurant – he has found the bar difficult to manage, resulting in huge amounts of stress which has ultimately removed him from the kitchens and his passion.

b. New CCTV System-

The installation of a new CCTV system at a significant cost – this new system records for 31 days with night vision with the installation of new cameras – two on the terrace, a further to the side of the building, one on the lobby to the toilets with the three original in the main area of the bar.

c. Works to the Toilets

It is of course hoped that the restaurant will not attract drug misuse, however, to ensure that the licensing objectives can be achieved, for the prevention of drug use in/on the toilets the following works have been undertaken:-

- I. Surfaces have now been made uneven and seats removed photographs are enclosed for the authorities inspection.
- II. The hand dryers have been raised to prevent the top being used as a base for drug use.
- III. In addition, tandem toilet use is not permitted with a one person at a time rule with toilet checks on the hour (or more when busy).
- d. New Manager

A new manager has now been employed. He is well known and respected in Hove **REDACTED TEXT** – he knows the area well. He is aware of the drug issues. He is sensible and experienced. He will work with Mr Madjoudj to ensure all the concerns raised in the application are addressed and will ensure that the licensing objectives are met.

e. Staff Training

All staff are now trained to ensure that they are more aware of suspicious customer behaviours and to report any suspicious activity to their manager or the Police. Training was administered in house using the commonly referred to British Beer & Pub Association guidance documentation.

f. Drug Policy

A new Drugs Policy is now in place and has been added to the existing Staff Handbook and is available for the authority's perusal.

Concern (iii) - Serving customers on the verge of intoxication

This has been addressed with the additional training of staff members however, Mr Madjoudj does not anticipate that the return to his restaurant will attract customers

seeking to drink to excess with customers visiting the venue to consume food as opposed to alcohol.

Concern (iv) - The Assault outside the premises

Again, this is addressed with the additional training and return to the restaurant however, Mr Madjoudj is of the opinion that their conduct on the night was appropriate with the door security (employed from **REDACTED TEXT**) removing the two males who argued in the premises, this was as far as the door security was concerned the end of the matter.

Concern (v) - Failure to cooperate with recommendations made by officials.

Mr Madjoudj has now followed the recommendations made by officials as detailed in these representations and will continue to do so as required.

Conclusion

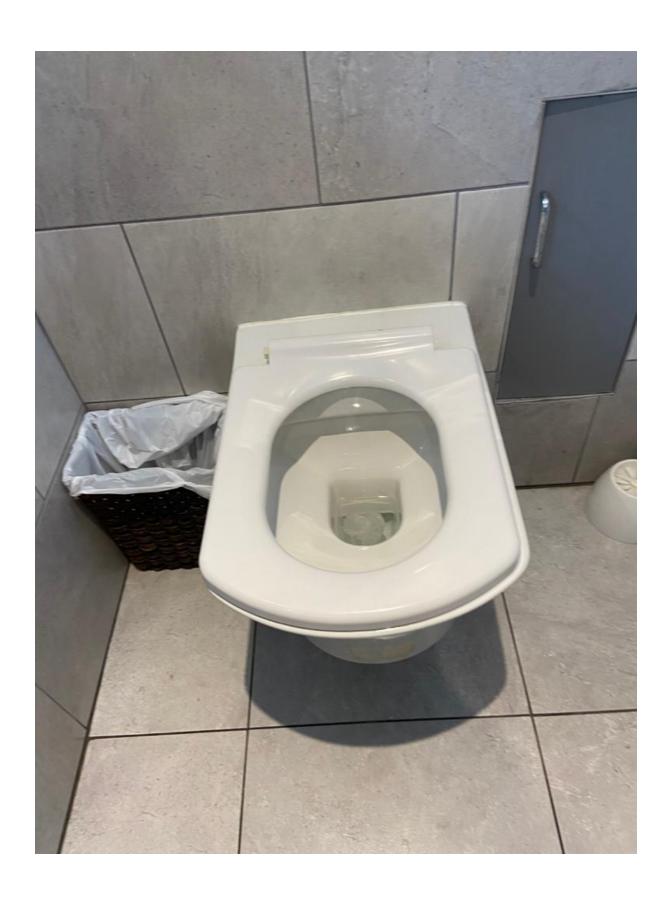
It is clear that Pascal's Bar attracted issues which were neither anticipated nor welcome by all parties concerned. It has however been a remarkably difficult year in the hospitality trade coping with the Covid pandemic (and to some extent Brexit). Whilst the application refers to issues occurring since August 2020 it must not be forgotten that the premises in question remained closed for a significant period of time since August 2020 as a result of lockdowns and restrictions, at a cost to Mr Madjoudj and his staff.

It must also be relevant that Mr Madjoudj is a renowned and experienced restauranteur (evidenced by his impressive licensing history since 1999 in Brighton and Hove) – with Pascals Bar being his first experience in the pub and bar field. The authority will appreciate that the usual interviewing process that would ordinarily occur in such situations has not been available due to the Covid limitations, the authority may consider that the interviewing process may have been an opportunity for the issues to be raised and responded to accordingly and thus not resulting in the present application.

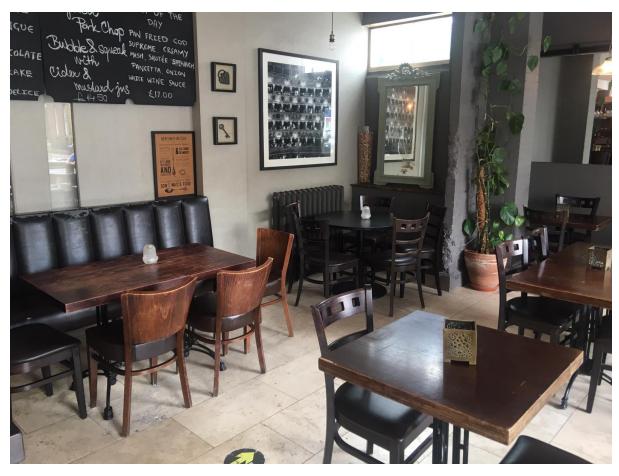
Mr Madjoudj very much hopes that the authority and all parties concerned will be satisfied with the significant and costly steps that have been taken in response to this application to uphold the licensing objectives.

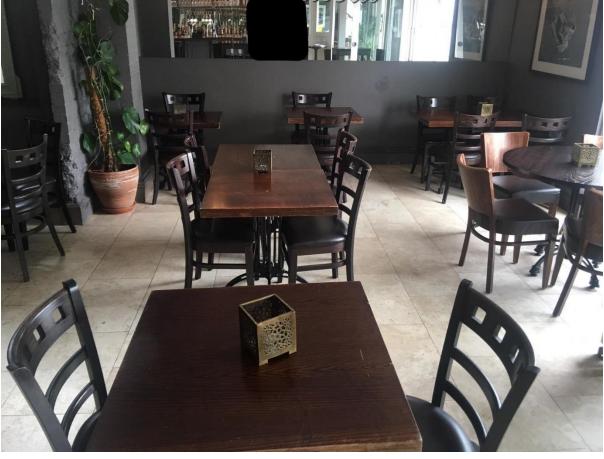
Mr	Said	Pascal	Madjoudj				
Signed							
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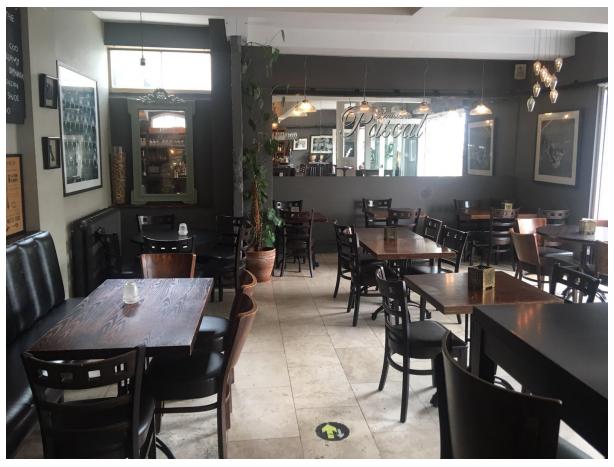














Licensing Team
Brighton & Hove City Council
2nd Floor Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

20 July 2021

Dear team

6 Queens Place, Second Avenue, Hove, East Sussex, BN3 2LT

Tenant: Pascal Madjoudj Landlord: REDACTED TEXT

I am writing with reference to the above-named tenant and his occupation of our premises noted above.

I can confirm that Mr Madjoudi has been our tenant since 18 January 2007 under the terms of a 20 year lease.

Mr Madjoudi has ensured he has met the terms of his lease since the period of his occupation and has been a model tenant. He has made significant improvements to the premises ensuring that we, as landlords, have been fully aware of the changes he wished to make prior to making the appropriate planning application.

I understand that Mr Madjoudi had altered his business model slightly to open as a bar and this has not worked favourably however he feels that reverting to the dining experience he previously offered is the way forward and requires the licence for this purpose and as his landlord we support this application.

I hope you will consider his licence review favourably as it will impact the income stream to the pension fund should this not be possible.

Yours faithfully

REDACTED TEXT

On Behalf of the **REDACTED TEXT**



Introduction...

The success of any organisation and that of its employees and workers depends very largely on the employees and workers themselves, and so we look to you to play your part as we shall continue to play ours.

We provide equal opportunities and are committed to the principle of equality regardless of race, colour, ethnic or national origin, religious belief, political opinion or affiliation, sex, marital status, sexual orientation, gender reassignment, age or disability. We operate employment policies that are fair, equitable and consistent with the skills and abilities of our employees and the needs of the business.

