

Licensing Panel (Licensing Act 2003 Functions)

Date: **6 June 2025**

Time: **10.00am**

Venue **Virtual**

Members: **Councillors:** Cattell, Lyons and Nann

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.

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- (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 CARDAMOM LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

7 - 66

Contact Officer: Corinne Hardcastle
Ward Affected: Kemptown

Tel: 0127329

Date of Publication - Thursday, 29 May 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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Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council

Subject: Application for a New Premises Licence under the Licensing Act 2003

Premises: Cardamom Restaurant, 119 St James's Street, Brighton, BN2 1TH

Applicant: Rafiqul Islam

Date of Meeting: 6th June 2025

Report of: Corporate Director for City Operations

Contact Officer:

Name: Corinne Hardcastle **Tel** 01273 294 429

Email: corinne.hardcastle@brighton-hove.gov.uk

Ward(s) affected: Kemptown

1. PURPOSE OF REPORT AND POLICY CONTEXT

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

2. RECOMMENDATIONS:

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

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a New Premises Licence under the Licensing Act 2003. The application proposes: ***“Restaurant”***

- 3.2 Part M of the application is detailed at Appendix A. A plan of the premises is attached at Appendix B.

- 3.3 Summary table of proposed activities

	Proposed
Supply of Alcohol	Every Day 10:00 – 23:00 On and Off the Premises - to be clarified by the applicant as box not ticked on application form
Hours premises are open to public	Every Day 10:00 – 23:00

- 3.4 Cumulative Impact. The premises falls within the Cumulative Impact Area (“The Area”) (see paragraphs 3.1 – 3.1.10).

Representations received

- 3.5** Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:
- 3.6** 2 representations were received. They were received from Sussex Police and The Licensing Authority.
- 3.7** Representations received had concerns relating to Prevention of Crime and Disorder, Prevention of Public Nuisance, Protection of Children from Harm and Cumulative Impact.
- 3.8** Full details of the representations attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

4. COMMENTARY ON THE LICENSING POLICY

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

1 Introduction

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

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

1.2 The licensing objectives are:

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

1.3 Scope

1.3.1 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity. Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the act.

3 Special Policies and Initiatives

3.1 Cumulative impact

3.1.1 The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore, does not form part of this licensing policy statement.

3.1.2 **Special Policy** - Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

3.1.3 The licensing authority, after careful consideration, has determined that the concentration of licensed premises in an area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to 'Cumulative Impact' is necessary as part of its statement of licensing policy. The first Special Policy incorporating a Cumulative Impact Zone (CIZ) and Special Stress Areas (SSA's) was adopted in March 2008. Since that date, the licensing authority has kept the CIZ and SSA's under review. On 15 December 2011 Full Council resolved to expand the CIZ and the special stress area, covering 1.5% of the administrative area of Brighton & Hove City Council. On 20th November 2014 Licensing Committee resolved to confirm the current CIZ and SSA as defined in the current Statement of Licensing Policy. On the 29th November 2018 Licensing Committee resolved to expand the SSA into Central Hove. It is now proposed to expand the SSA into Preston Road and Beaconsfield Road. The licensing authority has published a Cumulative Impact Assessment which can be found at Appendix E.

3.1.4 This special policy will refer to a Cumulative Impact Zone ("the CIZ") in the Brighton city centre, a detailed plan of which is shown below.

Cumulative Impact Zone, January 2021



Brighton & Hove Public Health Intelligence, 2021
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3.1.5 The Cumulative Impact Zone comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Holland Road to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Air Street with the west side of Queens Road and then northward to the north-west corner of Surrey Street junction with Queens Road; thence along the north side of Trafalgar Street eastwards to its junction with York Place and continuing south-east across to Grand Parade, then south to the junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Lower Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Holland Road; northward to that point and along the west side of Holland Road to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Holland Road.

3.1.6 The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.

3.1.7 This special policy also applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments. Off licences also come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder.

3.1.8 The presumption of refusal does not relieve responsible authorities or other persons of the need to make a relevant representation. If there are no representations, the licensing authority must grant the application in terms consistent with the operating schedule submitted.

3.1.9 Furthermore, this special 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 the area, it may be granted. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant, theatre or live music venue (where alcohol is not the primary activity) may be considered exceptional circumstances. The fact that a premises will be/is exceptionally well managed with a well-qualified applicant, or that there are no residential premises nearby, will not be considered exceptional.

3.1.10 If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved.

3.3 The Matrix Approach

The Licensing Authority will support:

3.3.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore supports mixed use venues encouraging a wider age balance.

