

Licensing Panel (Licensing Act 2003 Functions)

Date: **10 April 2025**

Time: **10.00am**

Venue **Virtual (MS Teams)**

Members: **Councillors:** Sheard, Lyons and Pickett

Contact: **Francis Mitchell**
Democratic Services Officer
01273 294183
Francis.Mitchell@brighton-hove.gov.uk

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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 BUDDIES TEN'S LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

5 - 36

Contact Officer: Corinne Hardcastle
Ward Affected: Regency

Tel: 0127329

Date of Publication - Wednesday, 2 April 2025

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Francis Mitchell, (01273 294183, email Francis.Mitchell@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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- 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:	Notification of a Temporary Event Notice under the Licensing Act 2003		
Premises:	Malika,(Trading as Buddies) 46 - 50 Kings Road, Brighton, BN1 1NA		
Applicant:	Justin Manning		
Date of Meeting:	10 April 2025		
Report of:	Corporate Director for City Operations		
Contact Officer:	Name:	Emma Grant	Tel: 07826 951829
	Email:	Emma.grant@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	Regency		

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To consider a notification of a Temporary Event Notice in view of a formal objection to it by a relevant person under section 104(2) of the Licensing Act 2003.

2. RECOMMENDATIONS:

- 2.1 That the Panel consider whether it is necessary for the promotion of the licensing objectives of the Prevention of Crime and Disorder to issue a counter notice to prevent the event from taking place.

3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

- 3.1 This Temporary Event Notice relates to the time period: *17th – 21st April 2025*
- 3.2 The proposed activities are:

	Proposed Activities
Late Night Refreshment	18 th April 2025 - 00:00 – 04:00
	19 th April 2025 - 00:00 – 04:00
	20 th April 2025 - 00:00 – 04:00
	21 st April 2025 - 00:00 – 04:00

- 3.3 The area to be covered by the temporary event notice: Malika (Trading as Buddies), 46 - 50 Kings Road, Brighton, BN1 1NA
- 3.4 Please see a copy of the Temporary Event Notice attached at Appendix A.

Objections received

- 3.5 The Sussex Police objection on the Temporary Event Notice was made no later than 72 hours following receipt of the Temporary Event Notice. Their objection was made on the grounds of the Prevention of Crime and Disorder.
- 3.6 Please see objection letter from Sussex Police attached in Appendix B.
- 3.7 A map detailing the location of the premises is attached at Appendix C. The premises licence can be found at Appendix D

4. COMMENTARY ON THE LICENSING POLICY

- 4.1 The following extracts from Guidance issued under section 182 of the Licensing Act 2003 are considered relevant to this application and **numbered as they appear in the Guidance:**

General

- 7.2 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or “TEN”).
- 7.6 The police or Environmental Health Authority (EHA) (“relevant persons” for the purposes of TENs) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. A relevant person may also intervene by agreeing a modification of the proposed arrangements directly with the TENs user (see paragraph 7.36). If a relevant person sends an objection, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded (see paragraphs 7.15-7.22 of the Guidance).
- 7.7 A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.
- 7.28 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection unless all parties agree that this is unnecessary. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN

(insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

Police and environmental health intervention

- 7.32 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.
- 7.33 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within the period of three working days following the day on which they received the TEN.
- 7.34 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make objections to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings in respect of late TENs and if objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.
- 7.35 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance – even where the statutory limits on numbers are being observed. The premises user who signs the form is legally responsible for ensuring that the numbers present do not exceed the permitted limit at any one time. In cases where there is reason to doubt that the numbers will remain within the permitted limit the premises user should make clear what the nature of the event(s) is and how they will ensure that the permitted persons limit will not be exceeded. For example, where notices are being given for TENs simultaneously on adjacent plots of land it may be appropriate for door staff to be employed with counters. In each case it is important that licensing authorities and relevant persons can consider whether they believe that the premises user intends to exceed the 499 person limit, or will be unable to control or know whether the limit will be exceeded. Where the planned activities are likely to breach the statutory limits or undermine the licensing objectives, it is likely to be appropriate for the police or EHA to raise objections.
- 7.36 However, in most cases, where for example, alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (such as at weddings with a cash bar or small social or

sporting events) this should not usually give rise to the use of these powers.