We look to your support in implementing these policies to ensure that all employees are accorded equal opportunities for recruitment, training and promotion and, that equal terms and conditions of employment are applied to all jobs of like work.

We will not condone any discriminatory act or attitude in the conduct of our business either with members of the public or our employees. Acts of harassment or discrimination on the grounds of race, colour, ethnic or national origin, religious belief, political opinion or affiliation, sex, marital status, sexual orientation, gender reassignment, age or disability are disciplinary offences.

We welcome you and express our sincere hope that you will be happy here in our team.

We ask that you carefully study the contents of this Handbook as, in addition to setting out our rules and regulations, it also contains a great deal of helpful information.

Any queries you may have relating to information within this Handbook should be raised with your Departmental Manager.

Contents

- 1-Joining our organisation
- 2-Wages and salaries, etc.
- 3-Holiday entitlement and conditions
- 4-Sickness/injury payments and conditions
- 5- Safeguards
- 6-Standards
- 7-Health, safety, welfare and hygiene
- 8-General information and procedures
- 9-Making a protected disclosure
- 10-Capability
- 11-Disciplinary rules and procedures
- 12-Disciplinary appeal procedure
- 13-Grievance procedure
- 14-Equal opportunities policy
- 15-Personal harassment policy and procedure
- 16-Termination of employment
- 17-Alcohol and Drugs Policy: A. In the Worplace / B. Guests Experience

1-Joining Our Company

A) PROBATIONARY PERIOD

You join us on an initial probationary period of three months. During this period your work performance and general suitability will be assessed and, if it is satisfactory, your employment will continue. However, if your work performance is not up to the required standard, or you are considered to be generally unsuitable, we may either take remedial action or terminate your employment without recourse to the capability or if a conduct matter the disciplinary procedure. At the end of your probationary period you will again be assessed and, if satisfactory, you will become a member of our regular staff. If you have not reached the required standard we may either extend the probationary period in order that remedial action can be taken or terminate your employment without recourse to the capability or disciplinary procedure. In the event of you failing to improve during the extended probationary period, your employment will be terminated without recourse to the capability or disciplinary procedure and subject to the basic requirements of the ACAS Code of Practice.

B) JOB DESCRIPTION

You will have been provided with a job description of the position to which you have been appointed but amendments may be made to your job description from time to time in relation to our changing needs and your own ability.

C) EMPLOYEE TRAINING

At the commencement of your employment you will receive training for your specific job, and as your employment progresses your skills may be extended to encompass new job activities within the business. If you are interested in any particular training you should discuss this with your Line Manager.

D) PERFORMANCE AND REVIEW

Our policy is to monitor your work performance on a continuous basis so that we can maximise your strengths, and help you overcome any possible weaknesses.

E) STAFF APPRAISAL SCHEME

We have a staff appraisal scheme in place for the purpose of monitoring staff performance levels with a view to maximising the effectiveness of individuals, details of which are available separately.

F) JOB FLEXIBILITY

It is an express condition of employment that you are prepared, whenever necessary, to transfer to alternative duties within our business. During holiday periods, etc. it may be necessary for you to take over some duties normally performed by colleagues. This flexibility is essential as the type and volume of work is always subject to change, and it allows us to operate efficiently and gain maximum potential.

G) MOBILITY

It is a condition of your employment that you are prepared, whenever applicable, to travel to any other of our sites within reasonable travelling distance on a temporary basis. This mobility is essential to the smooth running of our business.

2-Wages and Salaries. etc.

A) ADMINISTRATION

1. Payment

- a. Payment is made weekly for hourly paid variable staff, and monthly for permanent staff.
- b. Weekly Paid Staff The working week runs from Monday to Sunday. Payment of wages will take place on the following Friday directly into your bank account or building society account you will be required to give your account details.
- c. You will receive a payslip showing how the total amount of your pay has been calculated. It will also show the deductions that have been made and the reasons for them, e.g. Income Tax, National Insurance, etc.
- d. Any pay queries that you may have should be raised with your Line Manager.

2. Overpayments

If you are overpaid for any reason, the total amount of the overpayment will normally be deducted from your next payment but if this would cause hardship, arrangements may be made for the overpayment to be recovered over a longer period.

3. Income Tax and National Insurance

At the end of each tax year you will be given a form P60 showing the total pay you have received from us during that year and the amount of deductions for Income Tax and National Insurance. You may also be given a form P11D showing non-salary benefits. You should keep these documents in a safe place as you may need to produce them in your dealings with the Inland Revenue and other government departments, or if completing a self-assessment form.

B) LATENESS/ABSENTEEISM

- 1. You must attend for work punctually and be ready to commence work at the specified time(s) and are required to comply strictly with any time recording procedures relating to your work.
- 2. All absences must be notified in accordance with the sickness reporting procedures laid down in this Employee Handbook.
- 3. If you arrive for work more than one hour late without having previously notified us, other arrangements may have been made to cover your duties and you may be sent off the premises for the remainder of the shift/day without pay.
- 4. Lateness or absence may result in disciplinary action and/or loss of appropriate payment.
- C) SHORTAGE OF WORK If there is a temporary shortage of work for any reason, we will try to maintain your continuity of employment even if this necessitates placing you on short time or having to lay you off work without pay other than statutory guarantee pay.
- D) MATERNITY/PATERNITY LEAVE AND PAY You may be entitled to maternity/paternity leave and pay in accordance with the current statutory provisions. If you (or your partner) become pregnant you should notify your Departmental Manager at an early stage so that your entitlements and obligations can be explained to you.

E) PARENTAL LEAVE

If you are entitled to take parental leave in respect of the current statutory provisions, you should discuss your needs with your Departmental Manager, who will identify your entitlements and look at the proposed leave periods dependent upon your child's/children's particular circumstances and the operational aspects of the business.

F) TIME OFF FOR DEPENDANTS

You may be entitled to take a reasonable amount of unpaid time off during working hours to take action that is necessary to provide help to your dependants. Should this be necessary you should discuss your situation with your Departmental Manager, who, if appropriate, will agree the necessary time off. In the event of emergency situations, you must contact your Line Manager as soon as possible after the event in order to advise the Company of your personal situation.

3-Holiday Entitlement and Conditions

- A) ANNUAL HOLIDAYS
- 1. Details of your holiday year and your annual holiday entitlement is shown in your individual Contract of Employment.
- 2. It is our policy to encourage you to take all of your holiday entitlement in the current holiday year. We do not permit holidays to be carried forward.
- B) CONDITIONS APPLYING TO YOUR ANNUAL HOLIDAY ENTITLEMENT
- 1. You should complete a holiday request form for all holiday requests and have it signed by your Departmental Manager before making any firm holiday arrangements.
- 2. Holiday requests will only be considered if you present them on a holiday request form and we will allocate agreed holiday dates on a "first come
- first served" basis whilst ensuring that operational efficiency and minimum staffing levels are maintained throughout the year.
- 3. You should give at least four weeks' notice of your intention to take holidays and at least one week's notice is required for odd single days.
- 4. Your holiday pay will be at your normal basic pay unless shown otherwise in your contract of employment or Letter of Engagement
- 5. In the event of the termination of your employment any holidays accrued but not taken will be paid for. However, in the event of you having taken holidays in the current holiday year, which have not been accrued pro-rata, then the appropriate payments will be deducted from your final wages/salary. This is an express written term of your contract of employment.

4-Sickness/Injury Payments and Conditions

A) NOTIFICATION OF INCAPACITY FOR WORK

- 1. You must notify us by telephone on the first day of incapacity at the earliest possible opportunity before your start time. Notification should be made personally (or if you are unable to do so, then by a relative, neighbour or friend), to your Departmental Manager or in their absence the Senior Staff on duty. You should try to give some indication of your expected return date and notify us as soon as possible if this date changes.
- 2. If your incapacity extends to more than seven days you are required to notify us of your continued incapacity once a week thereafter, unless otherwise agreed.
- B) EVIDENCE OF INCAPACITY

- 1. Doctors' certificates are not issued for short-term incapacity. In these cases of incapacity (up to seven calendar days) you must sign a self-certification absence form on your return to work.
- 2. If your sickness has been (or you know that it will be) for longer than seven days (whether or not they are working days) you should see your doctor and make sure he/she gives you a Fitness to Work Certificate and forward this to us without delay.

 Subsequently you must supply us with consecutive doctors' medical certificates to cover the whole of your absence.

C) PAYMENTS

- 1. You are entitled to statutory sick pay (SSP) if you are absent because of sickness or injury provided you meet the criteria in the current SSP regulations. When you are absent for four or more consecutive days you will be paid SSP by us if you are eligible. This is treated like wages and is subject to normal deductions.
- 2. Qualifying days are the only days for which you are entitled to SSP. These days are normally your working days unless otherwise notified to you. The first three qualifying days of absence are waiting days for which SSP is not payable. Where a second or subsequent period of incapacity (of four days or more) occurs within 56 days of a previous period of incapacity, waiting days are not served again.
- 3. Any payment of wages/salary made during periods of absence from work due to any injury sustained at work will not imply acceptance of responsibility.
- 4. Where the circumstances of your incapacity are such that you receive or are awarded any sum by way of compensation or damages in respect of the incapacity from a third party, then any payments which we may have made to you because of the absence (including SSP) shall be repaid by you to us up to an amount not exceeding the amount of the compensation or damages paid by the third party and up to, but not exceeding, any amount paid by us.