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

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

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

Notes on matrix

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

- 1) Each application will be considered on individual merit
- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).

6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.

7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or cafes, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing on our website www.brighton-hove.gov.uk/licensingact.

8) In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops.

9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The licensing authority will have regard to Noise Council guidance.

10) Non-alcohol led category does not include "alcohol in shared workplaces". It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on "alcohol in shared workplaces" please see paragraph 3.3.4-3.3.6.

3.3.3 Restaurants - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following restaurant condition.

- Intoxicating liquor shall not be supplied or sold on the premises otherwise than to persons taking table meals there and for the consumption by such a person as an ancillary to their meal. There will be no vertical drinking.
- Restaurants with outside service - the licensing authority will also consider applications from restaurants that request to serve alcohol to areas adjacent to or immediately outside their premises. In addition to the above conditions for cafes, the licensing authority will require evidence that the applicants have an agreement with the local authority to use the area as defined on a plan provided. The following condition may also apply:
- The sale and supply of alcohol for consumption off the premises shall be restricted to an area licensed by the Local Authority for use of the public highway as shown on the plan deposited and such area shall be defined by a physical barrier acceptable to the licensing authority.

3.6 Street drinking

3.6.1 The Licensing Authority will have regard to areas highlighted by Sussex Police that are at risk from alcohol related anti-social behaviour. The nature of these areas can be fluid/seasonal and so updated maps and data will be produced regularly to ensure the information is current. These hot spot areas are considered high risk for street drinkers and the Licensing Authority will have regard to prevention of crime and disorder by virtue of street drinking and anti-social behaviour when considering applications in this area.

3.9 Promoters and irresponsible drinks promotions

3.9.1 The Licensing Act 2003 makes no mention or provision for the use of promoters within licensed premises. Many of the late night bars and clubs within the Brighton & Hove Cumulative Impact Zone regularly hire promoters to sell nights at their venues. In recent years with the introduction of promoters within the Brighton night time economy, several issues have arisen. This includes promoters vouching for underage customers to get them inside licensed premises where they can access alcohol, providing flyers to passers-by who throw them on the floor and irresponsible promotions for their nights. Many premises now have an agreement with their promoter for acceptable promotions and behaviour which includes the signing of a written contract of expectations. This shows premises evidencing their due diligence and ensures that promotion companies know what is expected of them. The contract could include, obligations to pick up self-generated litter, verification of ages of their customers and users of their social media, promoters being over the age of 18 and responsible advertising on social media.

3.9.2 The Licensing Authority expect licensed premises to develop staff policy and training on recognising signs of drunkenness and vulnerability, for example, offering drinking water and tips for refusing customers who appear drunk. And discourage company policies that promote bonuses and sales incentives for selling alcohol. Licensing Authority will expect necessary precautionary processes to restrict drunkenness, e.g. Licensing Guidance states happy hours should not be designed to encourage individuals to drink excessively or rapidly.

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, eg type of licence, capacity, operating hours restrictions.

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

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

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

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

6 Prevention of Public Nuisance

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

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

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

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

6.2 Smoking Advice

6.2.1 Premises licence holders will be expected to:

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

doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.

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

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

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, eg 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.

The “What to do” booklet is a national one and can be accessed at:

www.brightonandhovehscb.org.uk/wp-content/uploads/What-to-do-if-a-child-isbeing-abused.pdf

If there are concerns about a child locally, contact the Multi-Agency Safeguarding Hub (MASH) on 01273 290400, or you can contact Sussex Police on 101. If they think a child is in immediate danger to dial 999.

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.

8.3 Enforcement

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

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

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

APPENDIX A – Licensing Best Practice Measures

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

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

Items to which positive consideration would be given:

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

Recommend best practice for both on and off premises

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

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

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

Finance Officer Consulted David Wilder

Date: 25/05/25

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
22/05/25

Date:

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 M of the Application
2. Appendix B – Proposed Plan of Premises
3. Appendix C – Representations
4. Appendix D – Map of area
5. Appendix E - Supporting documentation from the Applicant

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, February 2025.

Public Health Framework for Assessing Alcohol Licensing – January 2022.

Background Documents

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

Appendix A

General:

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

For the Prevention of Crime and Disorder:

2. 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.

g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable - brighton.licensing@sussex.police.uk.

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.

3 a) 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 least once a week.

b) 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.

c) 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.

For Public Safety: None

For the Prevention of Public Nuisance:

4. There will be no regulated entertainment other than background music allowed.
5. All windows and doors will be kept closed after 23:00 at the latest except for entry and exit. For the Protection of Children from Harm:
6. a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive induction training. This training will take place prior to the selling of such products:

The 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.

