

Licensing Panel (Licensing Act 2003 Functions)

Date: **19 June 2024**

Time: **10.00am**

Venue **Virtual**

Members: **Councillors: Fowler**

Contact: Niall Breen
Democratic Services Apprentice

01273 291077
niall.breen@brighton-hove.gov.uk

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk.
Agendas are available to view five working days prior to the meeting date.

Electronic agendas can also be accessed through our meetings app available through
ModernGov: [iOS/Windows/Android](#)

This agenda and all accompanying reports are printed on recycled paper

AGENDA

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 PERSIA LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

7 - 96

Contact Officer: Charles Boufrahi

Ward Affected: Central Hove

Date of Publication - Tuesday, 11 June 2024

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

FURTHER INFORMATION

For further details and general enquiries about this meeting contact , (01273 291354, email niall.breen@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

WEBCASTING NOTICE

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this web cast will be retained in accordance with the Council's published policy.

Therefore, by entering the meeting room and using the seats in the chamber you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should sit in the public gallery area.

ACCESS NOTICE

The Public Gallery is situated on the first floor of the Town Hall and is limited in size but does have 2 spaces designated for wheelchair users. The lift cannot be used in an emergency. Evac Chairs are available for self-transfer and you are requested to inform Reception prior to going up to the Public Gallery. **For your own safety please do not go beyond the Ground Floor if you are unable to use the stairs.**

Please inform staff on Reception of this affects you so that you can be directed to the Council Chamber where you can watch the meeting or if you need to take part in the proceedings e.g. because you have submitted a public question.

FIRE / EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Licensing Panel (Licensing Act 2003 Functions)

Agenda Item
Brighton & Hove City Council

Subject:	Review of a Premises Licence under the Licensing Act 2003		
Premises:	Persia, 126 Church Road, Hove, BN3 2EA		
Premises Licence Holder:	Mr Emad Abdolkhani		
Date of Meeting:	19 June 2024		
Report of:	Executive Director for Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Emma Grant	Tel: 07826 951829
	Email:	Emma.grant@brighton-hove.gov.uk	
Ward(s) affected:	Central Hove		

1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 To review a Premises Licence for Persia under the Licensing Act 2003.

2. RECOMMENDATIONS:

2.1 That the Panel review the licence granted to the premises known Persia 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 25th April 2024 from Police Licensing, to review the licence granted to the premises known as Persia, 126 Church Road, Hove, BN3 2EA.

3.4 The grounds for the review relates to the following Licensing objectives:

- The Protection of Children from Harm
- The Prevention of Crime and Disorder
- Public Safety

Full details of the grounds for the review are in Appendix B and a copy of the supporting evidence is attached in Appendix E.

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
 - to modify the conditions of the licence
 - to exclude a licensable activity
 - to remove the designated premises supervisor from the licence
 - to suspend the licence for a period not exceeding 3 months, or
 - 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 3 representations have been received from The Licensing Authority, Southeast Immigration Compliance and Enforcement Team and Council's Planning Enforcement Team on the grounds of the Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, Protection of Children from Harm supporting the application submitted by Brighton and Hove Police seeking the revocation of the licence.
- 3.8 Full details of the representations are attached at Appendix C and Police Supplementary Documentation attached at Appendix E. A map detailing the location of the premises is attached at Appendix D.
- 3.9 Supplementary Documentation submitted by Premises Licence Holder can be found at Appendix F1 – F8.

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.

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.

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.

4.2.4 Sussex Police have continuing concerns that, despite staff training in age-restricted sales, under age individuals are still being served alcohol both on and off the premises in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted to highlight premises where sales are taking place and ensure appropriate enforcement action is taken to prevent further sales. The introduction of identification scanning machines at premises throughout the city has proved successful in mitigating some risk, but operators must maintain vigilance regarding the fraudulent use of genuine IDs. Sussex Police continue to work alongside the Business Crime Reduction Partnership to tackle the problem of those who use false or another's identification to enter licensed premises and purchase alcohol.

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

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

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

4.3 Care, control and supervision of premises

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

4.3.2 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention

measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, e.g. type of licence, capacity, operating hours restrictions.

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

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

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

4.3.6 Enforcement will be achieved by the enforcement policy appended (Appendix B of SoLP).

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.
- b. 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 (e.g. in order to smoke).

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.

7 Protection of Children from Harm

The following details and measures are intended to address the need for the protection of children from harm; this includes emotional and physical harm which may be associated with licensed premises and certificated club premises (for example the exposure too early to strong language and sexual expletives, e.g. in the context of film exhibitions or where adult entertainment is provided). It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions (unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely).

7.1.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those

recommended by police, trading standards officers and their partners in the Licensing Strategy Group (eg passport, photo driving licence or pass card).

7.1.2 It is the licensing authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of emotional or psychological harm to them. Each application will be considered on its own merit but particular areas that will give rise to concern in respect of children are to be found in section 7.1.4 below.

7.1.3 To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures:-

- a. Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street
- b. Police and trading standards should implement test purchasing to reduce sales to under 18s in on and off sales licensed premises
- c. Further take-up of proof of age schemes will be promoted
- d. In-house, mystery shopper type schemes operated by local businesses will be supported
- e. Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to be DBS checked

7.1.4 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is commonly provided;
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

Options may include:

- limitations on the hours when children may be present;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18.

7.1.7 Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing. Sussex Police and BCRP undertake work concerning proxy purchases and counterfeit ID as part of the partnership support work with Community Safety and Trading Standards.

7.1.8 Trading standards have a programme of business support including training for local businesses to avoid under-age sales.

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.

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.

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: 11/06/24

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: 27/05/24

Equalities Implications:

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

Sustainability Implications:

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

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part A of Premises Licence
2. Appendix B – Review Application
2. Appendix C – Representations
3. Appendix D – Map of area
4. Appendix E – Police Supplementary Documentation
5. Appendix F1 – F8 Supplementary Documentation submitted by Premises Licence Holder

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, December 2023.

Public Health Framework for assessing Alcohol Licensing. Annual Report – Ward. 5th edition. Public Health Intelligence. January 2022

Background Documents

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



Brighton & Hove City Council

Schedule 12 Part A

Regulation 33, 34

Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2019/03974/LAPRMV

Part I – Premises Details

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

Persia
126 Church Road
Hove
BN3 2EA

Telephone number 01273 773344

Licensable activities authorised by the licence

Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol

Monday-Saturday 11:00 – 22:30
Sunday 11:00 – 22:00

The opening hours of the premises

Monday-Saturday 09:00 – 23:00
Sunday 09:00 – 22:30

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

Alcohol is supplied for consumption on the Premises.



Brighton & Hove City Council

Part 2

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

Mr Emad Abdolkhani
REDACTED

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Indre Jonusaite
REDACTED

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

Party Reference: REDACTED

Licensing Authority: REDACTED



Brighton & Hove City Council

Annex I - Mandatory conditions

S 19; mandatory conditions where licence authorises supply of alcohol

1. 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
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
3. (1) 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;



Brighton & Hove City Council

(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.

(e) dispensing 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).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5.
 - (1) 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.
6. 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;



Brighton & Hove City Council

(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.”

Minimum Drinks Pricing

1. 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.
2. For the purposes of the condition set out in paragraph 1 —
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979:

(b) “permitted price” is the price found by applying the formula—

$$P=D+(D\times V)$$

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



Brighton & Hove City Council

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.

3. 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.
4. (1) 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.

Annex 2 – Conditions consistent with the Operating Schedule

General:

1. Authorised staff employed by Sussex Police shall have free access to all parts of the licensed premises at all times licensable activity is taking place or when open to members of the public, for the purpose of inspection to ensure compliance with the terms and conditions of the premises licence and to ensure the promotion of the licensing objectives.
2. The sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables. Substantial food shall be available at all times.

For the Prevention of Crime and Disorder:

3. (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.

(b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.



Brighton & Hove City Council

- (c) CCTV footage will be stored for a minimum of 31 days.
 - (d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
 - (e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
 - (f) Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.
 - (g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
4. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at intervals not to exceed 4 weeks. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers and staff of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty four (24) months.
5. The premises will become a member of the BCRP or similar scheme approved by the Licensing Authority that operates with radios and uses the Nightsafe & Yellow Card Scheme or similar reporting scheme.

For Public Safety: None

For the Prevention of Public Nuisance:

6. Notices will be displayed asking patrons to leave the premises quietly and to have respect for local residents.



Brighton & Hove City Council

For the Protection of Children from Harm:

7. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.
8. Signage advertising the 'Challenge 25' policy will be displayed in prominent locations in the premises.
9. (a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:
 - The lawful selling of age restricted products
 - Refusing the sale of alcohol to a person who is drunk
- (b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.
- (c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

Annex 3 – Conditions attached after a hearing by the licensing authority on 8th April 2019 – Refer to Annex 2, Conditions 1 – 5 and 7 – 9 as agreed with Sussex Police.

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Chief Inspector Karen Osborn

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Persia 126 Church Road	
Post town Hove	Post code (if known) BN3 2EA

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

Number of premises licence or club premises certificate (if known)
1445/3/2019/03974/LAPRMV

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

.

2) a responsible authority (please complete (C) below)

YES

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sussex Police John Street Brighton BN2 0LA
Telephone number (if any) [REDACTED]
E-mail address (optional) Brighton.licensing@sussex.police.uk

This application to review relates to the following licensing objective(s)

- | | |
|---|---------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | Yes |
| 2) public safety | Yes |
| 3) the prevention of public nuisance | |
| 4) the protection of children from harm | Yes |

Please state the ground(s) for review (please read guidance note 2)

Sussex Police are calling for a review of the premises licence held by Emad Abdolkhani as we believe the licensing objectives of Prevention of crime & disorder, Public safety and Protection of children from harm are not being promoted.

During a recent licensing inspection, officers from Sussex Police Licensing witnessed, a staff member altering training records while Police were waiting. When asked, this staff member advised they had been asked by Emad Abdolkhani (Premises Licence Holder) to do this to give the impression that training was all up to date and therefore ensure that he was complying with a training condition on his premises licence. This has caused a loss of trust in the PLH by Sussex Police and a belief that he is not actively promoting the licensing objectives.

Sussex Police Licensing best practice is a process which involves working with operators when issues arise. This involves a stepped approach of warnings being issued followed by meetings if things are not corrected and finally resulting in a review if issues and/or incidents continue to occur.

The act of altering and falsifying the training records (allegedly as directed by the PLH, Emad Abdolkhani) during our recent inspection, is viewed as sufficiently severe to bypass the usual stepped approach and call for an immediate review of the premises licence.

Additionally, we have had concerns over Emad Abdolkhani's ability and desire to promote the licensing objectives previously following interactions with him during an investigation into a serious allegation back in April 2023. This resulted in a breach being issued to him.

Due to the seriousness of both incidents, we believe the only course of action is to revoke the premises licence. If we removed the Designated Premises Supervisor, the Premises Licence Holder will remain Emad Abdolkhani, the same person who instructed his employee to alter the training record and was obstructive during a CCTV request in April 2023. There is no

mechanism to remove the Personal Licence Holder from the licence under the Licensing Act 2003. Additional conditions would not be able to address the actions taken by the premises licence holder.

Please provide as much information as possible to support the application (please read guidance note 3)

We have set out above our area of concern and what outcome we are seeking during this review process. We will now set out in more detail the reasons for our request to have the premises licence revoked starting with our licensing inspection that has triggered this review.

19th April 2024 – 22:05

In the company of a representative from Brighton & Hove City Council (BHCC) Licensing a pre-planned evening of visits around the city had been arranged. This was to follow up on visits at venues that might have been breaching previously and visit other venues where we have received intelligence they might not be trading as per their licence permissions permits them to. This also included venues operating shisha, which BHCC lead on, to ensure venues were allowing shisha smoking within the government guidelines. Persia was on the list for such a visit however as we were aware of CCTV issues in April 2023, we decided that we would also conduct a full licensing inspection.

On arrival we met with Emad Abdolkhani the premises licence holder who took us up to the first floor. This is the location of a shisha lounge that has been constructed. There is believed to be issues with regards to how much open ventilation there is within the structure and that is currently being dealt with by the local authority.

We then sat down to talk through the premises licence and go through the conditions under Annex 2 to ensure they were all being complied with.

Apart from incident log and training conditions, 4 & 9 under Annex 2, all other conditions we found were being adhered to.

Condition 4 – Incident log reads:

- An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at intervals not to exceed 4 weeks. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers and staff of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty four (24) months.

Presented to us was a vast number of loose A4 sheets of paper that was set out as a log with various boxes to be completed. The issue was that they were being completed for each day with no incidents occurring, just being signed off but when completing the date box, it was just the day and month, not including the year. As there were so many pages that possibly went over more than a year it was hard to review the documentation. Our colleague from Brighton & Hove City Council who was present with us offered to send a logbook and advice was given that they only need to log incidents if they occur and sign it off just once every 4 weeks. This will assist in keeping clear and accurate information that is then able to be reviewed during inspections.

Condition 9 – Training reads:

- (a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:
 - The lawful selling of age restricted products
 - Refusing the sale of alcohol to a person who is drunk.

- (b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.

- (c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

This is the main area of concern which has prompted us to call this review.