Modification

7.37 As noted above, the police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree for the modification to be made. There is no scope under the 2003 Act for the modification of a late TEN.

Applying conditions to a TEN

7.38 The 2003 Act provides that only the licensing authority can impose conditions to a TEN from the existing conditions on the premises licence or club premises certificate at the venue. The licensing authority can only do so:

- if the police or the EHA have objected to the TEN;
- if that objection has not been withdrawn;
- if there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;
- and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.

7.39 This decision is one for the licensing authority alone, regardless of the premises user’s views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations.

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 David Wilder

Date: 03/04/25

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: 02/04/25

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 – Temporary Event Notice
2. Appendix B – Objection made by Sussex Police
3. Appendix C – Map of the area
4. Appendix D – Current Premises Licence

Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.

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

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.



* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? Yes No

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS ([See also guidance on completing the form, general notes and note 1](#))

Have you had any previous or maiden names?

- Yes No

* Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

You must enter a valid email address

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

Yes No

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

* Premises licence number

Location Details

* Provide further details about the location of the event

Continued from previous page...

be) are located on Brighton Seafront @ 46-50 Kings road, we are asking to extend opening hour over the Easter weekend to serve food and soft drinks between 8am - 4am with any Alcohol sold only between 11am and 11pm. though we are likely to stop serving Alcohol at 10pm and happy for you to set a time for this pursuant to your goals in the area. Our table and chairs license permits us to use outside of the Venue between 8am and 9pm after which the chairs are packed up. Buddies fish and chips shop is one of few late night eating venues on the seafront that have toilets, we also offer free drinking water and are looking to have a taxi phone installed in time for this application date to help anyone needing to arrange transport home, we are members of the BCRP, we have a rapid response on call facility with Pagoda security and are happy to add security personnel during this requested TENS application, if you deem necessary

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

Describe the nature of the premises below [\(see also guidance on completing the form, note 4\)](#)

Buddies Fish and chip shop and Griller Brighton Limited are licensed restaurants located at 46-50 Kings Road Brighton

Describe the nature of the event below [\(see also guidance on completing the form, note 5\)](#)

Wishing to extend opening hours during the Easter weekend

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises [\(see also guidance on completing the form, note 6\)](#):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

[\(See also guidance on completing the form, note 7\).](#)

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

[\(See also guidance on completing the form, note 8\).](#)

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

Continued from previous page...

(see also guidance on completing the form, note 9)

Event start date / /
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date / /
dd mm yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

(see also guidance on completing the form, note 10)

17th 08:00 - 04:00 on 18th
18th 08:00 04:00 on 19th
19th 08:00 - 04:00 on 20th
20th 08:00 - 04:00 on Monday 21st

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

(see also guidance on completing the form, note 11)

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

(see also guidance on completing the form, note 12):

- On the premises only
- Off the premises only
- Both

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RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 13)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

No Entertainment is being offered

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 14)

Continued from previous page...

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Any further relevant details

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? Yes No

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

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ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Continued from previous page...

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?
- Yes No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?
- Yes No

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

- * The information contained in this form is correct to the best of my knowledge and belief
 - * I understand that it is an offence:
 - * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
 - * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both
- Ticking this box indicates you have read and understood the above declaration

Continued from previous page...

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text" value="Justin Manning"/>
* Capacity	<input type="text" value="Director and Licensee"/>
* Date	<input type="text" value="27"/> / <input type="text" value="03"/> / <input type="text" value="2025"/>
	dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/brighton-and-hove/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="Buddies Fish and Chip - Cafe"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)



Police Station
John Street
Brighton
BN2 0LA

www.sussex.police.uk

Date: 01st April 2025

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

To whom it may concern,

**Re: Temporary Event Notice (TEN) for Buddies Fish & Chips – Café & Griller Brighton Ltd,
46-50 Kings Road, Brighton, East Sussex, BN1 1NA. 17th – 21st April 2025.**

NOTICE OF OBJECTION under Section 104 (2) of the Licensing Act 2003.