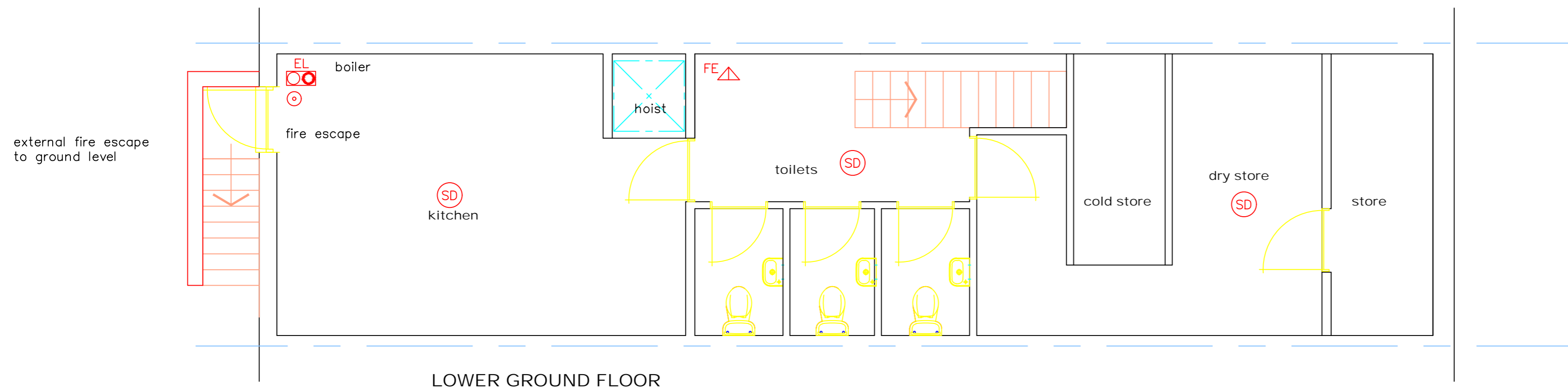
c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

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 - including when delivering. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph or proof of age cards bearing the 'PASS' mark hologram.

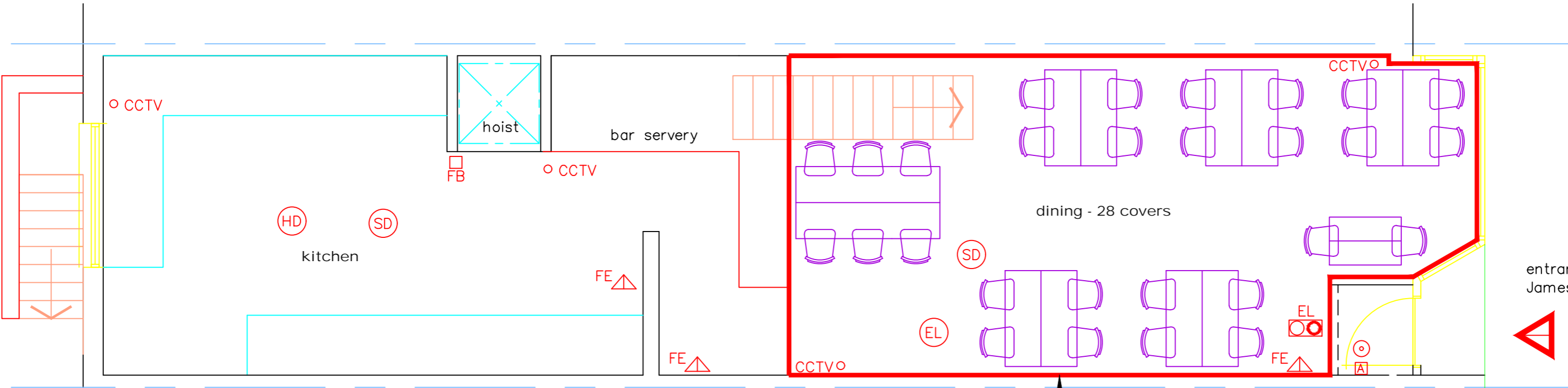
The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence or conditions attaching to it.