D) RETURN TO WORK

- 1. You should notify your Departmental Manager as soon as you know on which day you will be returning to work, if this differs from a date of return previously notified.
- 2. If you have been suffering from an infectious or contagious disease or illness you must not report for work without clearance from your own doctor. Separate rules relating to infectious diseases and food handlers are to be found later in this handbook and you, if you are a food handler, must familiarise yourself with them.
- 3. Upon returning to work you may be interviewed by your Departmental Manager for the purposes of ascertaining your well-being; this is known as a return to work interview

E) GENERAL

- 1. Submission of a medical certificate or sickness self-certification absence form, although giving us the reason for your absence, may not always be regarded by us as sufficient justification for accepting your absence. Sickness is just one of a number of reasons for absence and although it is understandable that if you are sick you may need time off, continual or repeated absence through sickness may not be acceptable to us.
- 2. In deciding whether your absence is acceptable or not we will take into account the reasons and extent of all your absences, including any absence caused by sickness. We cannot operate with an excessive level of absence as all absences, for whatever reason, reduces our efficiency.
- 3. We will take a serious view if you take sickness/injury leave which is not genuine, and it will result in disciplinary action being taken.
- 4. If we consider it necessary, we may ask your permission to contact your doctor or for you to be independently medically examined.

5-Safeguards

A) RIGHTS OF SEARCH

- 1. We have the contractual right to carry out searches of employees and their property (including vehicles) whilst they are on our premises or business. These searches are random and do not imply suspicion in relation to any individual concerned.
- 2. If you should be required to submit to a search, if practicable you will be entitled to be accompanied by a third party to be selected from only someone who is on the premises at the time a search is taking place. This right also applies at the time that any further questioning takes place.
- 3. You may be asked to remove the contents of your pockets, bags, vehicles, etc.
- 4. Whilst you have the right to refuse to be searched, refusal by you to agree to being searched will constitute a breach of contract, which could result in your dismissal.
- 5. We reserve the right to call in the police at any stage.
- 6. If you suspect someone of stealing, whether from yourself, the team, restaurant or customers, you should report the matter to your Manager or a Director who will treat the information with the utmost confidentiality.

B) CONFIDENTIALITY

- 1. All information that:
 - a. is or has been acquired by you during, or in the course of your employment, or has otherwise been acquired by you in confidence;
- b. relates particularly to our business, or that of other persons or bodies with whom we have dealings of any sort; and c. has not been made public by, or with our authority; shall be confidential, and (save in the course of our business or as required by law) you shall not at any time, whether before or after the termination of your employment, disclose such information to any person without our prior written consent.

- 2. You are to exercise reasonable care to keep safe all documentary or other material containing confidential information, and shall at the time of termination of your employment with us, or at any other time upon demand, return to us any such material in your possession.
- C) COPYRIGHT All written material, whether held on paper, electronically or magnetically which was made or acquired by you during the course of your employment with us, is our property and our copyright. At the time of termination of your employment with us, or at any other time upon demand, you shall return to us any such material in your possession.

D) STATEMENTS TO THE MEDIA

Any statements to reporters from newspapers, radio, television, etc. in relation to our business will be given only by the Directors of the Company or nominated persons.

E) CASH HANDLING/TRANSACTION

You are required to strictly comply with cash handling and transaction procedures as notified separately

F) ORDERING AND RECEIVING GOODS

Only Departmental Managers authorised through the Directors and the General Manager are allowed to place orders for goods on our behalf and within the agreed budgetary limits. You may only sign for goods received or accept deliveries if you have been authorised to do so.

G) INDUCEMENTS

If you are offered any inducements, whether in cash, kind or goods, you should refuse such offers and immediately report the matter to your Departmental Manager or a Director. Any employee not adhering to this could be subject to disciplinary action.

H) KEY SECURITY

If you are entrusted with Company keys e.g. to premises, vehicles, cupboards etc, you are responsible for the security of these. They should not be left lying around etc and you should never give them to another person unless specifically authorised to do so.

I) ENTERING/LEAVING PREMISES

For your own protection and the benefit of customers, you should use entrance/exits designated for your use.

J) INVENTIONS/DISCOVERIES

- 1. An invention or discovery made by you will normally belong to you. However, an invention or discovery made by you will become our property if it was made:
 - a. in the course of your normal duties under such circumstances that an invention might reasonably be expected to result from those duties;
 - b. outside the course of your normal duties, but during duties specifically assigned to you, when an invention might reasonably be expected to result from these; and
 - c. during the course of any of your duties, and at the time you had a special obligation to further our interests arising from the nature of those duties, and your particular responsibilities.

K) VIRUS PROTECTION PROCEDURES

- 1. In order to prevent the introduction of virus contamination into the software system the following must be observed:
 - a. unauthorised software including public domain software, magazine cover disks/CDs or Internet/World Wide Web downloads must not be used; and
 - b. all software must be virus checked using standard testing procedures before being used.

L) USE OF COMPUTER EQUIPMENT / E-MAIL AND INTERNET POLICY

- 1. In order to control the use of the company's computer equipment and reduce the risk of contamination the following will apply:
 - a. The introduction of new software must first of all be checked and authorised by a nominated senior member of the company before general use will be permitted.
 - b. Only authorised staff should have access to the company's computer equipment.
 - c. Only authorised software may be used on any of the company's computer equipment.
 - d. Only software that is used for business applications may be used.
 - e. No software may be brought onto or taken from the company's premises without prior authorisation.
 - f. Unauthorised access to the computer facility will result in disciplinary action in line with the Company's Disciplinary Procedure
 - g. Unauthorised copying and/or removal of computer equipment/software will result in disciplinary action, such actions could lead to dismissal in line with the Company's Disciplinary Procedure.
 - h. Employees should be aware that abuse of Company computer equipment could also result in civil and criminal law action if deemed necessary the result of which could be prosecution

- 2. Introduction The purpose of the Internet and E-mail policy is to provide a framework to ensure that there is continuity of procedures in the usage of Internet and E-mail within the company. The Internet and E-mail system have established themselves as an important communications facility within the company and have provided us with contact with professional and academic sources throughout the world. Therefore, to ensure that we are able to utilise the system to its optimum we have devised a policy that provides maximum use of the facility whilst ensuring compliance with the legislation throughout.
- 3. Internet Where appropriate, duly authorised staff are encouraged to make use of the Internet as part of their official and professional activities. Attention must be paid to ensuring that published information has relevance to normal professional activities before material is released in the company name. Where personal views are expressed, a disclaimer stating that this is the case should be clearly added to all correspondence. The intellectual property right and copyright must not be compromised when publishing on the Internet. The availability and variety of information on the Internet has meant that it can be used to obtain material reasonably considered to be offensive. The use of the Internet to access and/or distribute any kind of offensive material, or non-related employment issues, leave an individual liable to disciplinary action which could lead to dismissal.
- 3. The use of the E-mail system is encouraged as its appropriate use facilitates efficiency. Used correctly it is a facility that is of assistance to employees. Inappropriate use however causes many problems including distractions, time wasting and legal claims. The procedure sets out the company's position on the correct use of the E-mail system.
- 4. Procedures Authorised Use
 - a. Unauthorised or inappropriate use of the E-mail system may result in disciplinary action which could include summary dismissal.
 - b. The E-mail system is available for communication and matters directly concerned with the legitimate business of the company.

Employees using the E-mail system should give particular attention to the following points:

- All comply with company communication standards;
- E-mail messages and copies should only be sent to those for whom they are particularly relevant;
- E-mail should not be used as a substitute for face-to-face communication or telephone contact. Flame mails (i.e. E-mails that are abusive) must not be sent. Hasty messages sent without proper consideration can cause upset, concern or misunderstanding;

- If E-mail is confidential the user must ensure that the necesary steps are taken to protect confidentiality. The company will be liable for infringing copyright or any defamatory information that is circulated either within the company or to external users of the system; and
- Offers or contracts transmitted by E-mail are as legally binding on the company as those sent on paper.
- c. The company will not tolerate the use of the E-mail system for unofficial or inappropriate purposes, including:
 - Any messages that could constitute bullying, harassment or other detriment
 - Personal use (e.g. social invitations, personal messages, jokes, cartoons, chain letters or other private matters); iii) on-line gambling;
 - Accessing or transmitting pornography.
 - Transmitting copyright information and/or any software available to the user
 - Posting confidential information about other employees, the company or its customers or suppliers

6-Standards

A) WASTAGE

- 1. We maintain a policy of "minimum waste" which is essential to the cost-effective and efficient running of all our operations.
- 2. You are able to promote this policy by taking extra care during your normal duties by avoiding unnecessary or extravagant use of services, time, energy, etc. The following points are illustrations of this:
 - handle machines, equipment and stock with care;
 - turn off any unnecessary lighting and heating. Keep doors closed whenever possible;
 - ask for other work if your job has come to a standstill; and d. start with the minimum of delay after arriving for work and after breaks.
- 3. The following provision is an express written term of your contract of employment:-
 - any damage to vehicles, stock or property (including non-statutory safety equipment) that is the result of your carelessness, negligence or deliberate vandalism may render you liable to pay the full or part of the cost of repair or replacement;
 - any loss to us that is the result of your failure to observe rules, procedures or instruction, or is as a result of your negligent behaviour or your unsatisfactory standards of work may render you liable to re-imburse to us the full or part of the cost of the loss; and

- in the event of an at fault accident whilst driving one of our vehicles you may be required to pay the cost of the insurance excess up to a maximum of £250.00.
- 4. In the event of failure to pay, we have the contractual right to deduct such costs from your pay.