Emad Abdolkhani had to leave us on the first floor while he went to collect all the paperwork that we needed to inspect to ensure the licence conditions were being adhered to. It was then noticed how long he was taking to gather the information and return to us. Just as we were about to head down to the ground floor to locate him, PC Bernascone noticed a window built into the floor that gave a view of a serving counter area on the ground floor. What was then witnessed was a female member of staff with some paperwork, pen and bottle of Tippex, or similar correction fluid, make an amendment to the paperwork. We were genuinely shocked with what we were witnessing.

Emad Abdolkhani then came back to us on the first floor and presented us with a vast amount of paperwork. Within the paperwork we located a training record that had two of the dates altered, one with the use of Tippex, to change the year from 2023 to 2024. When Emad Abdolkhani was challenged about this, he denied he knew what the employee was writing on the form, or that he had seen what she was doing. The paperwork in question now reads:

1st line – training completed by a named staff member on 30/03/2024 (originally stated 2023)
2nd line – training completed by a named staff member on 30/03/2024 (originally stated 2023)
3rd line – training completed by a named staff member on 16/02/2024 (no alteration)
4th line – training completed by a named staff member on 16/02/2024 (no alteration)

The document had then been signed off by someone on 30/03/2023.

As you will see, the alteration to the record makes the training dates be out of sync and the document signed off in 2023 before what the owner is trying to make us believe, training had been conducted in 2024.

The female seen via the window was asked about this and she confirmed that she did alter the records on the request of Emad Abdolkhani as he had told her it needed to all read 2024.

The actions taken raise serious concerns as to how the business is being operated. Altering the document and falsifying records undermines the licensing objectives by attempting to show that staff had been fully trained when this is not the case. Sussex Police have lost all trust in the premises licence holder that he is keeping genuine records or operating in a reasonable way.

Other incident of note.

27th April 2023 – 20:00

Officers attended the premises to obtain some CCTV footage to assist with a serious allegation that occurred inside the venue. The attending officers stated they met with the manager who took them to the kitchen area where the CCTV is stored but advised he did not know how to use the system. He stated that he would call someone out but suggested that Sussex Police would have to cover the cost if officers wanted that to happen. When advised that Police would need to seize the system if he was unable to assist, he pulled down a mouse from shelving above and proceeded to show the footage to the attending officers' that was required to assist with the investigation.

The officers advised the manager that he needed to ensure the footage was saved on a disc for Police or we could send him a link to download it. He again advised that he could only do that if he called someone out and that Sussex Police would need to pay for it.

Sussex Police Licensing were made aware of the reluctance to assist police in securing CCTV of a serious allegation the following day (28th April 2023). PS Lam contacted Emad Abdolkhani where once again we were told that Sussex Police would need to pay the fees for the footage to cover the cost of an engineer to be called out. He was reminded of his CCTV condition within his premises licence which states:

- The management will give full and immediate cooperation and technical assistance to the police in the event that CCTV footage is required for the prevention and detection of a suspected or alleged crime. A link was sent to him to enable him to download the footage which in turn gets sent electronically to Sussex Police.

He was given until 12:00 noon the next day (29th April 2023) to download the footage and sent it over.

29th April 2023 - 17:16

Investigating officers, in the company of officers from Police Licensing, attended the venue as the CCTV had not been sent over. Emad Abdolkhani stated he was unable to upload the footage or past the footage on to a USB stick. Therefore, due to the serious nature of the investigation, the hard drive was seized. It was also noted that Emad Abdolkhani had twice stopped officers obtaining a statement from a potential witness that worked at the venue stating they were too busy. It was felt that Emad Abdolkhani was being obstructive throughout the interaction with police. A charge has since been made against an individual and they are awaiting a court date. The venue was issued with a breach letter regarding the issues police faced with obtaining and securing the CCTV footage.

We have in the past (October 2022) had high drug readings at the premises. However, it is acknowledged that further checks have been conducted of which the results have shown the operator currently has the issue under control and readings have been either nil or so low they are classified as cross contamination. The last swabbing was conducted on 29th April 2023.

A premises licence variation application was submitted on 05th December 2023. The application was to include the first floor of the premises within the licensable area. Sussex

Police submitted a representation against this application due the incident as mentioned above that occurred in April 2023 and a separate allegation against the premises licence holder. A licensing panel hearing was held on 30th January 2024 and resulted in the variation application being refused. We are aware that the applicant has appealed this decision and we are waiting on a court date for this to be heard.

Sussex Police contend that Emad Abdolkhani (as Premises Licence Holder) has no desire of promoting the licensing objectives and that these matters are so serious we have lost any trust we had in the management of this venue. This is evidenced by him instructing a member of his staff to alter and falsify the training records as well as the resistance to providing CCTV to assist in the April 2023 investigation which has now resulted in a charge. The licensing objectives of the protection of crime and disorder, public safety and the protection of children from harm will be undermined if the premises is allowed to carry on trading under a premises licence and could put the public at future risk. It is for this reason we are seeking revocation of the premises licence.

Sussex Police reserve the right to submit further evidence during the consultation period and refer to it at any future hearing.

Please tick ✓ yes

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

No

If yes please state the date of that application

Day	Month	Year

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

- A premises licence variation application was submitted on 15th August 2022. The application was to include the first floor of the premises within the licensable area and extend licensable hours. Sussex Police submitted a representation against this application. A licensing panel hearing was due to be held on 10th October 2022 however the applicant withdrawn their application on 07th October 2022.
- A premises licence variation application was submitted on 12th October 2022. The application was to include the first floor of the premises within the licensable area and extend licensable hours. Sussex Police submitted a representation against this application. A licensing panel hearing was held on 01st December 2022 and resulted in the variation application being refused.
- A premises licence variation application was submitted on 05th December 2023. The application was to include the first floor of the premises within the licensable area. Sussex Police submitted a representation against this application. A licensing panel hearing was held on 30th January 2024 and resulted in the variation application being refused. We are aware that the applicant has appealed this decision and we are waiting on a court date for this to be heard.

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate – Yes
- I understand that if I do not comply with the above requirements my application will be rejected - Yes

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

[Redacted Signature]

KAREN OSBORN

Date 25th April 2024

Capacity Chief Inspector, Divisional Command, Brighton & Hove

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Sussex Police
Licensing Department
John Street

Post town
Brighton

Post Code
BN2 0LA

Telephone number (if any) [Redacted]

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) brighton.licensing@sussex.police.uk

Notes for Guidance 0

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



Immigration Enforcement

Immigration representation in support of an application for the review of a premises licence

On behalf of the Secretary of State, Home Office (Immigration Enforcement) makes representations in support of the following application for the review of a premises licence, relating to the prevention of crime and disorder objective, including the prevention of illegal working and immigration crime in licensed premises.

IE wishes to make representations on an application for a review of a premises licence.

Details of Premises:			
Premises Licence Holder:			
Emad Abdolkhani			
Name and Address of Premises:			
Persia, 126 Church Road			
Post Town:	Hove	Post Code:	BN3 2EA

Representations are being made for the following reasons:

The Licensing Act 2003 outlines 4 objectives that are to be upheld, the Home Office (Immigration Enforcement) is concerned regarding the prevention of crime and disorder.

Home Office (Immigration Enforcement) considers that Emad Abdolkhani (DPS of Persia) is not taking suitable measures to prevent crime and disorder. The business has employed an illegal worker which is prohibited under the Licensing Act 2003 and the Immigration Act 1971 (as amended).

Employing illegal workers in the UK has the following impact on the community and society as a whole: -

- It deprives HMRC and the Government of revenue by non-payment of tax and national insurance.

- It exploits the undocumented by paying them less than the minimum wage and provides no employment or income protection.
- It encourages those without permission to work to seek similar employment.
- It allows a business to unfairly undercut other businesses by employing cheap labour.
- Illegal workers are often housed in cramped and unsatisfactory conditions by the employer as part of their working arrangement.

Immigration Enforcement supports the review from Sussex Police regarding, Persia, 126 Church Road, Hove, BN3 2EA

Immigration has conducted 2 enforcement visits to Persia, one in October 2021 and another in February 2023. During both these visits Persia was found to be employing illegal workers. Below is a full breakdown of each of these visits and the findings by Immigration Enforcement during each visit.

Enforcement Visit Dated 10/12/2021

REDACTED PHOTO

REDACTED

REDACTED was encountered by officers in the Kitchen of Persia and was observed by officers to be standing in front of the stove, when officers entered the Kitchen REDACTED was observed to put down utensils, and placed his wooly hat on his head and also put on his jacket. Officers also observed that he had food debris on his trousers and shoes which was consistent with someone that had been working in a Kitchen. During interview he stated to officers that he was not working at the address and was only there to eat food and was in the Kitchen as he was washing his own dishes following finishing his food. Furthermore, he was observed by another officer on the visit to be washing pots and pans in the sink in the staff area, conversations had with other Kitchen staff and a waitress at the address confirmed that he attended the address a few times a week and helped with cleaning in the Kitchen and received food in return for his help. Home Office checks conducted on REDACTED during the enforcement visit showed that he had an outstanding Asylum claim in the UK and had no right to work. He presented the following Asylum Registration Card (ARC) to officers during the visit. As is clearly displayed on this card he is forbidden from working.

REDACTED PHOTO

REDACTED

REDACTED was encountered by officers in the Kitchen of Persia, he was observed by officers to be standing in front of the stove and when officers entered the Kitchen he was observed to put down utensils. As with REDACTED, REDACTED was observed to have food debris on both his clothing and food which was consistent with that as would be expected on someone that had been working within a Kitchen. REDACTED told officers the same story as REDACTED that he was just here cooking his own food and that the Kitchen in his accommodation above Persia was not suitable for cooking his own meal. Home Office checks conducted on REDACTED during the enforcement visit showed that he had an outstanding Asylum claim in the UK and had no right to work. He produced

to officers a ARC card to officers. As with REDACTED, REDACTED ARC clearly stated that he was not permitted to work in the UK.

REDACTED PHOTO

REDACTED

REDACTED was identified to officers as the Owner of Persia as such he was asked questions regarding the employment of both Mr REDACTED and Mr REDACTED, REDACTED however, stated to officers that he took no part in the employment process and instead left this up to his manager who he stated had more experience in this area he stated the manager was Emad Abdolkhani.

Emad Abdolkhani

Emad Abdolkhani was interviewed with regards to the two illegal workers found as he had been identified by the owner as being responsible for the hiring process at the premises. Abdolkhani stated to officers that neither illegal workers found on the premises were there working he stated that they come here for food, despite the evidence to suggest that both of these were working. Abdolkhani was asked if he kept any records for staff and their right to work which he stated he did, he showed officers this folder and there were no documents in this folder for either of the 2 suspected illegal workers.

Officers noted that both the illegal workers and management were evasive in answering questions even when evidence was put to them they still denied any wrongdoing.

A civil penalty referral was issued in respect of the 2 illegal workers; however, a no further action notice has since been issued due to insufficient evidence.

Enforcement Visit dated 14/02/2023

REDACTED

REDACTED was encountered by officers in the Kitchen of Persia, when encountered by officers he was observed to be working in the Kitchen. During the interview with officers, he stated he was not there but was only there to get food, this story was almost an exact replica of the stories told to officers on the previous visit by both illegal workers encountered during that visit. Home Office checks conducted on REDACTED showed that he had an outstanding Asylum claim in the UK and had no right to work.

REDACTED

REDACTED was encountered by officers in the Kitchen of Persia, when encountered by officers he was observed to be working in the Kitchen. During the interview he stated to officers he was not working there but had come there to pray and eat food. Officers noted that he was dressed as everyone else in the Kitchen and that before being walked off the premises he gathered his coat from the Kitchen area and also changed out of the Crocs he was wearing and into a pair of trainers. Below is a photo captured of REDACTED during the enforcement as is clearly seen in the photo REDACTED is covered in food stains that are consistent with someone that has been working in a

Kitchen, he is also wearing Crocs that are consistent with that of what cooks would wear in a Kitchen setting when working. Home Office checks on REDACTED revealed he had an outstanding Asylum claim in the UK and had no right to work.

PHOTO REDACTED

Emad Abdolkhani

Again on this occasion Emad Abdolkhani was interviewed with regards to the 2 illegal workers found in the Kitchen of the premises. Once again Abdolkhani insisted to officers that neither of these people worked here and that they were only here to eat and make their own food. Once again he stated he kept a folder with documents for all his workers and once again the only documents he didn't have copies of were the 2 persons encountered working illegally in the Kitchen.

RIGHT TO WORK CHECKS AND THE PREVENTION OF CRIME AND DISORDER

The objective of the Licensing Act 2003 (the Act) is to provide a clear, transparent framework for making decisions about applications by individuals or businesses wishing to sell or supply alcohol or provide certain types of regulated entertainment and late-night refreshment.

There are four licensing objectives which underpin the Act, and which need to be taken into account and promoted throughout the licensing process.

The licensing objectives are:

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

Persia has been found employing an illegal worker. This business has clearly failed to meet the prevention of crime and disorder objective. The license holder would have been aware of their responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises license application.

It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the co-operation of a premises license holder or its agents. In this case, the employee had an outstanding claim.

The license holder/employer could have protected themselves and prevented crime and disorder by completing a straightforward Right to Work check. In this instance, the worker had produced an ARC card which clearly showed the restriction.

PHOTO REDACTED

All employers are dutybound by law to conduct these checks if they wish to avoid being penalised if found to have employed someone who is prohibited from working, and guidance can be found on the Gov.UK website or by using a search engine. Additional information on how to conduct these checks is available online, this includes the Home Office's official YouTube page. The license holder/employer could have quickly and easily confirmed that the potential candidate did NOT have the Right to Work

Whether by negligence or willful blindness an illegal worker was engaged in activity on the premises.