Notice of objection is hereby given on behalf of the Chief Officer of Police for Sussex for the above Temporary Event Notice (TEN) on the grounds that we have concerns regarding the applicant upholding all the licensing objectives especially around prevention of crime and disorder and protection of children from harm. The reasons for this are set out below.

The TEN seeks to licence the following:

Provision of late-night refreshments between:

Thursday 17th April 2025 08:00 – Friday 18th April 2025 04:00
Friday 18th April 2025 08:00 – Saturday 19th April 2025 04:00
Saturday 19th April 2025 08:00 – Sunday 20th April 2025 04:00
Sunday 20th April 2025 08:00 – Monday 21st April 2025 04:00

Sussex Police received notification of this TEN on Thursday 27th March 2025. We had concerns over the time (04:00) being requested and sent an email on Friday 28th March 2025 to see if the applicant would be happy to agree to a 02:00 terminal hour each day. We also asked for them to confirm they would have SIA registered security on site for the later hours. To date we have not had a reply from the applicant.

Since this email, Sussex Police have inspected the premises on Friday 28th March at 22:20 and are now unfortunately unable to support this TEN in its entirety. As part of the inspection, of which the applicant was present at, we discovered that several of the day-to-day premises licence conditions are not being adhered to. This includes no training records, no SIA risk assessment, no incident and refusal logbooks and really concerning, unable to operate the CCTV or demonstrate it was working and storing footage. All these conditions are in place to support the licensing objectives of Prevention of crime &

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social media

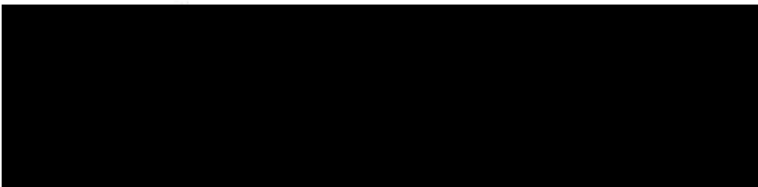




disorder and Protection of children from harm. With the applicant wishing to trade additional hours over and above his premises licence (which would cover a high-risk period of time), we have concerns around this due to the safeguarding failings at the premises currently. This is a new operator for this venue who has only been open for a matter of weeks and, for half of the venue, this could be its first opening weekend.

This premises was previously put before a licensing panel during a Review of the licence. We acknowledge it is not the same operator however the review was called due to issues that involved several incidents that occurred during high-risk hours. Until the new operator can demonstrate they can trade responsibly and adhere to all of their licence conditions, we are unable to support and accept a higher risk by permitting later trading hours under a TEN.

We ask that this notification goes before a panel and consideration to be made to issue a counter notice.



Inspector Ben Morrison
Ops Planning and Events (inc. Licensing) Inspector
Brighton & Hove Division
Sussex Police

Below copy of email sent to applicant on 28th March and 31st March 2025,

From: Brighton Licensing
Sent: 28 March 2025 16:45
To: [Redacted]
Subject: RE: 46-50 Kings Road - TEN

Good Afternoon [Redacted]

Apologies for my delay, I have been away due to personal reasons.

Thank you for Pre consulting, I will review your email as soon as possible, which may be next week.

Please can I address the TEN that you have submitted for the Easter Weekend.

Please can I ask if you would be willing to agree to a terminal hour of 2am?



The history of the premises makes me a little nervous to agree to a 4am terminal hour on a location/ premises in which we had to call a review.

Please can I also ask if you will be having 1 SIA on duty for the Night Time Economy hours?