B) STANDARDS OF DRESS/APPEARANCE

- 1. As you are liable to come into contact with customers and members of the public, it is important that you present a professional image with regard to appearance and standards of dress. Where workwear is provided, this must be worn at all times whilst at work and laundered on a regular basis. Where workwear is not provided, you should abide by our dress code if applicable and wear clothes appropriate to your job responsibilities, which should be kept clean and tidy at all times.
- 2. Hair should be clean and tidy and long hair should be tied back. Stud like earrings only may be worn and jewellery should be kept to a minimum. Nails should be neatly trimmed and you should avoid using a harsh colour nail varnish. Body piercing or tattoos should not be visible if you are working in customer service areas.
- 3. You should wear footwear that is appropriate for your departmental duties but in all cases it must be of a safe working height, preferably with a non-slip sole. All front of house staff should wear black closed toe shoes and black socks/tights/stockings.
- C) HOUSEKEEPING

Both from the point of view of safety and of appearance, work areas must be kept clean and tidy at all times

7-Health, Safety, Welfare and Hygiene

GENERAL STATEMENT

The Company accepts the aim and provisions of the Health & Safety at Work Act 1974.

The Company recognises that one of its foremost duties and responsibilities is the need to provide and maintain safe, healthy and hygienic working conditions and practices for all employees. The company considers that management and employees should share this responsibility for ensuring strict adherence to all company safety rules and regulations, and that they are obliged to co-operate with the company in maintaining high

standards of health and safety. The company considers the health & safety of its employees to be of paramount importance. Failure by any member of staff to observe correct and adequate health & safety practices will result in disciplinary action.

A) PERSONAL LIABILITY OF EMPLOYEES

It is the duty of each individual employee to take every reasonable care to ensure the health and safety of himself /herself and other persons who may be affected by his/her acts or omissions at work at work. It is also the duty of all employees to co-operate with their employers in achieving compliance with Health & Safety at Work Act 1974.

B) SCOPE OF POLICY

This policy statement will apply to all persons working within one of our locations contractually employed by the Company.

C) ACCIDENT PREVENTION

It is the responsibility of the members of the Management Team within the site to walk floors regularly to spot potential hazards to take remedial action. It is also their responsibility to ensure that staff is briefed in the necessary measures and precautions. It is the responsibility of all staff to be vigilant and to protect their own colleagues' health and safety and to report potential or actual hazards.

D) TRAINING

Each site Manager is responsible for identifying the training needs of his/her staff and ensuring that the necessary health and safety training, including induction training, is given to and understood by his/her staff.

E) ACCIDENT INVESTIGATIONS

Any member of staff who has had an accident must make sure that it is recorded in the 'Accident Book' which will be reviewed monthly by management. Any hazards causing or contributing to the accident will be dealt with and a record made of the action taken.

F) FIRST AID ARRANGEMENTS

First aid materials are provided at each branch. The Manager is responsible for their distribution and the nomination (if required) of a responsible person to take charge.

G) FIRE & ACCIDENT PREVENTION EMERGENICIES & TRAINING

All staff will take part in fire training under the instruction of the Fire & Safety Officers located on their site. Or from the Branch Manager, who MUST be well versed in the individual branch fire evacuation procedure.

Training and drills will also be undertaken to cover accidents and emergencies such as bomb scares.

In an emergency: Remain Calm Walk - Don't Run!

Dangers from fire: Suffocation Major Burns

H) SAFETY

- Sign-in on arrival
- Know where the fire assembly point is.
- If fire alarm sounds leave by the nearest exit & meet at the designated area
- Only tackle a small fire if safe to do so
- Do not return for personal belongings
- Only return to the building when told to do so by the Fire Officer

USE OF DANGEROUS MACHINERY

Branch Managers/ Supervisors must ensure that no employee is allowed to operate any machinery prescribed as dangerous without adequate training or supervision and that no person under 18 years of age is allowed to operate or clean such machinery under any circumstances.

J) DANGEROUS MACHINERY

All catering equipment can be dangerous unless used in the correct manner. The Site Manager will outline the dangers of each piece of equipment at the branch, but the following points should be noted:

- Check that protective devices are in place and that the machine is correctly set for the operation
- The plug and cable should be inspected to ensure they are in sound condition and have been correctly wired
- Report breakdowns and replacements needed, to your Manager immediately

K) PERSONAL PROTECTION EQUIPMENT

Where personal protection equipment or clothing is required for a particular task the necessary equipment will be issued to you. Please ensure that you wear this equipment and after use ensure that it is cleaned and returned to its correct storage place. Examples of equipment:

- Gloves
- Goggles
- Masks

L) PRESSURISED CLYINDERS

Always ensure that gas bottles are upright and securely fixed either in a holster or with chains. Failure to do so could result in broken bones, bruising or explosions. If the above is not available, the cylinder should be laid on the floor so that it cannot fall over and cause injury.

M) MANUAL LIFTING

Staff are often required to lift and carry items. Some will be heavy. Many back injuries are caused through incorrect lifting procedures.

BASIC LIFTING RULES

Think things through before you start:-

- a. Examine the object for size, shape & weight. Can this be moved by mechanical means? If not, decide where & how to hold it.
- b. Clear your path of obstruction & tripping hazards.
- c. Know where & how you will let the object down.
- d. If you have any doubts about lifting objects, get help. MOVING OBJECTS SAFELY
 - Assess the load
 - Plan the task
 - Use equipment
 - Get enough help
 - Clear the area
 - Never lift at arms length
 - Never lift with any back injury
 - Always follow safety rules

Legal Requirements

A) LICENSING LAW

- All staff working in a licensed unit must be over 18
- Customers who appear to be under 21 must not be served without proof of age
- Age must be proved if there is any doubt
- Customers who appear to be under the influence of alcohol or drugs must not e served
- Staff must ensure correct measures are served to comply with weights & measure regulations

B) WEIGHTS & MEASURES ACT 1985

It is an offence to give a short measure to a customer.

The quantities of beer & spirits which can lawfully be sold in licensed premises are:

- Beer including lager and cider must be sold only in quantities of half pints and multiples thereafter
- Spirits only to be sold in quantities of 25ml or multiples thereafter

C) PRICE DISPLAYS

An up-to date tariff indicating current prices and alcohol by volume strengths must be displayed in view of the public.

D) TRADE DESCRIPTION 1968

Under the Act, it is an offence to apply a false description of goods, either in writing, verbally or by customer request. For example, a customer asks for a 'Pepsi' your reply should be "We only sell Coca Cola".

Hygiene

A) FOOD HYGIENE LAWS

The unit in which you work should and must be at all time maintained to a high standard of cleanliness. Food Safety & Hygiene laws states "You must keep food/drink free from harmful germs, chemical and foreign bodies. Food becomes contaminated in three ways:

- Contaminations from foreign bodies e.g. Kitchen & other debris being allowed to fall into food stuffs.
- Chemical contamination from pesticides, insecticides and other chemicals including cleaning fluids.

• Bacterial contamination from bacteria. Viruses do not grow but can be passed on through the food chain.

B) CARELESSNESS CAUSES CONTAMINATION

For example:

- a. Food handlers aren't careful enough with personal hygiene
- b. Preparation, storage, display and serving area aren't kept clean
- c. Equipment isn't kept clean or used as recommended
- d. Food isn't stored, prepared or cooked at regulation temperatures Food must never be touched by hand when serving. Always use utensils, napkins or thermal bags as appropriate. Hot food must be sold and kept at temperatures of above 63 °C. If you have any doubts, contact your manager.

C)PERSONAL HYGIENE STANDARDS

- Keep yourself and clothing clean
- Keep any make-up discreet use sparingly.
- No jewellery except a single plain bank ring (wedding style), one pair of ear studs (either sleeper or stud style) and a watch. Nose, studs, single earrings, or ear studs must be removed as must all other jewellery before starting work.
- Hair must be clean and tidy and if collar length, tied back. Hats must be worn by all food bar staff, cooks and food preparation staff including Chefs.
- Wear low healed, sensible enclosed shoes which are clean and in a good state of repair.
- Legs, except when wearing a specified uniform which includes ankle length trousers, must be fully covered with stockings or tights. vii) Finger nails should be short and free from vanishes.
- Wash hands after:

Visiting the toilet, Putting Waste in bins, Before starting work, Sneezing and coughing, Touching hair, eyes nose or ears, Touching raw food or any knife, board etc that has been in contact with raw food, Smoking or taking a break smoking is prohibited in work areas) and using Chemicals.

Hand basins are for the washing of hands only. Hot water, soap and drying facilities must be always available and used.

E) INFECTIONS / ILLNESS

Before starting work you must notify your Manager if you are suffering with any of following ailments: colds, sore throats, ear infections, cuts, boils, vomiting, diarrhoea or have been in close contact with anyone suffering from food poisoning symptoms

8-General Terms of Employment, Information and Procedures

A) CHANGES IN PERSONAL DETAILS

You must notify us of any change of name, address, telephone number, etc., so that we can maintain accurate information on our records and contact you in an emergency, if necessary, outside normal working hours.

B) OTHER EMPLOYMENT

If you already have any other employment or are considering any additional employment you must notify us so that we can discuss any implications arising from the current working time legislation.

C) TIME OFF

Circumstances may arise where you need time off for medical/dental appointments, or for other reasons. Where possible, such appointments should be made outside normal working hours, or you may change your shift with a colleague. If this is not possible, time off required for these purposes may be granted at the discretion of your Departmental Manager and will normally be without pay. You should endeavour to make these appointments at the beginning or end of the day to cause as least disruption as possible.

D) BEREAVEMENT LEAVE

Individuals' reactions to be reavement vary greatly and the setting of fixed rules for time off is therefore inappropriate. You should discuss your circumstances with your Line Manager and agree appropriate time off and whether this is with or without pay.

E) TRAVEL EXPENSES

We will reimburse you for any reasonable expenses incurred whilst travelling on our business. The rules relating to travelling expenses will be issued separately. You must provide receipts for any expenditure.