Section 182 guidance of the Licensing Act 2003 at point 11.27 states that certain activity should be treated particularly seriously:

11.27

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- **for employing a person who is disqualified from that work by reason of their immigration status in the UK;**
- for unlawful gambling; and
- **for the sale or storage of smuggled tobacco and alcohol.**

It is clear from the evidence above and the Police's case that two elements of 11.27 have been engaged. 11.28 of the guidance states that it is expected that revocation of the licence – **even in the first instance – should be seriously considered.**

Signatures

Signature of Responsible Authority

Harry Taylor REDACTED

Date:

21/05/2024

Capacity:

**Responsible
Authority**

Details of Responsible Authority

Name and Address:

Harry Taylor
Chief Immigration Officer
South East Immigration, Compliance and Enforcement Team
Immigration Enforcement
Room 150, 1st Floor
Ashdown House
Gatwick Airport
RH10 ONP

Email address
(optional):

REDACTED

(S2) - Licensing Team

EG CON ENDS 23.05.2024 VALID PPN, PS & PCH (S2)



Safer Communities

Licensing Team and Trading Standards

Brighton & Hove City Council

2nd Floor Bartholomew House

Bartholomew Square

Mrs Grant
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN11JP

Date: 22 May 2024
Our: 2024/00930/LICREP/EH
Ref: 01273 292494
Phone: REDACTED
Email:

Dear Mrs Grant

Licensing Act 2003

Representation in support of an application by Sussex Police seeking a review of the Premises Licence - 2024/01394/LAREV

Persia, 126 Church Road, Hove BN3 2EA

I write to make a representation on behalf of the Council's Licensing and Trading Standards 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 Persia, 126 Church Road, Hove BN3 2EA.

This representation is made as the Licensing and Trading Standards Team have concerns that the licensing objectives of the Prevention of Public Nuisance, Public Safety and Protection of Children from Harm are not being upheld.

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

On 19 April 2024, accompanied by Sussex Police, we visited Persia Restaurant and carried out a full licensing inspection. At the time of this inspection, we spoke with Emad Abdolkhani, Premises Licence Holder (PLH). This visit was a result of referral from the Planning department regarding a complaint they had received that the first floor of the premises was being used for Shisha, which did not comply with Chapter 1 of Part 1 of the Health Act 2006 (smoke-free premises, places and vehicles).

During our visit, as part of our licensing inspection, we asked to see various documents, one of which was training records. Whilst waiting for Emad Abdolkhani to return, we noticed that the floor of the upstairs area had a window. This window gave a clear view of the serving counter area. We then witnessed a member of staff with some paperwork, pen and bottle of correction fluid, making an amendment to the paperwork. After speaking to Mr Abdolkhani, Sussex Police seized the training record and placed it in an evidence bag.

After this visit, on 24 April 2024, an email was sent to Mr Abdolkhani outlining the details of our visit. A copy of this email can be found at Appendix A. A copy of the shisha guidance sent with the email as Appendix B.

I have little confidence in Mr Abdolkhani as the Premises Licence Holder in running the premises. 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 Public Nuisance, Public Safety and Protection of Children from Harm are met.

Yours sincerely

REDACTED

Donna Lynsdale
Licensing and Fair Trading Officer
Licensing Team and Trading Standards

Appendix A – Email sent on 24 April 2024

From: Donna Lynsdale

Sent: Wednesday, April 24, 2024 4:55 PM

To: 'info@persiahove.co.uk' <info@persiahove.co.uk>; REDACTED> **Cc:** Planning Investigations <Planning.Investigations@brighton-hove.gov.uk>; Brighton.Licensing@sussex.police.uk **Subject:** Persia, 126 Church Road, Hove BN3 2EA - 2024/00811/LICSMO/EH

Importance: High

Dear Emad Abdolkhani

Licensing Act 2003

Health Act 2006

Persia, 126 Church Road, Hove BN3 2EA

Premises Licence Number: 1445/3/2019/03974/LAPRMV

I am writing to you in your capacity as the Premises Licence Holder (PLH) for the above premises.

On Friday, 19 April 2024 at 22:05, accompanied by my colleagues PC Bernascone, PS Lam and Mark Thorogood from Police Licensing, we visited your premises and carried out a full licensing inspection. My visit was also in relation to a referral received from the Planning department regarding a complaint they had received that the first floor of your premises was being used for Shisha, which did not comply. At the time of our visit, we spoke with yourself.

Below are our findings and details of breaches of your premises licence conditions:

Annex 2 – Conditions consistent with the Operating Schedule:

General:

For the Prevention of Crime and Disorder:

4. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at intervals not to exceed 4 weeks. The logbook should be kept on the premises and be available for inspection at all times the premises are open by authorised officers and staff of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty-four (24) months. *You provided us with a lot of paperwork, which was not dated to include a year. We were unable to confirm whether the above condition was being complied with. I have posted to your premises an Incident Book to use. Please ensure when completing this book, you include the year and sign off every 4 weeks in accordance with the above condition.*

For the Protection of Children from Harm:

9. (a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

- The lawful selling of age restricted products
- Refusing the sale of alcohol to a person who is drunk

- (b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.
- (c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

You were unclear on how many staff you had working at your premises, so we were unable to confirm that all staff had received training. We also witnessed a staff member changing the dates on the training records prior to you providing them to us. When it was raised to you that we had witnessed them being changed, you denied they had been. Also, whilst you were showing PS Lam and Mark Thorogood the CCTV, PC Bernascone and myself spoke to the member of staff, who confirmed that you had told her to change the dates on the training records. I have posted to the premises a Training Book.

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 legislation states that:-

(1) A Person commits an offence if –

(a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or

(b) he knowingly allows a licensable activity to be carried on.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Irrespective of the permissions and restrictions attached to any premises licence, all licensed premises are required to operate with regard to the 4 licensing objectives, which are:

- o The Prevention of Crime and Disorder
- o Public Safety
- o Prevention of Public Nuisance
- o Protection of Children from Harm

Please be aware that any enforcement action is taken in line with our Licensing Enforcement Policy. 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.

Also, at the time of my visit we discussed the premises being used for shisha. You advised that you had not opened the upstairs shisha lounge. However, I note that the complaint I had received included photos of customers smoking shisha. The shisha lounge was also being advertised as being open. Receipts seen at the time of this visit also confirmed that shisha was being sold.

In line with Chapter 1 of Part 1 of the Health Act 2006 (smoke-free premises, places and vehicles) it is against the law to permit smoking in any area of a premises that is considered to be enclosed or substantially enclosed. The definition for enclosed and substantially enclosed are detailed in The Smoke-Free (Premises and Enforcement) Regulations 2006 (see below for extract). But, put simply, for a structure to be classified as 'outdoors' it can have:

- A roof with 50% of the walls. (If a shelter is nearer than 1.5 metres to any other walls this would classify as one of the shelter walls); or

- Have no roof and 3 -4 walls e.g. a walled courtyard with no roof. If a roof was put over it (even if the roof is temporary) it would not be compliant, the roof would have to be removed.

I have attached further guidance on the law regarding Smoking and Shisha pipes within commercial premises. To explain it simply, it is illegal to smoke in any enclosed space in England and Wales. If you want to allow smoking, this will need to be done outside or you provide a smoking shelter that is open on 3 sides, including the ceiling/roof above the smoking area.

If smoking within your premise is witnessed, enforcement action may be taken in accordance with the Council's Enforcement Policy.

We will continue to monitor your premises and if further allegations are received or smoking inside your venue, if witnessed formal action will be considered.

If you do not comply with the smoke free law, you will be committing a criminal offence. The fixed penalty notices and maximum fine for each offence are:

- **Smoking in smoke free premises or work vehicles:** a fixed penalty notice of £50 (reduced to £30 if paid in 15 days) imposed on the person smoking. Or a maximum fine of £200 if prosecuted and convicted by a court.
- **Failure to display no-smoking signs:** a fixed penalty notice of £200 (reduced to £150 if paid in 15 days) imposed on whoever manages or occupies the smoke free premises or vehicle. Or a maximum fine of £1000 if prosecuted and convicted by a court.
- **Failing to prevent smoking in a smoke free place:** a maximum fine of £2500 imposed on whoever manages or controls the smoke free premises or vehicle if prosecuted and convicted by a court. There is no fixed penalty notice for this offence.

A copy of this email has also been sent to Police Licensing and the Planning department.

Please reply to this email acknowledging receipt and confirming that you will no longer be allowing smoking within in premises.

Yours sincerely

REDACTED

Donna Lynsdale | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing),
Safer Communities
Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP
T 01273 292494 | donna.lynsdale@brighton-hove.gov.uk

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

Appendix B – Copy of Shisha Guidance

Smoking Areas & Shisha Lounges

Officers from the Neighbourhood Community & Safety Team work closely together to ensure business owners are compliant with the Health Act 2006.

You may receive visits from Food Safety Officers, Licensing Officers, Health & Safety Officers and Fair Trading/Trading Standard Officers. All officers are trained to identify non-compliances of various legislation

We work closely with Trading Standard Officers, to ensure the tobacco used is legal and therefore safe. During these enforcement/compliance visits, we may take the shisha pipes and tobacco as evidence, which is then used, in the Magistrates court to secure a conviction.

Being in control, or allowing people to smoke in an enclosed space, such as an illegal shisha bar, is an offence. You could be fined and ordered to cover the court costs of the council if found guilty.

Shisha Lounges: Business Guidance

If your business supplies shisha in water pipes to customers, you need to do so legally. Following this guide will enable you to do this but failing to comply may result in prosecution or having your pipes and shisha tobacco seized and your customers being fined.

The council and its partners will take action to ensure businesses keep to the law. It is important that users of shisha are made aware of the health issues. A misleading but commonly held belief is that smoking through a water pipe 'purifies' the smoke.

The law will affect your business in a number of ways. Below are common questions and matters that must be considered when thinking about establishing a Shisha business.

Where can customers smoke?

Measures should be taken to prevent smoke getting into smoke free areas by the provision of two sets of doors that are off set. These doors should be fitted with closures.

A minimum distance of 1.5m between shisha premises and adjacent properties or other smoke-free areas must always be maintained to prevent second-hand smoke issues from arising.

Water pipes can be smoked in open air **when there is no roof or ceiling above the smoker**. They can also be smoked in some circumstances where there is a roof or ceiling, but only if at least 50 per cent of the walls of the structure are permanently open. Any opening that can be closed - for example by a door, window, or shutter - is counted as closed. We can provide more advice that is detailed.

As with smoking a cigarette the smoking of shisha/water pipe is not permitted within substantially and fully enclosed public spaces or workplaces because of the Smoke Free laws. These smoking laws apply to water pipes whether the shisha product being smoked contains tobacco or not. Therefore, unless your business has access to a legal smoking area you will not be able to supply shisha in water pipes.

Shisha & Covid 19

Shisha smoking carries all the health risks of smoking, and sharing the mouthpiece greatly increases the risk of spreading COVID-19. PHE strongly advises against sharing any smoking devices.

Local Considerations

This is probably the most sensitive issue. The positioning of the shisha premises will have an effect on adjoining properties (this includes commercial premises as well as residential properties).

Location of the proposed shisha premises is extremely important to get right at the planning stage, as putting right any mistakes will be costly.

You also need to bear in mind when the premises will be open, i.e. evenings, at night, or at weekends, as this could lead to complaints of noise nuisance, car parking, antisocial behaviour etc.

Where possible shisha premises should be sited away from private housing where smoke and noise may become an environmental issue.

It is the responsibility of business operator and their staff at the premises to ensure noise from all external areas is kept to a minimum. You should display posters asking customers to keep noise to a minimum.

To avoid problems with neighbours the following advice should be considered:

- Shisha premises should be sited away from domestic premises and if possible, with some form of insulation between customers and residents to help mitigate the noise.
- Speak to your neighbours and advise them what you plan to do and get their suggestions.
- Display posters advising your customers to keep noise to a minimum in external areas.

Anti-Social Behaviour

Shisha premises will attract young people during evening periods. Try and ensure your premises are monitored and covered by CCTV. This will help ensure groups do not congregate in these areas. This will also avoid complaints to the police or the local authority by your neighbours.

If you construct a shelter for shisha users, it may require planning permission. Please contact the Council's Planning Department ([Link?](#)) for advice prior to construction.

Security & Lighting

You must ensure you have adequate lighting both inside and outside your premises to allow your customers to enter and leave safely, especially if your premises will be used at night. Lighting can also be a statutory nuisance. You should also think about the direction of lighting and where possible direct it away from any domestic premises.

Noise Nuisance

You must minimise (if not eliminate) noise as a result of loud music/TV's, customers entering or leaving, particularly late at night. This will prevent noise nuisance issues with adjoining premises.

Where there will be regular entertainment, e.g. music, TV's, etc, be aware that this will increase the amount of noise emanating from your premises. Provision of lobby doors predominantly used as an entrance/egress will minimise any such issues. These doors should be fitted with self-closing devices to help minimise the amount of noise that escapes when people enter or leave your premises. This also has the added effect of limiting smoke getting back into your premises.

Heating

If you wish to provide heating in your smoking area, then you must fully consider all the health and safety implications. Where possible you must provide permanently fixed radiant heaters positioned so that they cannot be tampered with or pose a burning danger to those within the smoking area. It would be preferable that the heating levels can be altered (by trained employees only), so a suitable temperature can be reached.