Kind Regards

Hannah

Hannah Staplehurst

Police Licensing Officer, Brighton & Hove Licensing Unit

Telephone: [REDACTED]

(My working days are Wednesday, Thursday and Friday. Please send any urgent enquiries outside of those days to brighton.licensing@sussex.pnn.police.uk)

From: Thorogood, Mark [REDACTED] **On Behalf Of** Brighton Licensing

Sent: 31 March 2025 15:12

To: [REDACTED]

Cc: Donna Lynsdale [REDACTED]

Subject: Licensing Inspection - Buddies (PKA Malika), 46-50 Kings Road Brighton

Dear [REDACTED]

c.c Donna Lynsdale, Brighton & Hove City Council Licensing.

I'm emailing you following our inspection of the above premises on Friday 28th March 2025 at 22:20 alongside our colleague from Brighton & Hove City Council Licensing.

We went through some of your licence conditions and it was established that:

- You had no incident or refusal log books to show us.
- No written SIA risk assessment.
- Unable to produce any training records.
- Unable to show us the CCTV and evidence how long it stored for.
- No Part B of the licence on display.
- And finally not closing between 17:00 – 17:30 as per the licence. When asked if you did you were unable to give us a straight yes or no.



It was a disappointing inspection and due to the above issues we are issuing you with a **formal breach** of your premises licence.

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 a fine, or to both.

The highlighted breaches above constitute an offence of carrying on licensable activity otherwise than under and in accordance with an authorisation.

The highlighted breaches above constitute an offence of carrying on licensable activity otherwise than under and in accordance with an authorisation.

We will now give you a period of time to put the issue right and will conduct another unannounced inspection. We suggest you take time out to fully read your licence and the conditions set within it.

If there are any matters within this email you wish to comment on please by all means reply to us. If you can press reply to all so that the local authority get to see your response as well.

Kind Regards

Mark.

Mark Thorogood
Police Licensing Officer
Level 4 PALO Qualification
Brighton & Hove Licensing
John Street, Brighton.
Telephone: [REDACTED] Mobile: [REDACTED]

Appendix C





Brighton & Hove City Council

Schedule 12 Part A

Regulation 33, 34

Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2024/05685/LAPRET

Part 1 – Premises Details

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

Malika
46 - 50 Kings Road
Brighton
BN11NA

Licensable activities authorised by the licence

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

Times the licence authorises the carrying out of licensable activities

Performance of Recorded Music – Indoors only: Background music at an acceptable level to create an ambience in the premises at all times it is open.

Performance of Live Music – Indoors only: Background music at an acceptable level to create an ambience in the premises at all times it is open.

Late Night Refreshment
Every Day: 23.00 - 00.00

Sale by Retail of Alcohol
Every Day: 10.00 - 17.00

- The sale of intoxicating liquor and other beverages shall be by waiter/waitress service for consumption by persons seated at tables and there will be no vertical drinking.



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- Substantial food shall be available at all times that alcohol is offered for sale on these premises.

Every Day: 17.30 - 00.00

- Alcohol will be served by waiter/waitress service to persons seated at tables and ancillary to a main table meal only. There will be no vertical drinking.

The opening hours of the premises

Every Day: 08:00 to 17:00
17:30 to 00.30

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

Alcohol is supplied for consumption both on and off the Premises. Off the premises subject to Condition 4 of Annex 3 only.

Part 2

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

Sales Solutions (Southeast) Ltd
Flat 8, 41-45 St James's Street,
Brighton,
BN2 1RB

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

Registered Business Number: 15475947

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

Justin Michael Manning
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

Personal licence number: REDACTED Issuing Authority: REDACTED



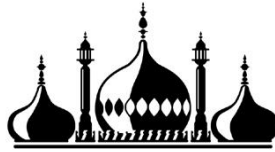
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Annex 1 – Mandatory conditions

S19; 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



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24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

(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;



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- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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



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(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

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.