8. Signage advertising the "Challenge 25" policy will be displayed in prominent locations inside the

EXISTING FLOOR LAYOUTS
SCALE 1:50



LOWER GROUND FLOOR



GROUND FLOOR

KEY:

- Blockwork
- External brickwork
- Timber/metal framed stud walling
- Mains Powered Extract Fan
- Mains Powered interconnecting smoke detectors
- SVP Soil & vent pipe
- SS Stub stack
- RWP Rain water pipe
- Spot levels
- 30 minute fire door
- Manual fire alarm call point
- Illuminated fire exit sign c/w emergency light
- Fire alarm panel
- Mains Powered interconnecting heat detectors
- Emergency Light
- CCTV Camera
- Fire Blanket
- Fire Extinguisher

entrance off St James's Street

area in red outlines
area where alcohol
is served

NOTES:
The design and construction of this project shall be in accordance with the current Building Regulations & NHBC Standards. These notes & drawings have been prepared solely for the purpose of Planning & Building Regulation approval.

Do not scale from this drawing unless for Planning purposes. All dimensions to be checked on-site and any alterations to be approved by the Architect and/or client prior to any work commencing.

Ordnance Survey Licence No: 100047591

This drawing to be copyright and to be read in conjunction with all other drawings

Ammendments:

Rev A: General amendments to suit site conditions – 13/12/23

Key:

Client Name & Address:

119 St James's Street
Brighton
BN2 1TH

Project Address:

119 St James's Street
Brighton
BN2 1TH

Drawing Details: <u>ALCOHOL LICENCE DRAWING</u> Existing Layouts		
Project No: 1006	Drawing No: 1	Rev No: A
Scale: 1:100 @ A2	Drawn: BWH	Date: 05/12/23



B H ARCHITECTURE Ltd
Heath Cottage
Newlands Lane
Purbrook
Waterlooville
Hants
PO7 5SQ
Tel: 023 9223 2322
Mob: 07747 771808
E-mail:bernard@bernardharding.com

Appendix C



Safer Communities – Licensing Team

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

Corinne Hardcastle
Licensing Team
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Date: 6 May 2025
Our Ref: 2025/00905/LICREP/EH
Phone: 01273 292494
e-mail: **REDACTED**

CH CON ENDS 13.05.2025 VALID PCD, PPN and PCH (A)

Dear Corinne Hardcastle

Licensing Act 2003

Representation regarding the application for a New Premises Licence for Cardomom Indian Restaurant, 119 St James's Street, Brighton BN2 1TH – 2025/02816/LAPREN

I refer to the application made by Rafiqul Islam, for a new Premises Licence for the provision of Supply of Alcohol at Cardomom Indian Restaurant, 119 St James's Street, Brighton BN2 1TH.

This representation is made as the Licensing Team have concerns that the application could have a negative impact on the licensing objective of Prevention of Crime and Disorder, Prevention of Public Nuisance and Protection of Children from Harm. I also refer to the Special Policy on Cumulative Impact (SPCI) contained within the Council's Statement of Licensing Policy (SoLP).

This premises falls within the Licensing Authority's Cumulative Impact Area (CIZ), which was adopted to give greater power to control the number of licensed premises within the city's centre. The SPCI was introduced because the Licensing Authority determined that the concentration of licensed premises and the subsequent numbers of people drawn into the city centre is causing exceptional problems of crime and disorder and public nuisance.

The effect of the SPCI is that applications for new premises licences, which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. The applicant can rebut this presumption of refusal if they can show that their application will have no negative cumulative impact on licensing objectives, including prevention of crime and disorder, public nuisance and protection of children from harm.

The Licensing Authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its SPCI in the light of the individual circumstances of the case.

Following receipt of an invalid Designated Premises Supervisor (DPS) application form and an email from the current Premises Licence Holder (PLH) surrendering the current licence. On 2 October 2023, I sent an email to Mr Islam. A copy of the email sent is attached as Appendix A.

On 24 October 2023, after receiving no response from Mr Islam, a follow up email was sent advising that the premises licence had lapsed. A copy of the email sent, Mr Islam's reply and further response from myself, is attached as Appendix B.

On 14 December 2023, a new application was submitted and the premises licence issued on 12 January 2024.

Following grant of the licence, I provided Mr Islam with Challenge 25 posters, Training Book, Noise Notice, Incident/Refusal Log and Licensing Risk Assessment book.

On 26 March 2024, accompanied by Police Licensing I visited the premises and carried out a full licensing inspection. Following this visit, on 4 April 2024 I emailed Mr Islam details of the breaches found. On 9 April 2024, I also hand delivered a copy of the breaches found. A copy of this email and letter is attached as Appendices C and D.