F) COMMUNICATIONS

We will try to keep you informed about items of interest by means of our notice board, you should use these, if you wish (with permission), to promote any particular item of interest to other employees.

G) EMPLOYEES' PROPERTY

We do not accept liability for any loss of, or damage to, property that you bring onto the premises. You are requested not to bring personal items of value onto the premises and, in particular, not to leave any items overnight.

H) LOST PROPERTY

Articles of lost property should be handed to your Line Manager who will retain them whilst attempts are made to discover the owner.

I) PARKING

Where parking is provided, to avoid congestion, all vehicles must be parked only in the designated parking areas. No liability is accepted for damage to private vehicles, however it may be caused.

J) MAIL

All mail received by us will be opened, including that addressed to employees and private mail, therefore, should not be sent care of our address. No private mail may be posted at our expense except in those cases where a formal re-charge arrangement has been made.

K) TELEPHONE CALLS

Telephones are essential for our business. Urgent personal calls can only be made with the prior permission of Management and where a pay phone is provided this should be used.

L) MOBILE PHONES

- a. Company mobile phones, where possible, should be switched on during working hours. Urgent personal calls are permitted but should be of short duration. Any abuse may lead to disciplinary action and we reserve the right to deduct from your monies the cost of any excessive calls. This is an express written term of your contract of employment.
- b. Personal mobile phones should be switched off during working hours unless agreed with Management.

M) USE OF MOBILE WHILST DRIVING

It is illegal to use a mobile phone whilst driving (without a hands free set). It is our company policy that you should not use any mobile phones whilst driving. You should pull over to the side of the road in an appropriate place before making or receiving any telephones calls. In the event of you being unable to pick up a call because you cannot find a safe place to stop, you must return the call as soon as conveniently possible.

N) BUYING OR SELLING OF GOODS

You are not allowed to buy or sell goods on your own behalf on our premises or during your working hours.

O) COLLECTIONS FROM EMPLOYEES

Unless specific authorisation is given by your Departmental Manager, no collections of any kind are allowed on our premises.

P) FRIENDS AND RELATIVES CONTACT

You should discourage your friends and relatives from either calling on you in person or by telephone except in an emergency.

Q) COMMENTS/IDEAS

We welcome and encourage your comments and ideas to evolve and improve the Company which will be accepted and acknowledged by Management. Even the smallest idea can result in improvement.

R) STAFF BREAKS

Staff breaks are allowed but these must be agreed with your Departmental Head to ensure they do not affect the smooth running of your department.

S) LOCKERS

If you have been provided with a locker you will be issued with a key and be required to sign for this. Any replacement needed due to your negligence/carelessness, will leave you liable for the cost of this and we reserve the right to deduct from your monies such sum. This is an express written term of your contract of employment.

9-Making a Protected Disclosure

A) INTRODUCTION

- 1. Under certain circumstances, employees have legal protection if they make disclosures about organisations for whom they work. These employees are commonly referred to as 'whistle blowers' and their activities have often received wide publicity in the media.
- 2. An employee who believed, for example, that organisations were disposing of toxic waste illegally may have 'blown the whistle' directly to the press or television, perhaps because of concern for the environment, a belief that the organisation would attempt a 'cover-up' if asked to stop, or for financial gain.
- 3. Employees, who blew the whistle on organisations, were often treated detrimentally by them or their engagements were terminated. This discouraged employees from whistle blowing even where such action would be for the good of the public. The legislation is designed to protect employees from suffering any detriment or termination of engagement for whistle blowing.

B) QUALIFYING DISCLOSURES

- 1. Certain disclosures are prescribed by law as 'qualifying disclosures'. Disclosures are qualifying disclosures where it can be shown that the company commits a 'relevant failure' by:
 - committing a criminal offence;
 - failing to comply with a legal obligation;
 - a miscarriage of justice;
 - endangering the health and safety of an individual;
 - environmental damage; or
 - concealing any information relating to the above.
- 2. These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen.

C) THE PROCEDURE

1. If you so wish you should in the first instance report any concerns you may have to your Manager who will treat the matter with complete confidence. If you are not satisfied with the explanation or reason given to you, you should raise the matter with the appropriate organisation or body, e.g. the Police, the Environment Agency, Health and Safety Executive or Social Services Department.

2. If you do not report your concerns to your Manager you may take them direct to the appropriate organisation or body however you are encouraged to fully exhaust the formal internal procedures where possible.

D) GENERAL NOTES

- 1. The Public Interest Disclosure Act 1998 prevents you from suffering a detriment or having your contract terminated for 'whistle blowing' and we take very seriously any concerns which you may raise under this legislation.
- 2. We encourage you to use the procedure if you are concerned about any wrongdoing at work. However, if the procedure has not been invoked in good faith (e.g. for malicious reasons or in pursuit of a personal grudge), then it will make you liable to immediate termination of engagement or such lesser disciplinary sanction as may be appropriate in the circumstances.

10-Capability

A) INTRODUCTION

We recognise that during your employment with us your capability to carry out your duties may deteriorate. This can be for a number of reasons, the most common ones being that either the job changes over a period of time and you fail to keep pace with the changes, or you change (most commonly because of health reasons) and you can no longer cope with the work.

B) JOB CHANGES

- 1. If the nature of your job changes we will make every effort to ensure that you understand the level of performance expected of you and that you receive adequate training and supervision. If we have concerns regarding your capability these will be discussed in an informal manner, and you will be given time to improve.
- 2. If your standard of performance is still not adequate you will be warned in writing that a failure to improve and to maintain the performance required could lead to your dismissal. We will also consider the possibility of a transfer to more suitable work if possible.
- 3. If there is still no improvement after a reasonable time and we cannot transfer you to more suitable work, you will be issued with a final warning that you will be dismissed unless the required standard of performance is achieved and maintained.
- 4. If such improvement is not forthcoming after an agreed period of time, you will be dismissed with the appropriate notice.

C) PERSONAL CIRCUMSTANCES

- 1. Personal circumstances may arise which do not prevent you from attending for work but which prevent you from carrying out your normal duties (e.g. a lack of dexterity or general ill health). If such a situation arises, we will normally need to have details of your medical diagnosis and prognosis so that we have the benefit of expert advice. Under normal circumstances this can be most easily obtained by asking your own doctor for a medical report. Your permission is needed before we can obtain such a report and we will expect you to co-operate in this matter should the need arise. When we have obtained as much information as possible regarding your condition and after consultation with you, a decision will be made about your future employment with us in your current role or, where circumstances permit, in a more suitable role.
- 2. There may also be personal circumstances which prevent you from attending work, either for a prolonged period(s) or for frequent short absences. Under these circumstances we will need to know when we can expect your attendance record to reach an acceptable level. This may again mean asking your own doctor for a medical report or by making whatever investigations are appropriate in the circumstances. When we have obtained as much information as possible regarding your condition, and after consultation with you, a decision will be made about your future employment with us in your current role or, where circumstances permit, in a more suitable role.

11-Disciplinary Rules and Procedures

A) INTRODUCTION

- 1. It is necessary to have a minimum number of rules in the interests of the whole organisation.
- 2. The rules set standards of performance and behaviour whilst the procedures are designed to help promote fairness and order in the treatment of individuals. It is our aim that the rules and procedures should emphasise, and encourage, improvement in the conduct of individuals, where they are failing to meet the required standards, and not be seen as a means of punishment.
- 3. Every effort will be made to ensure that any action taken under this procedure is fair, with you being given the opportunity to state your case and appeal against any decision that you consider to be unjust.
- 4. The following rules and procedures should ensure that:
 - a. the correct procedure is used when inviting you to a disciplinary hearing;
 - b. you are fully aware of the standards of performance, action and behaviour required of you;
 - c. disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner;
 - d. you will only be disciplined after careful investigation of the facts and the opportunity to present your side of the case. On some occasions temporary suspension on full pay may be necessary in order that an uninterrupted investigation can take place. This must not be regarded as disciplinary action or a penalty of any kind;

- e. other than for an "off the record" informal reprimand, you have the right to be accompanied by a fellow employee, who may act as a witness or speak on your behalf, at all stages of the formal disciplinary process;
- f. you will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct; and
- g. if you are disciplined, you will receive an explanation of the penalty imposed and you will have the right to appeal against the finding and the penalty.

B) DISCIPLINARY RULES

It is not practicable to specify all disciplinary rules or offences that may result in disciplinary action, as they may vary depending on the nature of the work. In addition to the specific examples of unsatisfactory conduct, misconduct and gross misconduct shown in this handbook, a breach of other conditions, procedures, rules etc. within this handbook will also result in the disciplinary procedure being used to deal with such matters.

C) RULES COVERING UNSATISFACTORY CONDUCT AND MISCONDUCT (These are examples only and not an exhaustive list.)

- 1. You will be liable to disciplinary action if you are found to have acted in any of the following ways:
 - a. failure to abide by the general health and safety rules and procedures;
 - b. smoking in designated non smoking areas;
 - c. consumption of alcohol on the premises;
 - d. persistent absenteeism and/or lateness;
 - e. unsatisfactory standards or output of work;
 - f. rudeness towards customers, members of the public or other employees, objectionable or insulting behaviour, harassment, bullying or bad language;
 - g. failure to devote the whole of your time, attention and abilities to our business and its affairs during your normal working hours;
 - h. unauthorised use of E-mail and Internet;
 - i. failure to carry out all reasonable instructions or follow our rules and procedures;
 - j. unauthorised use or negligent damage or loss of our property;
 - k. failure to report immediately any damage to property or premises caused by you;
 - I. use of our vehicles without approval or the private use of our commercial vehicles without authorisation;
 - m. failure to report any incident whilst driving our vehicles, whether or not personal injury or vehicle damage occurs;
 - n. if your work involves driving, failure to report immediately any type of driving conviction, or any summons which may lead to your conviction;
 - o. carrying unauthorised goods or passengers in our commercial vehicles or the use of our vehicles for personal gain; and
 - p. loss of driving licence where driving on public roads forms an essential part of the duties of the post.