S 21; mandatory condition: door supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - b) Be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:



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- a) In respect of premises within paragraph 8 (3)(a) of Schedule 2 to the Private Security Industry act 2001 (c12) (premises with premises licences authorising plays or films): or
 - b) In respect of premises in relation to:
 - I. Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence) or
 - II. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section:
- a) "Security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for purposes of that Act, (see Section 3(2) of that Act) and
 - b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the Operating Schedule See Annex 3

Annex 3 – Conditions Attached after a Licensing Panel Review Hearing on 21 February 2023

General

1. Neither Mr Andrew Cheesman nor Mr Ellis Cheesman will operate at the premises in the role of Premises Licence Holder nor as the Designated Premises Supervisor.

2. Operating Style:

(a) Between the hours of 10:00 – 17:00:

- The sale of intoxicating liquor and other beverages shall be by waiter/waitress service for consumption by persons seated at tables and there will be no vertical drinking.



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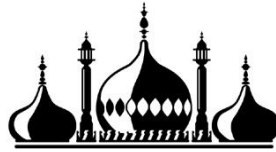
- Substantial food shall be available at all times that alcohol is offered for sale on these premises.

(b) Between the hours of 17:30 – 00:00 (Midnight)

- Alcohol will be served by waiter/waitress service to persons seated at tables and ancillary to a main table meal only. There will be no vertical drinking.

3. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.

4. Alcohol for off sales is only permitted to customers seated at tables within the designated seating area immediately outside the premises. The outside area within the submitted plans will be subject to a valid tables and chairs licence issued by Brighton & Hove City Council. The area size and permitted hours of use will be operated as per the granted pavement licence. The area must be clearly defined by a substantial barrier, the nature of which has prior agreement with the Highways Department.



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For the Prevention of Crime and Disorder:

5. SIA licensed door supervisors shall be employed when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Centre Events e.g. Pride. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.

6. At all times the premises are open to the public, the management will contract the back-up services of an approved mobile support unit (MSU) with a minimum of 2 SIA registered Door Supervisors operating from it. A copy of the MSU contract will be retained at the premises and made available for immediate inspection upon request by Sussex Police or Council Officials. The MSU will be accredited by the Brighton Business Crime Reduction Partnership (BCRP) or other similar organisation approved by Sussex Police should the BCRP not be in existence.

7. 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.

c) CCTV footage will be stored for a minimum of 31 days.

d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.

e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.



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- g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
- h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
8. The premises will become a member of the Business Crime Reduction Partnership or similar scheme approved by the Licensing Authority. The scheme must operate, subject to local coverage, radios and additionally an exclusion/banning scheme of named individuals within both the day and night-time economy.
9. An incident & refusals 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 least once a week. The logbook should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. 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 12 months.
10. There will be no alcoholic drink promotions such as discounts or 3 for 2.

For the Prevention of Public Nuisance:

11. No Noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
12. Speakers shall not be located/operated in the entrance lobby or outside the premises.

Public Safety

13. In regard to the use of polycarbonates, a documented risk assessment will be written which identifies the activities undertaken at the premises when polycarbonate drinking vessels will be used both externally and internally. This includes the removal of other glass items such as beer and wine. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Centre Events e.g. Pride. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.

For the Protection of Children from Harm



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14. 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.

15. Signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.

16. 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. The records will be retained for at least 12 months and shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

17. No person under 18 shall be allowed in the premises after 22:00hrs on any day unless accompanied by an adult.



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Annex 4 – Plans



Rev	Date
<small>Note: drawings should be approved by local authority. All dimensions to be checked from the starting or finishing to be indicated on drawings. No liability is accepted for any construction errors or omissions.</small>	
Client Bad Boys Fish & Chips Ltd	
Project Proposed Alterations 48-50 Kings Road, Brighton	
Drawing Proposed Floor Plan	
Scale	1:100
Date	March 2021
Site	48-50 Kings Road
Floor	First Floor
Drawn by	WJ
Checked by	WJ
Drawn by	WJ
Checked by	WJ
Turner Associates Structural and Planning Consultants	
TA 1247 /20	