

BRIGHTON & HOVE CITY COUNCIL
LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

10.00am 6 JUNE 2025

VIRTUAL

DECISION LIST

Part One

CARDAMOM LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

Contact Officer: *Corinne Hardcastle* *Tel: 0127329*
Ward Affected: *Kemptown*

Licensing Panel (Licensing Act 2003 Functions) - Notification of the Determination of Panel.

Licensing panel hearing held via Teams on Friday 6th June 2025 in respect of the application for a new premises licence in respect of premises known as Cardamon, 119 St James' Street, Brighton, BN1 2HA.

The panel has considered the report with the relevant representations made. It has listened carefully to all the points and submissions made at the hearing. In reaching its decision, it has had due regard to the Council's Statement of Licensing Policy (SOLP) and section 182 guidance.

The application is for a new premises licence, for an Indian restaurant authorising the sale of alcohol on the premises every day 10:00 to 23:00 hours. The application is within the Cumulative Impact Zone (CIZ) and therefore subject to the special policy on cumulative impact as set out in the Statement of Licensing Policy.

Our policy states that applications for new premises licences will be refused following relevant representations unless the applicant has demonstrated that their application will have no negative cumulative impact. The special policy will only be overridden in exceptional circumstances.

However, the policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case. If an application is

unlikely to add to the cumulative impact of an area, it may be granted.

Representations were received from Sussex Police, and the Licensing Authority. The representations raised the licensing objectives of the prevention of crime and disorder, the protection of children from harm, public safety and cumulative impact.

There are special circumstances relating to this application in that a premises licence has been in existence previously but has lapsed twice. A further application was made and heard by the licensing panel on 3rd February 2025. That application was refused. This application is for one less hour to be in line with the planning hours. For this application a new DPS has been proposed and a statement to that effect provided.

Both the police and licensing authority continue to have no confidence in the applicant to be able to adhere to conditions on the licence or promote the licensing objectives. This was due to their previous dealings with the premises and licence holder which are detailed in their representations. The police made the following points:

- Even with an alternative DPS Mr Islam, the licence holder, would still be in control
- So much assistance had already been given to Mr Isam to no avail
- The proposed DPS has already transgressed by not updating his personal licence home address which is still an offence and on top of the history of failings does not instil confidence. There were timeline discrepancies in his statement.
- This is a very challenging area within the CIZ and a licence here needs robust management which police believe in view of past will not be the case

The licensing authority also referred to the history of failings and issues and believed if granted a licence there would be further breaches.

The applicant's solicitor addressed the panel and made the following submissions:

- This is a small and existing premises of 28 covers so will not add to number of premises and complies with the Matrix.
- The applicant accepts his failures and was overstretched before.
- He is trading at a significant loss without sale of alcohol. His assets are tied up with the premises and asks to be given second chance to start a new chapter.
- He did not understand the previous administrative company lapses
- There have been no major breaches such as underage sales
- The proposed DPS is experienced and will work to ensure licensing objectives are promoted. The failure to change address was a minor infringement.
- If the proposed DPS moved on in the future the police would be able to vet any new DPS.

The panel and other parties were able to ask questions. Mr Veres, the proposed DPS, stated that he would be in the premises on a regular basis mostly in the evenings. There was no written agreement yet, but terms had been discussed. He detailed his hospitality experience.

The panel has carefully considered this application on its merits and in light of the continuing objections raised by the Responsible Authorities and the submissions on behalf of the applicant. The panel recognises that some changes have been made to distinguish this application from the last one, notably the introduction of Mr Veres as DPS. However, regrettably, the panel is not sufficiently convinced by the proposals. The arrangement with Mr Veres is informal and the terms not certain. The situation could change and the licence holder would still be in place in any event. The police also point to inconsistencies in the account provided by Mr Veres and this is a concern as well as the transgression regarding his personal licence details. The history of this premises with the lapses of the licence and the breaches of conditions is of real concern and while the panel feel some sympathy for the applicant, it takes very seriously the ongoing concerns of the Responsible Authorities and has given these much weight. In the past both the police and licensing authority have spent time assisting the applicant but still problems and breaches have continued. The panel too is very mindful of the location of these premises in the CIZ and in particular St James's Street which suffers relatively high levels of crime and disorder. It is essential therefore that there is good management in accordance with the licensing regime and conditions on the licence. In view of the history of failings and breaches associated with these premises, the panel does not have confidence that the premises will be managed to promote the licensing objectives and regrettably shares the view of the responsible authorities that granting would undermine the licensing objectives. The application is therefore refused.