D) SERIOUS MISCONDUCT

- 1. Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to your extreme carelessness or has a serious or substantial effect upon our operation or reputation, you may be issued with a final written warning in the first instance.
- 2. You may receive a final written warning as the first course of action, if, in an alleged gross misconduct disciplinary matter, upon investigation, there is shown to be some level of mitigation resulting in it being treated as an offence just short of dismissal.
- E) RULES COVERING GROSS MISCONDUCT (These are examples only and not an exhaustive list.)
- 1. You will be liable to summary dismissal if you are found to have acted in any of the following ways:
 - a. grossly indecent, immoral behaviour, deliberate acts of unlawful discrimination, serious acts of harassment;
 - b. dangerous behaviour, fighting or physical assault;
 - c. incapacity at work or poor performance caused by intoxicants or drugs;
 - d. possession, supply or use of illicit drugs;
 - e. deliberate falsification of any records (including time sheets, absence records and so on, in respect of yourself or any fellow employee);
 - f. undertaking private work on the premises and/or in working hours without express permission;
 - g. working in competition with us;
 - h. taking part in activities which result in adverse publicity to ourselves, or which cause us to lose faith in your integrity;
 - i. theft or unauthorised possession of money or property, whether belonging to us, another employee, or a third party;
 - j. destruction/sabotage of our property, any property on the premises;
 - k. serious breaches of health and safety rules, including those within the Employee Safety Handbook, that endanger the lives of or may cause serious injury to employees or any other person;
 - I. interference with, or misuse of, any equipment for use at work that may cause harm;
 - m. gross insubordination and/or continuing refusal to carry out legitimate instructions;
 - n. abuse of the personal harassment policy; and o. abuse of the protected disclosure provisions
 - o. smoking in the kitchen or behind the bar

F) DISCIPLINARY PROCEDURE

1. Disciplinary action taken against you will be based on the following procedure:

OFFENCE	FIRST OCCASION	SECOND OCCASION	THIRD OCCASION	FOURTH OCCASION
UNSATIS- FACTORY CONDUCT	Formal verbal warning	Written warning	Final written warning	Dismissal
MISCONDUCT	Written warning	Final written warning	Dismissal	
SERIOUS MISCONDUCT	Final written warning	Dismissal		
GROSS MISCONDUCT	Dismissal			

^{2.} We retain discretion in respect of the disciplinary procedures to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service you may not be in receipt of any warnings before dismissal but you will retain the right to a disciplinary hearing and you will have the right of appeal.

^{3.} If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which may encompass a formal verbal warning, written warning, final written warning, or dismissal, and full details will be given to you.

4. In all cases warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the procedure in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings are not heeded

G) DISCIPLINARY AUTHORITY

The operation of the disciplinary procedure contained, in the previous section, is based on the following authority for the various levels of disciplinary action. However, the list does not prevent a higher level of seniority progressing any action at whatever stage of the disciplinary process.

PERSON AUTHORISED TO TAKE DISCIPLINARY ACTION IN THE CASE OF:

Formal verbal warning	Director	Departmental Manager/Head Chef
Written warning	Director	Departmental Manager/Head Chef
Final written warning	Director	Departmental Manager/Head Chef
Dismissal	Director	Departmental Manager/Head Chef

H) PERIOD OF WARNINGS

- 1. Formal verbal warning A formal verbal warning, confirmed in writing, will normally be disregarded after a three month period.
- 2. Written warning A written warning will normally be disregarded after a six month period.
- 3. Final written warning A final written warning will normally be disregarded after a twelve month period.

I) GENERAL NOTES

- 1. If you are in a supervisory or managerial position then demotion to a lower status at the appropriate rate may be considered as an alternative to dismissal except in cases of gross misconduct.
- 2. In exceptional circumstances, suspension from work without pay for up to five days as an alternative to dismissal (except dismissal for gross misconduct) may be considered by the person authorised to dismiss.
- 3. Gross misconduct offences will result in dismissal without notice.
- 4. You have the right to appeal against any disciplinary action (see Disciplinary Appeal Procedure)

12-Disciplinary Appeal Procedure

- 1. The disciplinary rules and procedures which form part of your contract of employment incorporate the right to lodge an appeal in respect of any disciplinary action taken against you.
- 2. If you wish to exercise this right you should apply in writing to the person indicated in your individual Statement of Main Terms of Employment.
- 3. An appeal against a formal warning or dismissal should give details of why the penalty imposed is either too severe, inappropriate or unfair in the circumstances.
- 4. The disciplinary appeal procedure will normally be conducted by a member of staff not previously connected with the disciplinary process so that an independent decision into the severity and appropriateness of the disciplinary action can be made.
- 5. If you are appealing on the grounds that you have not committed the offence then your appeal may take the form of a complete re-hearing and reappraisal of all matters so that the person who conducts the appeal can make an independent decision before deciding to grant or refuse the appeal.
- 6. You may be accompanied at any stage of the appeal hearing by a fellow employee of your choice or trade union representative, who may act as a witness or speak on your behalf. The result of the appeal will be made known to you in writing within five working days after the hearing.
- 7. If you are dissatisfied with the decision, you may appeal in writing to the next level of Management within five working days. The result of the hearing will be made known to you in writing within five working days. The final redress being with a Director of the Company.

13-Grievance Procedure

- 1. It is important that if you feel dissatisfied with any matter relating to your work you should have an immediate means by which such a grievance can be aired and resolved.
- 2. Nothing in this procedure is intended to prevent you from informally raising any matter you may wish to mention. Informal discussion can frequently solve problems without the need for a written record but if you wish to raise a formal grievance you must do so in writing from the outset. You have the right to be accompanied at any stage of the procedure by a fellow employee who may act as a witness or speak on your behalf to explain the situation more clearly.
- 3. If you feel aggrieved at any matter relating to your work (except personal harassment, for which there is a separate procedure following this section), you should first raise the matter with the person specified in your Contract of Employment, in writing, explaining fully the nature and extent of your grievance. You will then be invited to a meeting at which your grievance will be investigated fully. You will be notified of the decision, in writing, within five working days of the meeting, including your right of appeal.
- 4. If you wish to appeal you must do this, in writing, to the Director of the Company within five working days. You will then be invited to a further meeting, the decision of which will be notified to you, in writing, within five working days. This decision will be final.
- 6. Appeals should be sent in writing to the site address.

14-Equal Opportunities Policy

A) STATEMENT OF POLICY

- 1. We recognise that discrimination is unacceptable and although equality of opportunity has been a long standing feature of our employment practices and procedure, we have made the decision to adopt a formal equal opportunities policy. Breaches of the policy will lead to disciplinary proceedings and, if appropriate, disciplinary action.
- 2. The aim of the policy is to ensure no job applicant, employee or worker is discriminated against either directly or indirectly on the grounds of race, colour, ethnic or national origin, religious belief, political opinion or affiliation, sex, marital status, sexual orientation, gender reassignment, age or disability.
- 3. We will ensure that the policy is circulated to any agencies responsible for our recruitment and a copy of the policy will be made available for all employees and made known to all applicants for employment.
- 4. The policy will be communicated to all private contractors reminding them of their responsibilities towards the equality of opportunity.

- 5. The policy will be implemented in accordance with the appropriate statutory requirements and full account will be taken of all available guidance and in particular any relevant Codes of Practice.
- 6. We will maintain a neutral working environment in which no employee or worker feels under threat or intimidated.

B) RECRUITMENT AND SELECTION

- 1. The recruitment and selection process is crucially important to any equal opportunities policy. We will endeavour through appropriate training to ensure that employees making selection and recruitment decisions will not discriminate, whether consciously or unconsciously, in making these decisions.
- 2. Promotion and advancement will be made on merit and all decisions relating to this will be made within the overall framework and principles of this policy.
- 3. Job descriptions, where used, will be revised to ensure that they are in line with our equal opportunities policy. Job requirements will be reflected accurately in any personnel specifications.
- 4. We will adopt a consistent, non-discriminatory approach to the advertising of vacancies.
- 5. We will not confine our recruitment to areas or media sources which provide only, or mainly, applicants of a particular group.
- 6. All applicants who apply for jobs with us will receive fair treatment and will be considered solely on their ability to do the job.
- 7. All employees involved in the recruitment process will periodically review their selection criteria to ensure that they are related to the job requirements and do not unlawfully discriminate.
- 8. Short listing and interviewing will be carried out by more than one person where possible.
- 9. Interview questions will be related to the requirements of the job and will not be of a discriminatory nature
- 10. We will not disqualify any applicant because he/she is unable to complete an application form unassisted unless personal completion of the form is a valid test of the standard of English required for the safe and effective performance of the job.
- 11. Selection decisions will not be influenced by any perceived prejudices of other staff.

C) TRAINING AND PROMOTION

- 1. Senior staff will receive training in the application of this policy to ensure that they are aware of its contents and provisions.
- 2. All promotion will be in line with this policy.