Where possible it is advised that gas heaters should not be used. These can be easily tampered with and pose an additional fire hazard. However, where there is no alternative the duty holder must complete a risk assessment in accordance with current legal requirements. Regular servicing and maintenance by a Gas Safe registered engineer will also be required.

Fire Safety

A fire risk assessment must be carried out by the business. You are advised to contact East Sussex Fire & Rescue here. <https://www.esfrs.org/contact-us/>

Employees, Contractors & other persons

Shisha businesses need to ensure that employees and any other persons, i.e. contractors, maintenance persons, local authority officers etc that come onto the premises are not exposed to the harmful effects of second hand-smoke. This is a requirement under the Health and Safety at Work etc Act 1974.

To this end, businesses will need to provide suitable and sufficient risk assessments, identify controls, how safeguards are to be implemented etc.

How is the Law Enforced?

Officers who identify an illegal smoking area in use may take the shisha pipes and tobacco as evidence, which is then used, in the Magistrates court to secure a conviction.

Being in control or allowing people to smoke in an enclosed space such as an illegal shisha bar is an offence, and you could be fined money and ordered to cover the costs of the council if found guilty.

What are the Offences?

- **Failure to display a no smoking sign** - up to £1,000 if prosecuted and convicted by a court or

£200 fixed penalty notice on whoever manages or occupies the premises.

- **Smoking in a no smoking place** - up to £200 if prosecuted and convicted or a penalty notice of

£50 on the person smoking.

- **Failing to prevent smoking in a Smoke Free place** - up to £2,500 maximum fine on whoever manages or occupies the premises if prosecuted and convicted.

What can I sell?

You can only sell tobacco products that have been legally imported into the UK - anything imported illegally will be seized by Trading Standards, HMRC or the Police. Most shisha products containing tobacco are not imported legally and will not have had the required duty paid on it.

What warnings do I have to display?

Any premises selling tobacco products must display large notices stating: "It is illegal to supply tobacco products to anyone under the age of 18." This notice should be displayed in areas where customers can receive tobacco. We can supply copies of this notice upon request.

The water pipes themselves should be labelled with the same written and picture warnings that are on cigarette packs if they are supplied with a tobacco product in them.

Who can I sell to?

No tobacco product can legally be supplied to anyone under 18 years old. Given that water pipes are normally shared, you must check the ages of the whole group and any friends who subsequently join them. It may be sensible to allow only over 18s into the premises.

How can I ensure the safety of employees and customers?

Supplying shisha will involve additional risks, which you should assess and control. Risk assessments must be documented where you employ five or more staff. Risks include infectious diseases, burning charcoal and spillages. Staff should be trained to control the risks and respond to incidents.

You should also take the additional risks into account when completing the Fire Risk Assessment and Emergency Plan for the premises. You can get more guidance on these requirements from the East Sussex Fire & Rescue. Fire exits should be unlocked and clearly signposted.

To minimise the transference of infection, water pipe mouthpieces and hoses should be cleaned thoroughly and disinfected between users. Disposable mouthpieces are recommended. If your staff light the pipes, they should use their own personal mouthpiece and then put a clean one onto the pipe.

Approval of a Shisha Bar/Lounge

A shelter must comply with the 50 per cent wall rule. The premises must also have planning permission, a valid fire safety certificate and keep noise, light pollution, and exposure to second-hand smoke or smoke infiltration into Smoke Free areas to a minimum. A shisha premises will be allowed to operate if the Smoke Free team is satisfied that it complies with all the requirements.

Legal Considerations

If you are considering purchasing or converting premises where shisha is to be carried out then we advise you to contact the Council, **BEFORE** you start trading or carry out any refurbishment work, to ensure that the premises meets with building, health and safety, fire, environmental, licensing, smoke free, trading standards and planning legislation. This will avoid unnecessary costs from the outset and, we may be able to assist with the planning and design of your premises.

This document outlines the key factors to consider by businesses considering a Shisha premises in Brighton & Hove City Council.

Under the new Smoke free (Premises & Enforcement) Regulations 2006 nearly all public places and workplaces that are enclosed or substantially enclosed must be smoke-free.

The Health and Safety at Work etc Act 1974 also places a duty on businesses to protect employees, customers and others that come onto their premises to protect them from the harmful effects of second hand-smoke.

For shisha premises both sets of legislation are equally important and must be complied with at the proposal stage.

Definition of “enclosed premises” is as follows:

Premises will be “enclosed” if they have a ceiling or roof, and except for doors, windows or passageways are wholly enclosed, whether on a permanent or temporary basis.

Definition of “substantially enclosed” is as follows:

- If 50% of the walls or more are missing then it is legal to smoke in the area.
- If more than 50% of the walls are present then it is illegal to smoke in the area.

When determining the area of an opening, no account can be taken of openings in which there are doors, windows or other fittings that can be opened or shut.

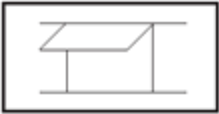
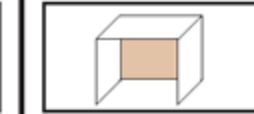

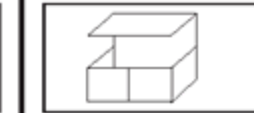
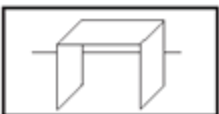


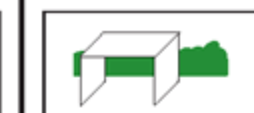
A roof includes any fixed or movable structures, such as canvas awnings.

Any area used for ventilation must not be obstructed by drapes, curtains, etc.

Tents, marquees, or similar constructions will also be classified as enclosed premises if they fall within the definition (note that tent/marquee side-panels will be classed as rolled down even when they are rolled up). In general, if an opening or cover can be closed, the 50% rule will be calculated on the basis that those openings are closed.

Therefore, anyone considering starting-up a shisha business is advised to get clear and detailed advice **before** carrying out any refurbishment work or entering legally binding contracts.

Smoking Areas

Acceptable	Unacceptable
	
	
	
	

They must not be "enclosed or substantially enclosed". This means an area with a ceiling or roof - except for doors, windows, and passageways - that is either enclosed (permanently or temporarily); or has an opening less than half of the area of its walls. This is commonly referred to as the 50% rule. A roof includes any fixed or movable structure, such as canvas awnings. Tents and marquees etc are also classified as enclosed premises if they fall within the above definition.

"Substantially enclosed" premises have a ceiling or roof, but any openings in the walls have a total area which is less than half of the area of the walls, including other structures that serve the purpose of walls and constitute the perimeter of the premises.

When determining the area of an opening, no account can be taken of openings in which doors, windows or other fittings can be opened or shut. A roof includes any fixed or moveable structure or device that can cover all or part of the premises, and includes, for example, a retractable canvas awning.

In summary, a smoking area with a roof and walls where the permanent openings have a total area that is less than the total area of walls will be classified as "substantially enclosed" and will not fall within the provisions of the health legislation as a smoking shelter.

Be aware: You need to make sure that your proposed smoking area is not "substantially enclosed" - if it is then it clearly would not comply with the smoke free regulations, and you will be wasting your time and money.

You should also be aware that siting a smoking shelter too close to walls of adjacent buildings or fences could have the effect of enclosing the structure to the point where it would become "substantially enclosed."

Planning & Building Control Implications

Most shisha premises will require planning permission. Premises that are compliant with the Smoke free legislation are not guaranteed to get planning permission. Premises that have planning permission are not exempt from complying with Smoke free law. Also,

approval under the Building Regulations may be required.

Trading Standard Implications

It is illegal to sell tobacco containing products to persons under 18 years of age and businesses need to take steps to ensure this does not happen. Refusals must be noted and be made available for inspection. Suitable signage also needs to be in place. Tobacco containing products need to be correctly labelled.

Licensing Implications

Shisha premises constructed on licensed premises for customers and staff should be aware of restrictions within their licence, particularly involving outside areas. It is strongly advised that the Premises Licence holder looks carefully through their licence **before** using the premises for shisha smoking as there may have conditions relating to its use. You are advised to look through your license carefully and check what you are licensed to do and if you require a variation?

Access & Egress

The shisha premises must be suitable for everyone to use as stipulated in the Disability Discrimination Act 1995 requirements. The design must consider wheelchair users and therefore be safe for people to enter and leave the premises. It must also consider visual and hearing impairments, and consider the following:

- Any steps must have their edges highlighted with high visibility/contrasting Paint
- Safety and information signs should be in large print or braille (where possible)
- Signs must be positioned where everyone can read them.
- Careful consideration should also be given to how your customers and employees will enter and leave the shisha premises
- Consideration should also be given to vehicles – Have you made arrangements for car parking, deliveries etc.

What will happen if I don't follow this advice?

Non-compliant businesses can expect regular visits from the council and their partners until we are satisfied the place is compliant with the Health Act 2006.

(S3) - Planning Enforcement Team

EG CON ENDS 23.05.2024 VALID PPN (S3)

From: Emma Lawrence REDACTED
Sent: Wednesday, May 22, 2024 2:40 PM
To: EHL Licensing <EHL.Licensing@brighton-hove.gov.uk>
Subject: Persia restaurant, 126 Church Rd
Importance: High

To whom it may concern,

Since February 2023 I have been investigating the above address as the planning enforcement team received complaints about unauthorised development being carried out to the rear of the restaurant. I carried out a site visit on 13th April 2023 and requested that works stop as there was no planning permission in place. However, the builders continued the works.

The following day a retrospective planning application was submitted to BHCC, reference BH2023/001101 - Change of use of first and second floors from self-contained residential maisonette (Use Class C3) to restaurant on first floor and residential accommodation ancillary to the restaurant on the second floor (Use Class E) and erection of a first-floor rear extension. (Part retrospective). This planning application was refused on 27th June 2023.

Mr Emad Abdulkhani then appealed the refusal decision. Before an Independent Planning Inspectorate could determine his appeal, I was informed that there was a shisha lounge being advertised on the first floor to the rear of the restaurant, where the unauthorised works had been carried out. There is no planning permission in place for a Shisha lounge and informed Donna Lynsdale of this matter.

On 26th April 2024 the Independent Planning Inspectorate dismissed Mr Emad Abdulkhani Appeal. The reasons were that it was the loss of residential accommodation, and that the unauthorised development affected the character and appearance of the local area that is within Cliftonville conservation area.

I am now currently preparing an Enforcement Notice for all the unauthorised works that were carried out at Persia restaurant. Once the Enforcement Notice is served on Mr Emad Abdulkhani and any other relevant parties, he will have to remove all the unauthorised development and return the

residential accommodation to the upper floors. There will be a set timescale for these works to be carried out.

If the Enforcement Notice is not complied with then this is a criminal offence, whereby BHCC may prosecute the relevant parties at Brighton Magistrates Court.

Regarding this planning enforcement case, I have received 3 complaints from neighbouring properties about the unauthorised works and also further complaints about the Shisha lounge all the complainants are annoyed that the owner has just continued building what he wants.

Within Planning we regulate and enforce various planning legislations, including the City Plan Part Two and the Town and Country Planning Act 1990.

Planning acknowledge that it is a separate regime to Licensing however it is felt that the dealings we have experienced with the premises regarding the first-floor area evidences his continuous desire to not follow correct procedures and policies. We have also received complaints from local residences that fall within the licensing objective of the Prevention of Public Nuisance. I support the review brought by the Police on the grounds of the Prevention of Crime & Disorder and the prevention of Public Nuisance.

Kind regards

Emma J Lawrence BSc(Hons) | Senior Planning Officer | Development Management – Enforcement Team

City Services, 1st Floor, Hove Town Hall, Norton Road, BN3 3BQ

REDACTED

(S3) – Additional Information submitted 22/05/2024

The Planning Inspectorate

Appeal Decision

Site visit made on 9 April 2024

by **REDACTED**

an Inspector appointed by the Secretary of State

Decision date: 26 April 2024

AppealRef: APP/Q1445/W/23/3328649

126 Church Road, Brighton and Hove, Hove BN3 2EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Emad Abdulkhani on behalf of Persia against the decision of Brighton & Hove City Council.
 - The application Ref is BH2023/01101.
 - The development proposed is the erection of a rear first floor extension at an existing restaurant (Class E).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the local area and the extent to which it would preserve or enhance the character or appearance of the Cliftonville Conservation Area; and
 - whether sufficient information has been presented to demonstrate that the loss of residential accommodation can be justified.

Reasons

Character and appearance

3. The appeal building is a two storey terraced property that fronts Church Road. The wider area is densely built up with Church Road containing terraced buildings in use as commercial on the ground floor with the wider area being residential.
4. The Cliftonville Conservation Area (CA) covers an area encompassing the Cliftonville suburb which is predominantly residential with pockets of small- scale workshop use and Victorian shop frontages. Its significance is derived from classical stucco facades and semi-detached villas with visually successful extensions that match the scale, proportion and detail of the original building but are subordinate in mass and siting. Roofs vary in pitch, detail and eaves treatment, but within any one street or architectural group the roof and elevation detail is generally consistent and harmonious. Given the above, I find that the significance of the CA, insofar as it relates to these appeals, to be primarily associated with the historic development pattern in the area, including scale, rhythm and proportion.
5. There is already an extension to the rear of the of the first floor of the appeal building. However, this is modest in size and matches the scale and proportion of the original building. The proposed development would occupy most of the width of the appeal site and extend at a significant depth. While the proposal is located to the rear, the result would be a prominent feature that would be visible from Medina Villas and Osborne Villas.
6. I acknowledge that views are limited, however, the overall site coverage, as a result of the width and depth would draw attention to the development from these adjacent roads, even from fleeting passes by.
7. The roof of the proposal would be flat, and while I note the Councils concerns, the small extensions that are generally characteristic of the area are generally flat roofed and therefore this particular aspect of the design is generally in line with the roofscape. However, this does not mitigate the harm as a result of the considerable width and depth which results in an over prominent development that would have a poor

relationship with adjoining neighbours and the streetscape.

8. Given the above, I find that the proposal would harm the character and appearance of the area and fail to preserve or enhance the character or appearance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.

Loss of residential accommodation

9. The appellant states that the first and second floors of the appeal building were in previous use as an HMO albeit this use ceased in 2019. Since this time the residential accommodation has been used by the appellant or restaurant staff. It is proposed that the first floor would be used for seating for the restaurant and the second floor would be used as a one-bedroom flat to be used by restaurant staff.
10. The appellant considers that there would be no net loss of residential accommodation as a flat would be provided on the second floor. However, while there would be some form of residential accommodation retained, this would be tied to the restaurant use and there would be no open market residential accommodation provided. It would also differ from the previous situation on the site and reduce the amount of accommodation from the small HMO and thereby result in a net loss of residential accommodation.
11. Policy DM2 of the City Plan Part Two Brighton & Hove City Council's Development Plan October 2022 (DP2) concerns retaining housing and residential accommodation. The Policy seeks to resist any net loss of existing residential accommodation in the city unless one or more of a set number of exemptions apply.
12. The proposed development would not meet any of the exemptions other than f) where the previous use of the building would be a material consideration. In this regard, I note the appellant's consideration of the success of the restaurant and its popularity, the desire to extend the restaurant into the first floor also demonstrates this.
13. However, while these matters are noted, the proposed development would result in a loss of residential accommodation. While a flat would be created on the second floor it would be small to serve the needs of the large number of

staff employed and also be tied to the restaurant use with no guarantee of this continuing.
14. I therefore conclude that sufficient information to demonstrate the loss of a residential unit of accommodation has not been demonstrated. It would be contrary to Policy DM2 of the DP2.

Other Matters

15. The appellant has referred to several examples of other developments nearby in an attempt to justify the proposed development. I do not have the full details in respect of such examples so I cannot be sure of the circumstances of these. In any case, I have determined the appeal on its

own merits, based on the evidence before me.

16. However, from site observations while these tend to have flat roofs, which I have found that the proposal would generally be in line with. Those at first floor level are generally not as prominent as the appeal proposal due to its significant width and depth.
17. The Council have found that the proposed flat would provide adequate living conditions for future occupiers, however, this is a neutral matter.

Planning Balance

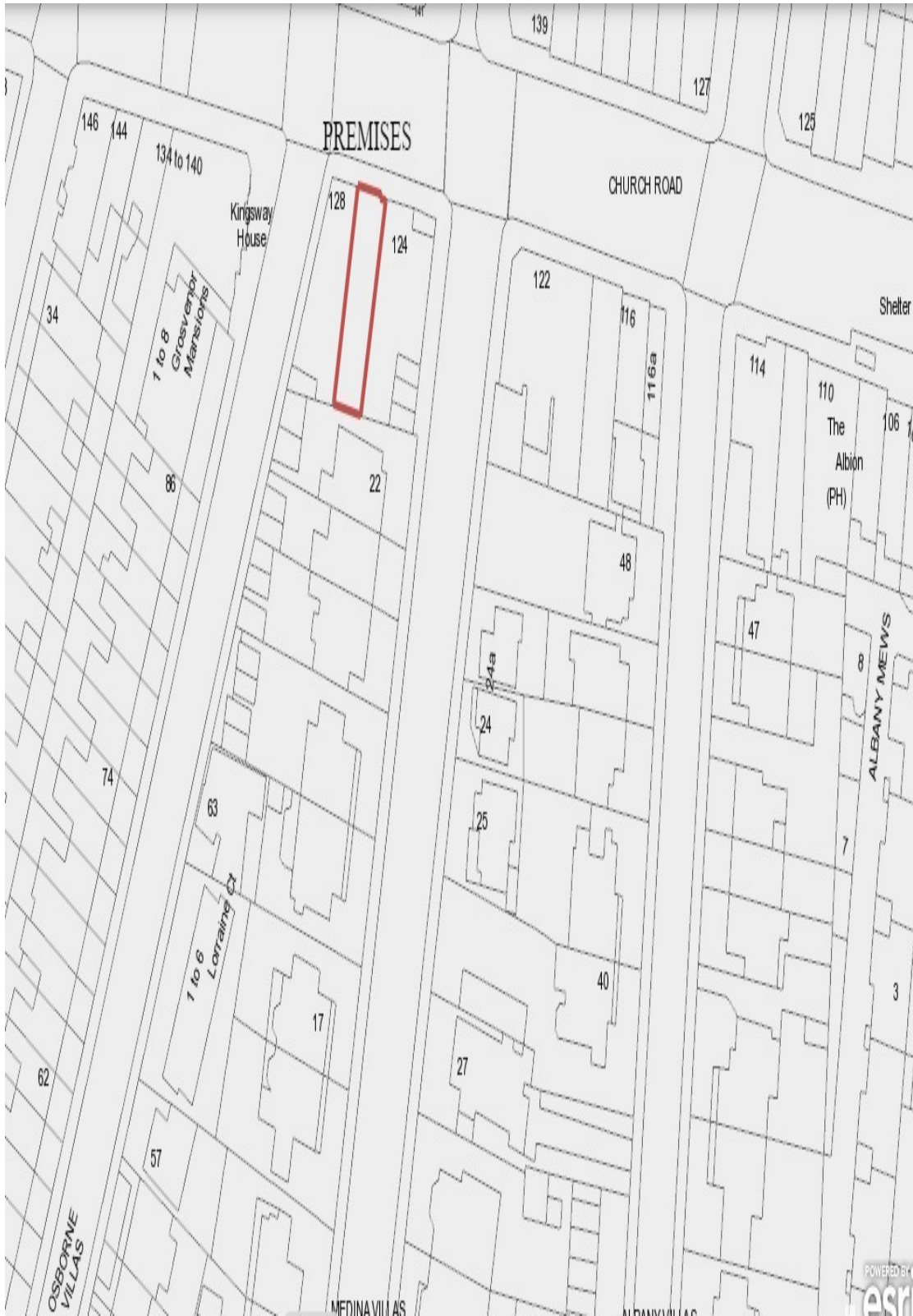
18. I have found that the proposed development would fail to preserve or enhance the character or appearance of the CA.
19. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
20. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. There would be some benefit through the investment into the restaurant which the appellant states is a popular venue in the area. However, this is not sufficient to outweigh the harm that I have identified.
21. Given the above and in the absence of any defined significant public benefit, I conclude that, on balance, the proposal would fail to preserve or enhance the character or appearance of the CA. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with Policies DM18, DM21 and DM26 of the DP2 as well as the Council's supplementary planning document design guide for extensions and alterations adopted 20 June 2013 which seek, among other things, to ensure that development makes a positive contribution to a sense of place and are well designed and scaled, sites and detailed in relation to the property to be extended. As a result, the proposal would not be in accordance with the development plan.

Conclusion

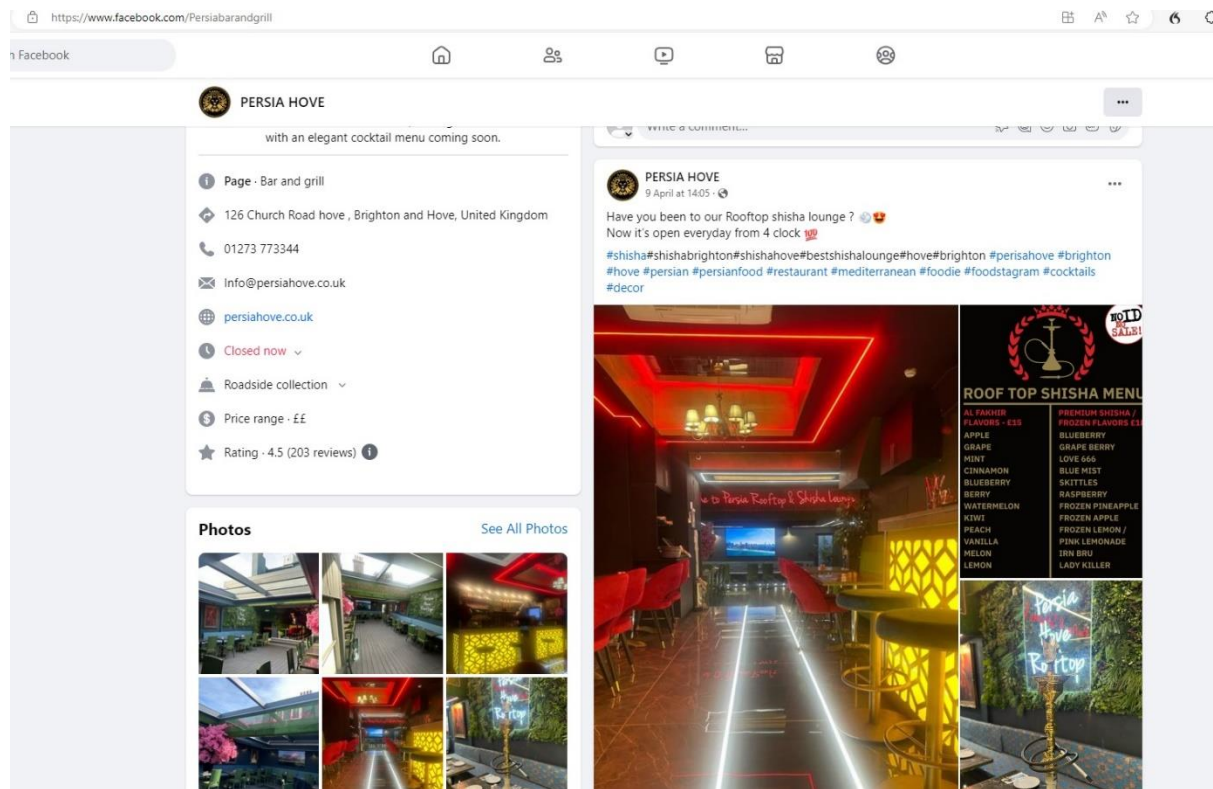
22. For the reasons given above the appeal should be dismissed.

REDACTED

INSPECTOR



Appendix E – Police Supplementary Evidence – Submitted 16/05/2024



PC BERNASCONE Statement

WITNESS STATEMENT	
Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9	
	URN <input style="width: 200px; height: 20px;" type="text"/>
Occurrence Number: REDACTED	
Statement of: ANDRE BERNASCONE	
Age if under 18: Over 18 <i>(if over 18 insert 'over 18')</i> Occupation: Police Constable Licensing	
This statement (consisting of 3 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 in it anything which I know to be false, or do not believe to be true.	
Signature: REDACTED	Date: 28/04/2024 11:57
Tick if witness evidence is visually recorded <input type="checkbox"/>	

At approximately 2205 hrs on Friday 19th April 2024 I was on duty in full police uniform in company with PS LAM, Police Licensing Officer Mark THOROGOOD and Council Licensing Officer Donna LYNSDALE, when we attended Persia 126 Church Road in Hove. At the time I was wearing Body Worn

Video (BWV) and I switched this on prior to entering the premises.

I have attended Persia on a number of occasions and have previously met the current Designated Premises Supervisor (DPS) Emad ABDOLKHANI as have attended the premises several times before as part of my work.

On arrival I immediately went upstairs. The area was empty of staff and customers but was fully lit and had background music playing as if was in use or at least available for use. I also immediately noticed a strong sweet smell which I recognised as possibly from Shisha as have attended a number of Shisha premises during my role.

At the back of the room (at the northern end) was a serving area and behind the bar were approximately 20 Shisha's on shelving behind the counter.

By this time the DPS had come upstairs and was talking with my colleagues. I noticed that the roof had been changed so that it could be opened and also that there were two areas of the floor which had glass panels with a view to the ground floor area. Whilst we were doing the check the DPS opened to roof fully to demonstrate it could open as I think he believed this allowed him to have Shisha in the room I heard the DPS being asked about CCTV and he said there wasn't any. It was pointed out that there was a camera near where we were standing and the DPS then said that they hadn't been connected. There were a number of CCTV cameras around the room and I do not believe that they were not in use.

I also noticed that there were two doors in the main seating area. One was blocked by a large plant and the other was blocked by some of the seating. Mark THOROGOOD queried the DPS about the fire exit and he said it was the one behind the plant, which was only there as the room wasn't being used. I believe that the one covered by the seats was actual fire exit the fire exit as later on during the check I opened it and it led to a set of stairs down to the street. The seats were moved so that the exit was clear and not blocked.

Whilst my colleagues continued to talk with the DPS I wandered round the room. I went back behind the serving area. I couldn't see any alcohol in the fridges or on display, but did notice a used Shisha on the floor behind the serving area, which when I placed my hand near to it was still extremely hot so I believe it had only very recently been used.