D) MONITORING

- 1. We will maintain and review the employment records of all employees in order to monitor the progress of this policy.
- 2. Monitoring may involve:

- the collection and classification of information regarding the race in terms of ethnic/national origin and sex of all applicants and current employees;
- the examination by ethnic/national origin and sex of the distribution of employees and the success rate of the applicants; and
- recording recruitment, training and promotional records of all employees, the decisions reached and the reason for those decisions.
- 3. The results of any monitoring procedure will be reviewed at regular intervals to assess the effectiveness of the implementation of this policy. Consideration will be given, if necessary, to adjusting this policy to afford greater equality of opportunities to all applicants and staff.

15-Personal Harassment Policy and Procedure

A) INTRODUCTION

- 1. Many people in our society are victimised and harassed as a result of their race, colour, ethnic or national origin, religious belief, political opinion or affiliation, sex, marital status, sexual orientation, gender reassignment, age or disability.
- 2. Personal harassment takes many forms ranging from tasteless jokes and abusive remarks to pestering for sexual favours, threatening behaviour and actual physical abuse. Whatever form it takes, personal harassment is always taken seriously and is totally unacceptable.
- 3. We recognise that personal harassment can exist in the workplace, as well as outside, and that this can seriously affect employees' working lives by interfering with their job performance or by creating a stressful, intimidating and unpleasant working environment.

B) POLICY

- 1. We deplore all forms of personal harassment and seek to ensure that the working environment is sympathetic to all our employees.
- 2. We have published these procedures to inform employees of the type of behaviour that is unacceptable and provide employees who are the victims of personal harassment with a means of redress.
- 3. We recognise that we have a duty to implement this policy and all employees are expected to comply with it.

C) EXAMPLES OF PERSONAL HARASSMENT

- 1. Personal harassment takes many forms and employees may not always realise that their behaviour constitutes harassment. Personal harassment is unwanted behaviour by one employee towards another and examples of harassment include:
 - insensitive jokes and pranks;
 - lewd or abusive comments about appearance;
 - deliberate exclusion from conversations;

- displaying abusive or offensive writing or material; e. unwelcome touching; and
- abusive, threatening or insulting words or behaviour. These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of personal harassment.

D) COMPLAINING ABOUT PERSONAL HARASSMENT

1. Informal complaint We recognise that complaints of personal harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior person of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the Director who will be responsible for investigating the matter if it becomes a formal complaint.

If you are the victim of minor harassment you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.

- 2. Formal complaint Where the informal approach fails or if the harassment is more serious, you should bring the matter to the attention of a Director as a formal written complaint and again your confidential helper can assist you in this. If possible, you should keep notes of the harassment so that the written complaint can include:
 - the name of the alleged harasser;
 - the nature of the alleged harassment;
 - the dates and times when the alleged harassment occurred;
 - he names of any witnesses; and
 - any action already taken by you to stop the alleged harassment.

On receipt of a formal complaint we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with pay until the matter has been resolved. The person dealing with the complaint will carry out a thorough investigation in accordance with our disciplinary procedure. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter. When the investigation has been concluded, a draft report of the findings and of the investigator's proposed decision will be sent, in writing, to you and to the alleged harasser. If you or the alleged harasser are dissatisfied with the draft report or with the proposed decision this should be raised with

the investigator within five working days of receiving the draft. Any points of concern will be considered by the investigator before a final report is sent, in writing, to you and to the alleged harasser.

E) GENERAL NOTES

- 1. If the report concludes that the allegation is well founded, the harasser will be subject to disciplinary action in accordance with our disciplinary procedure. An employee who receives a formal warning or who is dismissed for harassment may appeal against the disciplinary action by using our disciplinary appeal procedure.
- 2. If you bring a complaint of harassment you will not be victimised for having brought the complaint. However if the report concludes that the complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.

16-Termination of Employment

RETIREMENT

Employees who wish to retire should speak with their Line Manager.

2. TERMINATING EMPLOYMENT WITHOUT GIVING NOTICE

If you terminate your employment without giving or working the required period of notice, as indicated in your individual contract of employment, you will have an amount equal to any additional cost of covering your duties during the notice period not worked deducted from any termination pay due to you. This is an express written term of your contract of employment. You will also forfeit any contractual accrued holiday pay due to you over and above your statutory holiday pay.

3. RETURN OF OUR PROPERTY

On the termination of your employment you must return all our property which is in your possession or for which you have responsibility. Failure to return such items will result in the cost of the items being deducted from any monies outstanding to you. This is an express written term of your contract of employment.

4. RETURN OF VEHICLES

On termination of your employment you must return your company vehicle to our premises. Failure to return the vehicle will result in the cost of its recovery being deducted from any monies outstanding to you. This is an express written term of your contract of employment.

5. GARDEN LEAVE

If either you or the company serves notice on the other to terminate your employment the company may require you to take "garden leave" for all or part of the remaining period of your employment. If you are asked to take garden leave you:

- a. must not attend your place of work or any other premises of the company or any associated company; unless otherwise requested by a Director;
- b. may be asked to relinquish immediately any offices you hold in the company/associated company;
- c. may not be required to carry out your normal duties during the remaining period of your employment; however you will still be available for answering queries;
- d. must return to the company all documents, software, equipment, property and other materials (including copies) belonging to the company or associated company containing confidential information; and
- e. must not, without the prior written permission of a Director, contact or attempt to contact any client, customer, supplier, agent, professional adviser, broker, or banker of the company or any associated company or any employee of the company or any associated company.

NB. During any period of garden leave you will continue to receive your full salary and any other contractual benefits

17-Alcohol and Drugs Policy

A. In the Workplace

1. Introduction

This company is committed to providing a safe, healthy and productive working environment for all employees, contractors, customers and visitors involved in its operation.

This policy sets out the company's aims in reducing and managing alcohol and drug problems in the workplace.

Alcohol and drug problems are prevalent in society and are associated with a wide variety of costs for both employers and employees. These costs include ill-health sickness absence, reduced work performance and accidents.

The consumption of alcohol and drugs has implications for health and safety at work since these substances impair co-ordination, judgement and decision making; as such this is a policy matter.

2. Policy Aims and Objectives

Aim:

To clearly state the company's position on alcohol and drugs within the workplace.

Objectives:

- To ensure the company complies with appropriate legislation
- To minimise the risks associated with alcohol and drugs in the workplace
- To have clear rules regarding alcohol and drugs in the workplace
- To provide employees with an education programme on the adverse health effects of alcohol and drugs
- To encourage the early identification of employees who may be experiencing alcohol or drug problems
- To provide support for employees experiencing alcohol and drug problems
- To provide training and support to line managers to ensure they are equipped to support employees experiencing problems

3. Definitions Alcohol problem

- An alcohol problem is defined as any drinking, either intermittent or continual which interferes with a person's health and/or social functioning and/or work capability or conduct.

Drugs

- Any drug, whether illegal, prescribed or over the counter or solvents such as glue, butane, etc. In the case of prescribed and over the counter drugs, their possession and use by the employee is acknowledged as legitimate. Drug problem - The use of illegal drugs, the deliberate use of prescribed or over the counter drugs (when not for a medical condition) and the use of solvents, either intermittent or continual which interferes with a person's health and/or social functioning and/or work capability or conduct.

4. Legal

- 4.1 The Health and Safety at Work Act 1974 requires employers to protect the health, safety and welfare of their employees and others who may be affected by their activities, as far as is reasonably practicable.
- 4.2 The Management of Health and Safety at Work Regulations 1999 requires employers to carry out a risk assessment to identify hazards in the workplace and put measures in place to minimise these risks.

4.3 The Misuse of Drugs Act (1971) is the main legislation covering drugs and categorises them as classes A, B and C. These drugs are called controlled substances and class A drugs are considered to be the most harmful under this act. It is illegal for anyone, whether at work or not to produce, supply or be in possession of illegal drugs. Employers may be liable if they knowingly allow dispensing, manufacturing, possession, using or selling on their premises.

5. Policy Rules

- 5.1 The company requires all employees to report for duty free from the effects of alcohol and drugs*. It is not acceptable to be under the influence of alcohol or drugs at work or consume alcohol or drugs during hours of workthis includes paid and un-paid breaks.
- 5.2 Employees found in possession of illegal drugs or using illegal drugs whilst at work will normally be reported to the police.
- 5.3 In some cases the legitimate use of prescribed drugs can affect a person's ability to do their job. In such instances employees should inform their line manager.

6. Education

- 6.1 The company is committed to promoting healthy lifestyles to employees via the Healthy Working Lives programme. Alcohol and drug issues will be incorporated into the staff health programme and employees will be provided with information on the current health guidance in relation to safe and sensible drinking and the risks associated with using drugs. This information will be disseminated by means of written material, email communication and workshops run by health specialists from the alcohol and drugs field.
- 6.2 Training will be provided for managers to outline their responsibilities for enforcing this policy. New managers will be made aware of their responsibilities in relation to this policy.
- 6.3 This policy will be sent to all staff.

New staff will be made aware of this policy at induction and will be sent a copy with their contract of employment.

7. Implementation of the Policy

7.1Identification of a problem Alcohol and drug problems may become apparent through a number of means, for example the following (particularly in combination) may result in a problem being suspected:

Persistent short term absence

- Unauthorised absence
- Poor time keeping
- Reduced work performance
- Poor working relationships
- Deterioration in appearance

However it must be remembered that these factors can have a number of other causes.

Employees experiencing alcohol or drug problems may first become apparent to their colleagues.

If a member of staff suspects an alcohol or drug problem in a colleague, they should either:

- Encourage the person to seek help from support agencies.
- Report the matter to a manager (particularly if the person is involved in a safety critical job).