I then went to another till area in the middle of the room. There was a holder on the wall containing the Shisha menus which I showed to Donna LYNSDALE and the others. I then noticed a number of receipts on a spike next to the till. When I looked at them they were for sales of shisha and other items for today. When I asked the DPS about it he initially stated that they were training receipts for practising using the till, but then also

said that he was allowed to sell Shisha anyway.

I then left the premises for a short while as Donna LYNSDALE needed to get the licence from her bag. When we returned everyone was sitting upstairs and the DPS headed downstairs to get his paperwork.

I could hear a strange noise coming from the ceiling area. I also opened the door to the fire escape which made the noise stop. There was a 1 ft high brick wall just behind the door which in my opinion made it unsuitable as a fire exit and the roof area behind seemed to be used as a storage area which again would possibly make it unsuitable.

The DPS had been gone for some time so I got up and was wondering around the room. I then looked down one of the glass panels on the floor that were above the ground floor and noticed that one of the female staff members appeared to be filling out or altering paperwork. I was directly above the bar area with a clear view from above through the glass floor. The female appeared to be taping things on the sheet and was unaware that we could see her.

The DPS eventually came back up with a stack of paperwork. He sat down and said he was going to record us on his phone which we said was fine. When he got the training records out I could see that these were the same forms that I had seen been altered earlier. Mark also confirmed that one of the forms had fresh (still not fully dry) tippex on it. I then told the DPS that I had seen his staff member changing the forms through the glass and he denied it saying that she had only been checking the forms. The DPS appeared to get quiet agitated, as in my view he realised he had been caught out. He then stated that he had no idea what she was doing. I looked at the sheet and could see that several of the dates of training had been changed. Tippex had been used on two of the dates and the date changed from 2023 to 2024, although you could still see the old date underneath. There were two other training dates and these were dated 2024 and appeared to not have been altered and I believe these had been added by the female I had observed earlier as I could also see that the date of the review by the DPS was dated 2023 and this had not been changed. The DPS was also unable to tell us how many staff he had at the premises which seemed strange to me as the restaurant isn't really that big.

I originally took an image of the form which had been altered but then it was decided to seize it. I placed the form in an exhibit bag and produced as AB/190424/2238. I gave the DPS my business card with a handwritten note that I had seized the sheet and handed this to the DPS so he had a record/receipt of what I had taken.

We then all went downstairs and Mark THOROGOOD and PS LAM went to check the CCTV which is in the kitchen in the basement. I then saw the female who I had observed altering the forms standing by the bar. I


then showed her AB/190424/2238 and advised her that we had seen her altering it. She said yes indicating that she had and also said that 'he' had told her it said 23 and it should say 24 and that he said all had to be 24. She seemed confused about what she had been asked to do and I advised her that it could be considered as fraud which is a criminal offence. She seemed quite shocked by this. I advised her that it was an official document and not to do that again. I asked her name and she said it was Lorena.

The others came back. The DPS approached me and apologised to me. I told him that I didn't take things personally and shook his hand. We then left a few minutes later.

My BWV was produced by PS LAM as VL/230424/0809.

This statement was made by me at 1100 hrs on Sunday 18th April 2024 using my BWV as my original notes.

PS LAM Statement

WITNESS STATEMENT	
Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9	
URN	
Occurrence Number: REDACTED	
Statement of: VINCENT LAM	
Age if under 18: Over 18	<i>(if over 18 insert 'over 18')</i> Occupation: Police service
This statement (consisting of 3 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 in it anything which I know to be false, or do not believe to be true.	
Signature:  REDACTED	Date: 23/04/2024 09:19
Tick if witness evidence is visually recorded <input type="checkbox"/>	

This statement is in relation to a Licensing Check that my colleagues I completed at a Premises named Persia, on Church Road, Hove, BN3 2EA. Around 22:04hours, on Friday 19th April 2024, I was on duty in uniform, attached with the Licensing Team conducting licensing checks across the Brighton and Hove City as the licensing team supervisor. I was crewed with PC Andre Bernascone, CB328, Sussex Police Licensing Officer Mark Thorogood, 33005, and Brighton and Hove City Council Licensing and Trading Standards Officer, Donna Lynsdale.

My colleagues and I attended Persia, which is a restaurant with a Premises Licence. The check was to ensure compliance with the Premises Licence Conditions and to ensure the licensee and staff are aware of their obligations with the licence, especially the sale of alcohol, aimed to maximise the safety of the public, especially children and to prevent crime and disorder. I entered Persia through the front doors on Church Road, Hove. As I walked inside the premises, I saw a male who I know to be Emad Abdolkhani sat to the left of the door, by the table closest to the window. Emad was stood up and I informed him that we were present to conduct a licensing check, we shook his hands and I have seen Emad on previous inspections on at least 2 previous occasions.

Emad invited my colleagues and I on the first floor of the premises, to sit and go through the Premises Licence. My colleague Mark Thorogood and Donna went through the licence. The last occasion I attended Persia, the first floor looked like a building site and when I walked to the first floor, I saw a huge transformation.

The first floor looked newly refurbished with tables, a bar area, till and a remote operated roof. I saw the two fire doors which were not push bar to open doors, they were obstructed by a 3-4ft bench, and also a square flower pot. The bar area had several shisha's on the shelf and also one shisha on the ground which looked recently used. I believe shisha was being smoked in the first floor due to the sweet tobacco smell which lingered in the air. PC Bernascone look by the till area and saw recent transactions of shisha sold on the premises for £15.00 and when he asked Emad what the till receipts were, he said words to the effect of they are training receipts from when they were learning how to use the till.

After the initial inspection of the first floor area, my colleagues and Emad sat by the table to go through the licensing check. During the checks, Emad walked on the ground floor for around 5 minutes and it was here I checked the fire exit. The fire exit on the first floor which was on the wall on the west side of the building was opened, when this door was opened, there was a 3ft brick wall in front of the door which was an obstacle onto the rear of the premises and metal staircase leading to the ground floor. The second fire door was on the first floor to the rear of the premises, I could not open this door due to a flower pot and a bench preventing the access.

Emad was asked to obtain the training logs, refusals and paperwork for his licence. Emad went to the ground

floor to obtain the requested records, during the wait around 22:24hrs, PC Bernascone said words to the effect of 'oh this is good, look she's writing it now', I turned to look PC Bernascone and Mark Thorogood who were stood up on the first floor, they looked down to a glass pane on the floor, the ceiling on the ground floor bar area and I looked down and I could see a female writing on a log, she was holding a pen in her right hand and also used tip-ex on the already completed log. I could see the female amend the record clearly and placed the log within a pile of logs to the side of the till area. I could see the female was holding tip-ex on the left hand. I removed my BWV and placed the camera on the glass pane which was recording prior to entry to the premises.

Emad walked upstairs with the records after and produced the records to the licensing officers for inspection. Mark Thorogood located the only record with tip-ex, the dates were amended from 2023, to 2024 and I requested this document was seized for records, to prevent the document from being concealed, lost, altered, damaged or destroyed. PC Bernascone provided Emad with a contact card to him to confirm the page was seized for records. The inspection was completed and Emad showed officers the CCTV was in working order. It is noted the cameras were not working on the first floor, the cameras were not on display on the screen and Emad did not show there was working cameras within the first floor.

After the licensing check, I left the premises at 22:56hrs.

I can produce the following exhibits:

VL/230424/0817 - PS Lam, CL041 - Body Worn Video.

VL/230424/0809 - PC Bernascone, CB328 - Body Worn Video.

The above exhibits I saved on NICE Investigate which is the body worn video system to store the footage and can be played if required.

This statement was completed at 09:14hrs on 23/04/2024.

Training Log



Individual Training Log

Conducted on Premises

Premises Name:

Name: *Grant Anderson*

Job role and responsibilities:

Training activity			Evaluation & Comment		
Details of Training activity (e.g. Induction Training) include core topics covered	Date(s)	Effective learning time	Training Staff Member: include signature & date	Refresher Training Required? Add date(s) to review	Further comments: Was the training successful? Has the employee understood?
scenesafe evidence recovery systems Challenge 25	30/03/23	16:45	[Redacted]	in 8 weeks	understood.
Challenge 25	30/03/24	17-50	[Redacted]	in 8 week	Understood.
Challenge 25	16/02/2024	17:45	[Redacted]	in 8 weeks	Understood.
Challenge 25	16/02/2024	17:47	[Redacted]	in 8 weeks	understood.

Reviewed By (signature): [Redacted]

Date: 30/03/23

Persia, 126 Church Road, Hove, BN3 2EA – Premises Licence Breaches

Persia Hove <info@persiahove.co.uk>

Tue 23 Apr at 14:48

To: Brighton Licensing <Brighton.Licensing@sussex.police.uk>

Cc: <ehl.licensing@brighton-hove.gov.uk>

Dear [REDACTED]

I am grateful for your guidance and understanding as regards the completion of records with year date which was missing as outlined by you following your visit. Thank you for giving me the opportunity to respond to your email about this matter and I am taking this opportunity to offer an explanation here which I do hope you find reasonable and acceptable.

It is very difficult to operate a business nowadays following the economic downturn and clearly the pressures can allow mistakes to be made. Our record on compliance is extremely good and I ask that you consider this at this time. For instance, when you found we had a problem with the drug use in the toilets in 2022 (2 years ago) we instantly reacted and made alterations to the toilet/washroom facilities, posted signs banning people found abusing the situation and maintained the record keeping on log sheets correctly dated and signed resulting in 21 sheets (Incidents log) 49 sheets (Toilet/WC log) being available on your recent visit. Albeit the recent ones did not show the year date for which I apologise as it is my responsibility to ensure staff complete these records correctly.

May I politely suggest there has been a language barrier misunderstanding on behalf of my staff member who is normally excellent at maintaining the records as evidenced by the log book records mentioned above. I truly believe she did not intend to falsify the dates or records and that this is a misunderstanding and a lesson learnt. I assure you that we will take immediate notice of your instructions and already have systemised the administration procedures to ensure this cannot happen again.

Turning to our training records, as you witnessed on your visit we had all the sheets (14) on site dated back to 2019.

Our existing records consist of the following;

1. Toilet and WC log book - 49 pages
2. Training Record Challenge 25 has 14 sheets since 2019
3. Incident records - 21 sheets
4. Refusal register completed monthly.
5. Age Restricted Sales Alcohol Guidance and Advice booklet.

I assure you there has been no intention to mislead or falsify any records which I do hope you recognise based on our many years performance and compliance.

May I also assure you that there is always a DPS on duty whenever we are open to the public. I personally am on site a minimum of 15 hours each day. Every occasion the Police complete their routine inspections I have always been on site. You also questioned how many staff we have on duty and perhaps my reply was not clear. Basically we have 4 regular employees but from time to time have to take on casual staff so sometimes there may be one or two extras depending on how busy we are.

I have now been in business at these premises 6 years and tried to comply with all the necessary legislation and continue to do so. It grieves me to think that you believe it necessary to issue an enforcement notice as I am totally committed to compliance because I want my business to be successful and am grateful for your

advice at any time. Whatever you tell me has to be done will, I promise you, be carried out without question.

May I also mention as regards the Shisha area that my architect determined that at least 50% or more of the area is openable to fresh air.

Thank you for this opportunity to explain and I welcome you to return at anytime where you will see that my word is 100% genuine. I am also pleased that you are going to send me a log book which you recommend I use and in the meantime I am religiously making sure that all records are correctly dated and compliant as you have instructed.

Yours sincerely

Emad Abdolkhani
Proprietor

[Quoted text hidden]

Confirmation of Participation of Persia Restaurant in Community Program

Tue 21 May at 18:28

[REDACTED]
To: <info@persiahove.co.uk>

Dear Sir/Madam,

I hope this message finds you well.

My name is [REDACTED], and I am the [REDACTED] I am writing to confirm that we run a program within the Muslim community aimed at providing meals to refugees, homeless individuals, and others in need. This initiative allows those in need to dine at a number of participating restaurants.

I am pleased to confirm that one of our participating restaurants is Persia Restaurant, located in Hove. The owner, Emad Abdolkhani, has generously supported this program for many years.

Should you require any further information, please do not hesitate to contact me.

Thank you for your attention to this matter.

Best regards,

[REDACTED]
[REDACTED]
[REDACTED]

FW: Persia Breach letter

Persia Hove <info@persiahove.co.uk>

Fri, 5 May 2023 at 08:18

To: [REDACTED] <[REDACTED]>

Dear [REDACTED]
Good morning

Thank you for your Email,

I think I been give wrong information,
I was there on the three visit,
I was always helpful and try to work with the police,
The first visit 2 x police officer visited my premises. They want to go to the Cctv for the date of 22/04 from 6-7
clock
I show them what they wanted to see, and also they recorded on their phone as a video,
They ask me, they want me to record it and send it by email, which I didn't have the app on my phone on the same
day, then ask me they want to have the hard from the recorder. I said I don't know how to take the hard out. I can
call my technician and if there is any addition cost you may need to be paid, that was the misunderstanding,
On the second visit, they came in another two police officers they also wanted to have a look at the CCTV from 5 to
7 for same date, which I show them, and I've been very helpful again,
They send me the link and they've given me by 12 o'clock next day to send them the footage, as the footage was
large it wouldn't download to the link ,
on the third visit, the came or the police, Licensing and it was Saturday busy night again I explain to them the link
they've sent me I can't send the footage. I've downloaded it on my phone but I couldn't send it, then the police
officer said she wants to take the whole system recording and I said you're more than welcome to take it,
As I had a replacement on a garage, while they were disconnecting, the system we were trying with the licensing
officers on my phone, and it shows the footage was completed online where they still took the recorder with them
self,
At the same time, the police officer want to interview few of my staff, and making a big Sean in front of my
customer, this when I came in and I said this is not on let's get the CCTV footage sorted. Then he can contact them
and their own time and you can interview them. You can't do this to my business while I have customer on busy
Saturday,
I'm always helpful, and I will try to work with all department and be happy to help,

Just want to share this with you so you know exactly what's going on,

Regards Emad
Persia restaurant
[Quoted text hidden]

Blueprint

The CAD Bureau

To: The Licensing Authority
Brighton and Hove City Council

28h May 2024

Dear Sir or Madam,

Re: Mr. E. Abdulkhani, Persia Lounge, 126 Church Road, Hove

I understand a query has arisen regarding the first floor restaurant area at the above property. The area of the openable roof has been questioned by your inspecting Officers.