7.2 Misconduct This policy is primarily concerned with ongoing alcohol and drugs problems which are classed as capability issues, i.e. where the problem impacts on the person's ability to do their job. One-off cases where the rules of this policy are breached, such as someone reporting for work clearly under the influence of alcohol or drugs or suffering from the effects of alcohol will be classed as a conduct issue and will be dealt with under the normal disciplinary procedures as outlined in the company hand book.

Very serious incidents such as violence at work whilst under the influence of alcohol or drugs or dealing illegal drugs at work will be deemed serious misconduct justifying summary dismissal.

In some instances of misconduct where the employee admits to having an alcohol or drug problem, disciplinary proceedings may be held in abeyance subject to successful outcome of treatment. In instances of serious misconduct where the employee subsequently admits to having an alcohol or drug problem, the support route and the disciplinary route may be implemented in tandem.

7.3 Voluntary Referral for Support Employees who suspect or know they have a drug or alcohol problem are encouraged to seek support at an early stage. Employees may or may not wish to inform their line manager in such instances.

7.4 Referral by Management Employees suspected of having an alcohol or drug problem will be offered support by their manager. Where the problem has become apparent through deterioration in work performance, the employee will have to demonstrate satisfactory completion of a programme of support and an improvement in work performance or disciplinary action will be taken. Employees will be given the opportunity of attending treatment within work time.

Alternatively if employees require to be absent from duty normal sick pay arrangements will apply.

7.5 Confidentiality The company aims to ensure that the confidentiality of all employees experiencing alcohol or drug problems is maintained by appropriate people, for example, human resources, occupational health and line manager.

Information regarding individual cases will not be divulged to third parties unless the safety of the person concerned, or others would be compromised by not doing so.

7.6 Equal Opportunities

This policy will apply equally to all staff regardless of grade, experience, or role within the company.

7.7 Relapse

The company acknowledges that relapse is common with alcohol and drug problems. Employees will normally be supported through two relapses after treatment. Subsequent relapses will be reviewed on a case-by-case basis, taking into account the needs of the department affected and the business needs of the organisation. Employees should be aware that the disciplinary route might be followed after subsequent relapses.

7.8 Return to Work Following treatment the company will endeavour to ensure the employee returns to their existing job.

If the employee is unable to fulfil those duties the company will consider alternative duties.

Promotional prospects will be unaffected following treatment.

B. Guest experience

1. Introduction

The use of illicit drugs is often associated with the night-time economy.

Unfortunately even the most responsible and well-run licensed premises are not immune from issues surrounding drugs.

Pascal's is committed to providing a safe, healthy environment for all customers and neighbourhood.

This policy sets out the company's aims in reducing and managing alcohol and drug problems. to ensure that licensee and team members can be fully informed and equipped to tackle drug-related issues.

Alcohol and drug problems are prevalent in society and are associated with a wide variety of costs for Business and local authority.

These costs include, disorder, accidents and vandalism.

A proactive approach to tackling illicit drugs and a strong relationship with the police and local authorities is the best way forward.

The consumption of alcohol and drugs has implications for health and safety since these substances impair co-ordination, judgement and decision making as such this is a policy matter.

2. Policy Aims and Objectives

Aim:

To clearly state the company's position on alcohol and drugs within the Business and the area.

Objectives:

- To ensure the company complies with appropriate legislation
- To minimise the risks associated with alcohol and drugs in and out of the premise.
- To have clear rules regarding alcohol and drugs for guest to understand.
- To educate customer on the effect of over consuming alcohol and taking drugs could have on the premise licence and the business they like to patron
- To encourage the early identification of customers who may be experiencing alcohol or drug problems
- To deal with this customers
- To provide managers and team member the tools to deal with this kind of customers in a safe and professional fashion.

Cooperation with emergency services is vital when it comes to dealing with drug users.

If we suspect that someone is under the influence of illegal drugs in the interests of safety we may then refuse them service and ask them to vacate the premises immediately.

If the individual refuses to comply or becomes aggressive, we will then contact the Police immediately for assistance.

3.Identifying someone on drugs

- Unexplained changes in personality or attitude that are inconsistent with alcohol use
- Extreme hyperactivity or lethargy
- Fearful or paranoid without logical reason
- Tremors, slurred speech, giggling or lack of coordination (be aware of those with a genuine disability)
- Bloodshot eyes or pupils much larger or smaller than usual
- Hallucinations
- Suspicious behaviours including frequent trips to the toilet, garden etc

4. General signs of drug use in the premises

- Torn up beer mats/ cigarette packets/bits of cardboard left on tables or in ashtrays
- Roaches (home-made filter tips from cannabis cigarettes)
- Empty packets made of folded paper, card or foil
- Needles, syringes, swabs, spoons, candles, pieces of burned tinfoil, filters removed from cigarettes, lemon juice or citric acid sachets Traces of powder on flat hard surfaces
- Strong, sickly sweet, smoky smells, or an ammonia-like smell
- Blood or blood stained items
- Payment with tightly rolled banknotes or notes that have been tightly rolled
- Traces of blood or powder on banknotes
- Solvent paraphernalia e.g. aerosol cans, lighter refills

If we suspect that someone is suffering from the effects of drug use, and is showing signs of distress or unconsciousness, we will move them to the recovery position and contact the emergency services. Ensuring that the area around the individual is clear and free of dangerous objects whilst awaiting assistance.

5. Identifying someone suffering from drug abuse

- Problems with vital signs including: temperature; heart rate; respiratory rate
- Nausea and vomiting as well as abdominal pain and diarrhoea including that which contains blood
- Confusion, semi-consciousness and coma
- Chest pain and extremely rapid or slow breathing

6.Door searches

- Implementing a search policy at the door.
- Door supervisors have no statutory legal rights to search individuals and any search must be conducted with the individual's
 consent.
- Letting know costumers that we are able to refuse entry to our premises if they do not consent to being searched.
- Where an individual is found to be in possession of a controlled substance, door supervisor will either seize the item and allow entry, seize the item and refuse entry, or seize the item and request that the individual remains present whilst the police are contacted.
- We will ask the Police to indicate which option they prefer, asking door staff to make a distinction between an amount of drugs for personal use and an amount of drugs intended for sale.
- When controlled substance are seized, the door staff will place the drugs in an evidence bag, seal the bag and record the incident in the appropriate manner. Manager will always be present to witness this process to protect the integrity of staff against any potential allegations (Considering a "drug safe" that can only be open by the Police).

7. Preventing drug use on the premises

We are committed to tackle drug-related issues, no matter how small.

- Whilst staff will be trained to handle such situations, a degree of judgement should be exercised in deciding whether to handle the problem ourselves or call the police.
- We do not want to put our staff or customers in unnecessary risk. If we/they feel that a situation is unsafe, we/they will call the police to ask for advice or assistance.
 - A good relationship, with a well-established line of communication between the police and our premises, will aid in dealing with such issues in a timely and proper manner.
- If choosing to approach an individual in possession of, or inhibited by, illegal drugs, we will avoid any confrontation that may trigger aggression. We will politely state our policy on drugs and ask the individual to vacate the premises.
- We will put emphasising on our legal obligations and stating that we could lose our licence or face prosecution for allowing the use of drugs on our premises.
- Managers and Staff are aware that they should ring the police immediately if they start to feel unsafe.

We must be proactive in deterring illegal activity on your premises.

- Train staff on how to identify signs of drug use or supply.
- Maintaining vigilance at all times and continue to supervise the entire premises by doing walk around.
- Maintain high standards of cleanliness to deter drug users and dealers. We are committed to not tolerate illegal activity.
- Establish strong relationships with your licensing officers and police in order to preserve a channel of communication and advice.

Check with the Police forces for workshops on the subject.

- Get to know your customers.
- Alteration of flat surfaces in the toilets if necessary
- Door staff will assist in both removing drugs before they enter a premises and deterring drug users from attempting to enter the premises at all.
- CCTV to provides an effective deterrent to keep track of those in a premises, including in secluded areas (toilet lobby for example) and outside.
- Record any drugs finds or seizures

- Have a locally agreed arrangement with the police as to how and when seized drugs will be collected for destruction (secure place where they can be stored as stated above "drug safe" to be considered)
- All movement of drugs is documented so that an audit trail is maintained.
- To become an active member of your local Pubwatch. To look to create safe and responsible drinking environments through the sharing of intelligence and information between premises on individuals who are known to threaten such safe and responsible environments.
- Membership will aid us in identifying individuals who are linked to drug use or supply and ensure that staff are able to prevent such individuals from entering the premises.

8. Legal

- The Health and Safety at Work Act 1974 requires employers to protect the health, safety and welfare of their employees and others who may be affected by their activities, as far as is reasonably practicable.
- The Management of Health and Safety at Work Regulations 1999 requires employers to carry out a risk assessment to identify hazards in the workplace and put measures in place to minimise these risks.
- The Misuse of Drugs Act (1971) is the main legislation covering drugs and categorises them as classes A, B and C. These drugs are called controlled substances and class A drugs are considered to be the most harmful under this act.
- It is illegal for anyone to produce, supply or be in possession of illegal drugs.
- Licensee may be liable if they knowingly allow dispensing, manufacturing, possession, using or selling on their premises.

9.Policy Rules

- It is not acceptable to be under the influence of alcohol or drugs before entering the premises.
- Customers found in possession of illegal drugs or using illegal drugs while in the premise will normally be reported to the police.
- In some cases, the legitimate use of prescribed drugs can affect a person's ability.

 In such instances customer should inform a team member, manager or door security when present.

10. Training and Implementation of the Policy

- Training will be provided for managers to outline their responsibilities for enforcing this policy.
- New managers will be made aware of their responsibilities in relation to this policy and its implementation.

• New staff will be made aware of this policy on induction and will be sent a copy with their contract of employment.

APPENDIX G