I was asked to visit Mr. Abdulkhani in October 2022 in my capacity as a draftsman. Working from an Architect's plans of the existing building and at Mr. Abdulkhani's direction, I produced two CAD drawings showing a proposed design for the first floor. Please see drawing numbers 126CRH-a and 126CRH-b.

Subsequently the following March I was asked to amend the floor plan, reducing the area by leaving a gap between the rear boundary of the property and the rear restaurant wall. Please see drawing number 126CRH-c. I understand this was done in order to reduce disturbance to the neighbours. Other small changes were also requested at this time.

On the design of October 2022 the openable roof area was to be 32 sqm; the covered area being approximately 80 sqm. On the attached plan number 126CRH-b I have marked the two parts in blue for your convenience.

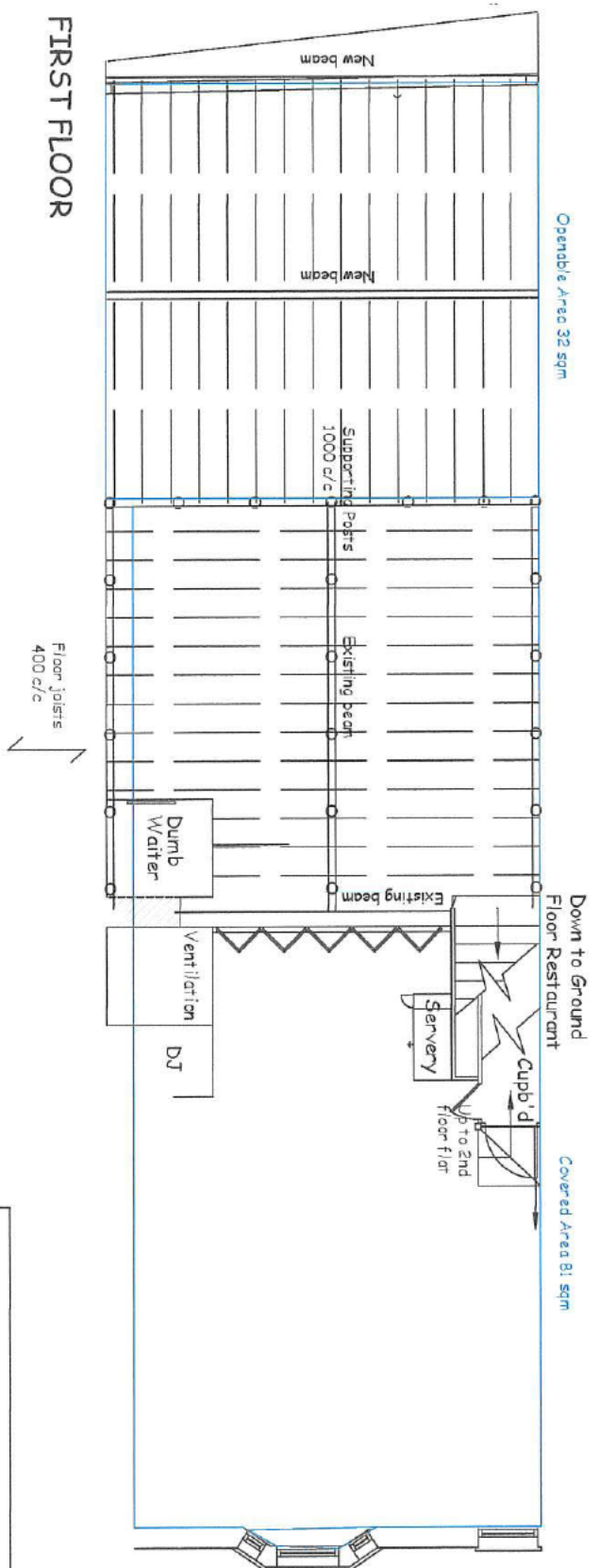
I do hope this makes the situation clearer in respect of the design.

Best regards

Blueprint The CAD Bureau

Tel: [REDACTED]
e-mail: [REDACTED]

DO NOT SCALE FROM THIS DRAWING
ALL DIMENSIONS TO BE CHECKED ON SITE



FIRST FLOOR



Blueprint
The CAD Bureau

Client
Mr. E. Abdulkhani

Project
Persia Lounge
126a Church Road, Hove
BN3 2EA

Drawing
Structural Details

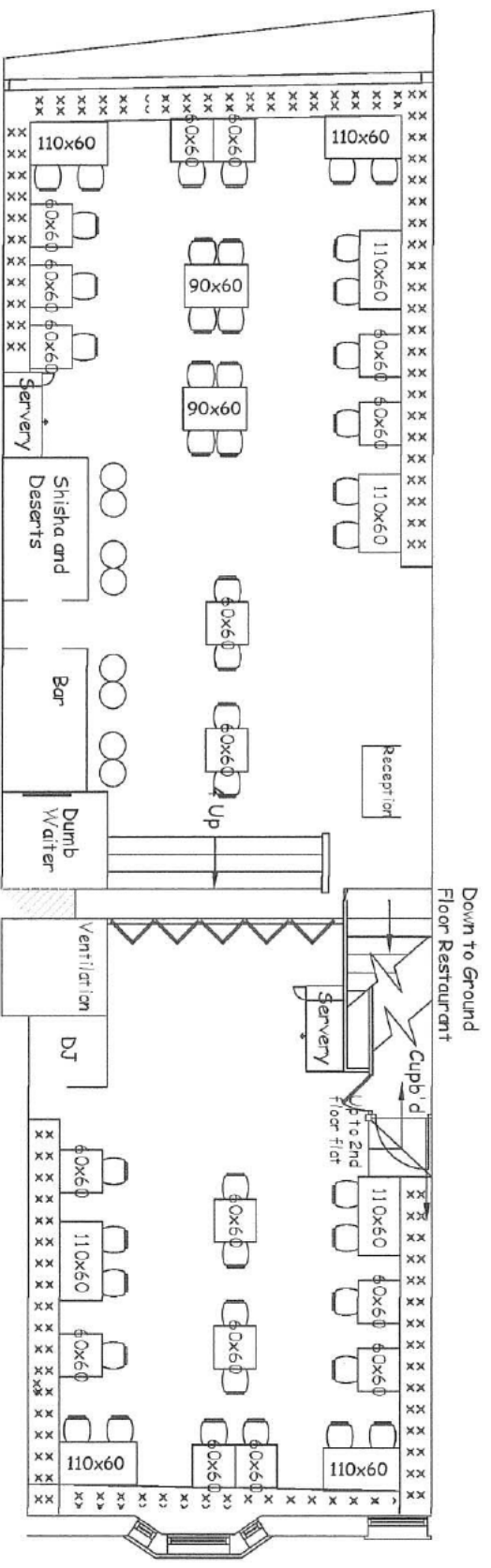
Scale
1:100 @ A4

Dwg No
126CRH-6

Drawn By
JS

Date
04/10/2022

DO NOT SCALE FROM THIS DRAWING
ALL DIMENSIONS TO BE CHECKED ON SITE



FIRST FLOOR



Blueprint

The CAD Bureau

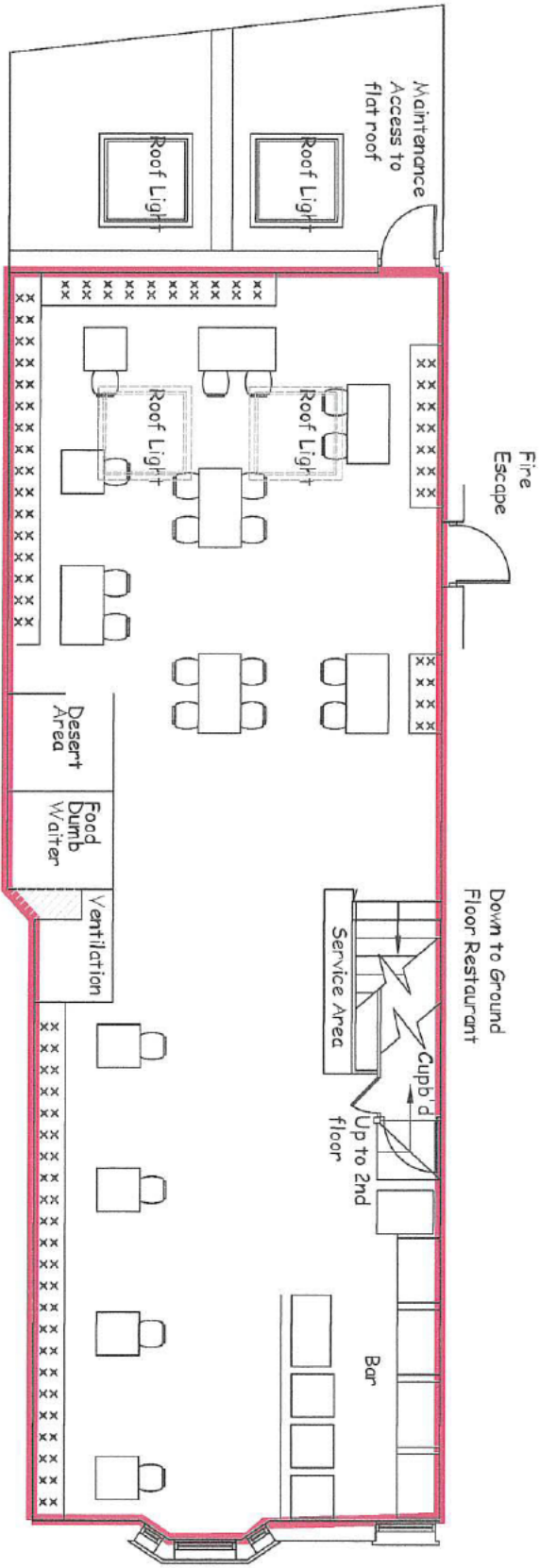
Client
Mr. E. Abdulkhani

Project
Persia Restaurant
126 Church Road, Hove
BN3 2EA

Drawing
Proposed First Floor

Scale	Dwg No	Drawn By	Date
1:100 @ A4	126CRH-4	JS	13/03/2023

DO NOT SCALE FROM THIS DRAWING
ALL DIMENSIONS TO BE CHECKED ON SITE



FIRST FLOOR



Blueprint

The CAD Bureau

Client
Mr. E. Abdulkhani

Project
Persia Restaurant
126 Church Road, Hove
BN3 2EA

Drawing
Proposed First Floor

Scale 1:100 @ A4	Dwg No 126CRH-6	Drawn By JS	Date 13/03/2023
---------------------	--------------------	----------------	--------------------

IN THE MATTER OF PERSIA RESTAURANT

AND IN THE MATTER OF A REVIEW AT THE BEHEST OF SUSSEX POLICE
(13,3)

STATEMENT OF ANDRO NIKI KALI

[REDACTED] will say as follows:

1. [REDACTED] I have for the last two or three years been working in various restaurants to fund my studies etc and I joined the Persia Restaurant in March 2024.
2. I am working there as a waitress as I have previously at [REDACTED] and [REDACTED]
3. Attending each of these restaurants I have always immediately had training, particularly with regard to the selling of alcohol and allergies.
4. Indeed on my first day at Persia in March 2024 the owner Emad sat me down and went through the requirements of the Licence with me with particular regard to the "Challenge 25" requirements.
5. Both I and the other person joining having training [REDACTED] were then asked to sign a training sheet to acknowledge that we had received this training.
6. I now know that the sheet that we both signed in March 2024 had two entries on it already albeit from March 2023. Neither of us noticed this at the time.

I believe the fact and matters appearing in this Statement to be true.

Dated

04/06/2024

Signed

[REDACTED]
[REDACTED]

Appendix F6

IN THE MATTER OF PERSIA RESTAURANT

AND IN THE MATTER OF A REVIEW AT THE BEHEST OF SUSSEX POLICE

WITNESS STATEMENT OF EMAD ABDOLKHANI

I, Emad Abdolkhani of 126 Church Road, Hove, BN3 2PA say as follows:

1. I am the Premises Licence Holder for Persia at 126 Church Road, Hove.
2. I first came to live in the United Kingdom in about 2008 and immediately started working in various of the restaurants run by members of my family including Otello, Orsino and Ilsole.
3. I worked in every aspect of these restaurants be it kitchen, front of house etc.
4. I have held a Personal Licence since 2016.
5. I opened Persia in 2019 holding the Premises Licence and acting as the DPS.
6. I am fully aware of my responsibilities being an experienced licensee and have invested my whole life in the Persia restaurant. Other than a small wage I have never drawn an income investing any profit back into the business.
7. I was until recently the DPS but with a view to broadening the management structure and experience, I appointed a new DPS and I stood back from that role in late 2023.
8. The DPS is now responsible for the day to day running of the business and in particular alcohol sales although I continue to be fully involved, particularly with training new staff.
9. I make this Witness Statement in response to the Review of the Premises Licence sought by Sussex Police.
10. I absolutely deny the various allegations that have been made and/or the Police version of events.
11. With regard to the allegation that I failed to co-operate regarding the production of a video recording, this is simply untrue.
12. I recall that on a Wednesday afternoon two Police Officers called at the premises [REDACTED] They asked if they could have a look round the premises and of course I agree⁸⁷ They then said that they would

like to look at my CCTV recordings. They specified a particular date and time and I played the tape which they recorded on their phone.

13. They returned the following day and asked to see other of my CCTV recordings which again I showed to them and they recorded.
14. They said that they wanted me to download certain of the footage which I was content to do and they said that they would send me a link to my phone and then went on to say that I had until 12 noon the next day to send it through but if I did not, they would attend and take away the hard drive of the recorder.
15. I said that I would do my best but that I was not particularly technically proficient, and if I could not make it work I might have to call out my technician for which there would be a cost and I speculated as to who was going to pay for this. I do not think the Officers actually replied to this.
16. However significantly these Officers left me with no contact details or telephone number.
17. I duly received the link later that day and whilst I could download the footage to my phone, I could not get it to then send the footage onto the Police. I did not know what to do because as stated, they had not troubled to provide me with any contact details. There was nothing more I could do at the time.
18. On the Saturday at about 4 pm these Officers came back with two Officers from the Licensing Department who I knew. They asked me why I had not sent the footage and I explained that I could not send it and I showed them my phone that I had managed to get the footage there but the link was not working. I asked if I could send it rather by WhatsApp.
19. One of the Licensing Officers took my phone to try and send it himself and eventually after a little while he said that he had managed to do so.
20. Clearly this Officer was experienced in this download procedure as he was able to make it work when I was not.
21. They then said they wanted to take my recorder as well and I said that I was fine as I had a spare one. They removed the one in use and I replaced it and checked that it was working.
22. Whilst there were there, they took some drug swipes in the toilets about which I heard nothing so I presume that these were clear.
23. By now it was 5 pm and the restaurant was starting to get quite busy. Two Officers asked if they could now interview members of my staff and I responded that could we not do this another time it simply was not convenient as we were busy and I needed the staff to be working.
24. I was happy to make the staff available for interview but not during a busy service.
25. The Officers left.
26. The recorder was returned the next day and thereafter I received a letter alleging breach of my licensing conditions as I did not supply the CCTV footage. In terms the Police accused me of not cooperating them and refusing to provide the CCTV footage – as I explain above this is simply not true.
27. However it was not for want of trying, and I sent an email in response on 5 May 2023 to which I did not receive a reply so presumed at the time that my version of events was after all accepted.

28. There was never any question of my not making the CCTV recording available. I simply was unable to do so and for that of course I apologise.
29. I have since taken steps to ensure that I am rather more familiar with the CCTV system.
30. Turning to the events of 19 April 2024.
31. Four Officers came into the premises at about 10 pm and said that they were undertaking a licensing check.
32. Slightly to my surprise they then went straight upstairs, rather than into the restaurant which was empty. I think they thought they might find people drinking upstairs which is not a licensed area and they were clearly disappointed that they did not. They then asked me if this was a Shisha Lounge and I said that it was but we had not got any customers. They asked about the roof which is removable and I showed this to them.
33. One of the Officers said that that was not acceptable but I said that it was as it exposed at least 50% of the area.
34. However I went on to say that I believed that it was compliant but if there was more that had to be done I would look at this.
35. They also checked the area and found that there was no alcohol up there. They also at this point suddenly asked me how I paid my staff – which seemed very odd to me given that this was meant to be a licensing inspection.
36. They asked if I had had customers and I said not that day and when they found a receipt, I pointed out that this was for training the staff to use a new till.
37. They pointed to some cameras and I said that they had been installed but were not yet linked to the recording system as this was not part of the licensed area. [REDACTED] of the Police agreed that that was the case.
38. They then asked me where the fire exit was which again I thought strange. Surely this was not a matter for the Police.
39. They then asked if they could see my training records. I said that I would go and get them – they are kept in folders in a drawer in the front of the restaurant.
40. I pulled out the training file and gave it my senior waitress [REDACTED] and asked her to pull out all the training sheets for 2024.
41. After going through the files she handed me a number of sheets and I provided these to the Police, they accused me of having the dates on one of them changed.
42. This is simply not true. I gave no such instruction to [REDACTED] and on investigation what I think happened was that she found a training sheet from 2023 where some training sessions for 2024 had subsequently been noted.
43. She thought that this was an error and all related to 2024 and for some reason, without speaking to me, she took it upon herself to change the dates – so that they appeared to be 2024.
44. The point is that unfortunately, and for this I apologise, training records for both 2023 and 2024 had got onto the same sheet which led [REDACTED] to think that there was an error which needed to be corrected. There was no intention to mislead anybody or to falsify any record.

45. There was one sheet for 20 March 2024 that [REDACTED] had not countersigned and she noticed this. She did it then and I told the Officers exactly what had happened and they appeared to accept this.
46. It is nonsense to allege that I would arrange for the falsification of training records in full view of the Police.
47. I have been at pains to ensure that all my staff are properly trained and I have sought to keep records. English is not my first language so I do have some issues with documentation but I am satisfied that the training has been properly albeit perhaps a little inaccurately recorded. During this visit I was criticised for completing the Incident Book every day even though nothing had happened to be reported but then the Police did not ask to see my Refusals Book.
48. If I was going to falsify records, I would not do it the way the Police alleged but I did not. Would I seriously have documents changed in full view of the Police?
49. It is notable that towards the end of the visit the Police Officers went specifically through every condition on my Premises Licence and found – and acknowledged – that we were fully compliant – so I was at best disappointed when subsequent to this I again received an email from the Police making various allegations. I responded to this setting out what had actually happened on 23 April 2024.
50. I do not know why, but we now also have representations from the Planning Authority, Environmental Health and the Immigration Authority.
51. Dealing firstly with that from the Planning Department.
52. It is correct that I built a small extension to the rear of the first floor and looked to incorporate this as part of the licensed area. Previously it was residential accommodation.
53. It is wrong to say that only after I had had a visit from the Planning Authority did we lodge a Planning Application.
54. My Planning Application for this work was lodged on 12 April 2023, the day before the Planning Officer visited – I presume her visit was prompted by our planning application.
55. It is correct that thereafter I started work whereupon I had a visit from a Planning Enforcement Officer. She did not tell me that I had to stop work but simply said that in starting work before Planning Permission had been granted, I was taking a risk in that if Planning Permission was refused I would have lost the money spent on the work and would have to spend more taking it down.
56. I accepted that this was a risk and I was prepared to take this risk.
57. In the event Planning Permission was refused and we Appealed.
58. We therefore continued with the work pending the Appeal quite lawfully.
59. The Appeal was ultimately refused on 24 April 2024 and as a result I have removed all the furniture etc from the first floor and we are in the process of turning it back into residential. Plans have been produced and the work has started, particularly as to the internal reconfiguration to residential. We will also be taking down the small extension at the rear – this is timber framed so does not amount to a great deal of work.
60. I may have been reckless as regards undertaking work, but with the pending Appeal, I believed I was entitled to. As soon as the Appeal was refused the work stopped and the property is being restored.

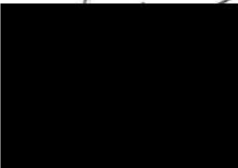
61. Quite how this impinges on my ability to hold a Premises Licence, I do not know.
62. We then have the representation from the Home Office Immigration Department.
63. Employing as I do frequently people from Iran and similar, I am well aware of my obligation to ensure that anybody who is working for me has the right to work in the UK. With all staff I obtain a copy of their Passport and National Insurance Number and a copy of their BRP. I check these to ensure that they are entitled to work and also if I am in any doubt, I check on the Home Office Website.
64. All my staff are registered with my Accountants and are paid through the PAYE system.
65. None of the people found in my premises have worked or were working for me. I have over many years through my Mosque supported particularly refugees and asylum seekers coming to this country. You frequently meet them at the Mosque – these are often destitute and homeless people without any hope and it is only right and proper that I feel I must assist them.
66. I have from time to time provided accommodation in the upper part of the restaurant – the residential accommodation – without charge, and I have also taken steps to feed these poor people.
67. A number of those that I have befriended – not only those found by the Home Office – have been given an open invitation when they need to eat to come to the restaurant at any time it is open.
68. Not only do they come for food, but jointly with the staff and in particular the chefs, they will come to the restaurant to pray.
69. As a part of the prayer ritual, all will perform the “Wadu ritual” of cleaning the face, hands and feet.
70. As to why therefore these people were wearing crocs or flipflops or similar, coming to prayer they will take off their shoes and socks and having cleaned their feet in particular they will often put on crocs or flipflops which we have down there for just that purpose before they leave putting on their outside shoes.
71. There is therefore nothing untoward in the fact that these people were wearing crocs and as to their clothing, they were not spattered with food – but this simply recognises the clothing that these poor unfortunate people have to wear as refugees. Their clothes are often old and stained – they have to survive in old clothes that often come from charity shops etc.
72. As to the now defunct Shisha Lounge on the first floor, I opened this at the beginning of April 2024.
73. I was well aware that there were Regulations that had to be complied with such that the area where people might smoke had to be in excess of 50% open.
74. The relevant area has a retractable roof and knowing that the Regulations were open to interpretation – I took advice both from my Architects, and from the Consultant that I use at “Blueprint” a woman called [REDACTED]
75. As [REDACTED] will confirm, I did ask her whether the set-up would comply with the Regulations and she said that it did comply.
76. I accept that the Council had subsequently said that it does not comply, but that is open to debate as a matter of interpretation of the Regulations and of application to the

relevant area.

- 77. This in any event is now irrelevant, because of the Planning Application having been refused on Appeal, this area has been cleared and closed and is no longer in use.
- 78. In closing I regret I must say that I feel I am being singled out for Police attention that is completely unwarranted.

I believe the facts and matters appearing in this Statement to be true.

Dated 1 3/06/2024

Signed 

IN THE MATTER OF PERSIA RESTAURANT
AND IN THE MATTER OF A REVIEW AT THE BEHEST OF SUSSEX POLICE

IN THE MATTER OF PERSIA RESTAURANT

AND IN THE MATTER OF A REVIEW AT THE BEHEST OF SUSSEX POLICE

(r.s.3)

STATEMENT OF [REDACTED]

[REDACTED] will say as follows:

1. I have worked as a waitress at Persia for [REDACTED]
2. I have been involved working in the restaurant trade in Brighton for about 10 years having worked in a number of different restaurants before coming to work at Persia
3. All of these restaurants were generally licenced and at all of them I received training. Every time I started a new job there would be induction training and then refresher training.
4. This is precisely what happened when I went to work for Persia.
5. I was trained again in all aspects of the sale of alcohol with particular regard to looking out for underage drinking – although this is not a problem we tend to have at a family restaurant like Persia – and Emad renews this training with us every six to eight weeks when all the staff sit down with him and he goes through the basic principles and we discuss any issues that may have arisen.
6. We then sign a record to confirm that we have had this training.

I believe the fact and matters appearing in this Statement to be true.

Dated 05/06/24
[REDACTED]

Signed [REDACTED]

IN THE MATTER OF PERSIA RESTAURANT

AND IN THE MATTER OF A REVIEW AT THE BEHEST OF SUSSEX POLICE

{ (S, 3) }

STATEMENT OF [REDACTED]

[REDACTED] will say as follows:

1. [REDACTED] and work as a waitress at Persia. I have worked for Mr Abdolkhani for [REDACTED] have been working in restaurants as a waitress since 2020.
2. Each of the restaurants that I have worked at before I have always had training and I recall on joining Persia that I had training from Mr Abdolkhani as to the terms of the Licence etc.
3. That training is repeated and updated, particularly regarding underage sales and Challenge 25 every eight weeks.
4. I have never had a problem with customers regarding the sale of alcohol.
5. I recall the evening of 19 April 2024.
6. At about 10 pm the Police came into the premises and they went upstairs with Mr Abdolkhani.
7. A short while later he came downstairs and asked me to locate all the training records for the restaurant for 2024.
8. I looked out the training records whilst Mr Abdolkhani was looking for another file. I found one page which had dates of 2024 on, but also some entries for 2023 which I presumed was a mistake.
9. I showed this to Mr Abdolkhani who said quickly that he wanted all the records for 2024.
10. I therefore thought that the reference to 2023 was a mistake and without any prompting or request from Mr Abdolkhani took it upon myself to correct what I thought was a mistake, with tippex and a pen.
11. Mr Abdolkhani had asked me to get all the records for 2024 – he most certainly did not instruct me alter this sheet which I did of my own accord believing I was doing the right thing.

12. I would note that I did this openly standing at the bar in the restaurant in full view of everybody including the Police. I would suggest that I would not have done so had there been any intention to deceive.

I believe the fact and matters appearing in this Statement to be true.

Dated 04/06/24.....

Signed .....

IN THE MATTER OF PERSIA RESTAURANT
AND IN THE MATTER OF A REVIEW AT THE BEHEST OF SUSSEX POLICE

STATEMENT OF 