On 4 December 2024, a follow up licensing visit was carried out. Following this visit, a further email was sent detailing the breaches found. A copy of this email is attached as Appendix E. After this visit, it was noted that the current premises licence holder company had dissolved on Companies House. A letter advising Mr Islam of this was hand delivered by Sussex Police on 6 December 2024. A copy of this letter is attached as Appendix F.

On 6 December 2024, a further application was submitted to apply for a new premises licence by the applicant. A Licensing Panel Hearing was held 3 February 2025 following representations made by the Licensing Team and Sussex Police. The Licensing Panel refused this application. A copy of the Decision Letter dated 10 February 2024 is attached as Appendix G.

On 14 February 2025, I visited the premises to ensure that they were not selling alcohol. Although there was no alcohol on display, they still had menus advertising alcohol on the counter of the premises. I requested that these were removed.

In 1997 an application was submitted to change the use of 119 St James's Street from A1 to A5. Conditions attached to the grant of this application state that the premises shall not be open or in use except between the hours of 09:00 and 23:00 Mondays to Saturdays and between 09:00 and 22:30 on Sundays. Although Licensing acknowledge that it is a separate regime to Planning, felt the Licensing Panel should be made aware of this application and the decision. A copy of the Planning Decision letter is attached as Appendix H.

On looking at the application form, particularly section 16 (licensing objectives), the applicant has acknowledged that the premises would be located within the CIZ area and offered

conditions within the operating schedule. However, the previous application submitted in December 2023, had also offered conditions etc. and these were not complied with.

I make this representation on behalf the Licensing Authority as I have no confidence in the applicant. It is my belief that to grant them another premises licence, would only result in continuous breaches of the conditions and a possible review hearing. I ask the panel to take into consideration the concerns raised and refuse this application.

Yours sincerely

REDACTED

Donna Lynsdale
Licensing Officer
Licensing Team

Appendix A - Copy of the email sent 2 October 2023
Appendix B - Copy of the email sent 24 October 2023
Appendix C - Copy of the email sent 4 April 2024
Appendix D - Copy of letter hand delivered on 9 April 2024
Appendix E - Copy of the email sent 10 December 2024
Appendix F - Copy of letter hand delivered on 6 December 2024
Appendix G - Licensing Panel Decision Letter dated 10 February 2025.
Appendix H - Copy of Planning Decision Letter dated 27 January 1998

Appendix A - Copy of the email sent 2 October 2023

From: Donna Lynsdale
Sent: 02 October 2023 15:19
To: **REDACTED**
Cc: Emily Fountain <**REDACTED**>; Brighton.Licensing@sussex.police.uk; EHL Licensing <EHL.Licensing@brighton-hove.gov.uk>
Subject: Cardamom, 119 St James's Street, Brighton BN2 1TH - 2023/02068/LICPRM/EH (Reply 02.10.23)
Importance: High

Good Afternoon

Thank you for your email.

Following on from your application to change the Designated Premises Supervisor (DPS), and my colleague's response (email attached dated 18 September 2023). The DPS application needs to be completed by the Premises Licence Holder (PLH).

We have now received confirmation from the existing PLH advising that they wish to surrender the premises licence.

Once we have been notified of a Surrender, there is a 28-day period where the premises licence can be transferred. The application to transfer the licence would need to be submitted by 18 October 2023.

Please see below details regarding Transferring a Premises Licence:

Transferring the premises licence

You will need to complete a premises licence transfer application.

- [submit a premises licence transfer application online](#)
- [download a paper premises licence transfer application](#)
- the current licence holder will need to complete a [consent transfer of a premises licence](#)

The cost is £23 made payable to Brighton & Hove City Council.

There is a 14-day consultation process where Sussex Police can make any comments on the application.

Once the consultation is complete, a new licence with all the details will be sent to you.

The Transfer Consent form needs to be signed by the current PLH. Please see guidance below:

Obtaining the permission of the existing licence holder

It is important for you to make every effort to obtain consent to the transfer from the existing licence holder before you make your application.

You must take all reasonable steps to obtain it and we can only exempt you from this requirement if you are able to satisfy us that all reasonable steps have been taken, and that if the application were granted that you would be in a position to use the premises for licensable activities.

If for whatever reason it is not possible for you to provide us with the existing licence holders signed consent form with the application, then it will be necessary for you to provide us with copies of (for example) any recorded delivery correspondence you may have sent to the licence holder or any other documentation which shows the steps taken to obtain it.

It may be possible to accept proof via your Solicitor that you have the permission to operate from the premises i.e., a Lease etc.

If you cannot provide such information, then your application will not be accepted.

After the 18 October 2023, the current premises licence will lapse.

Until the above has been submitted, you are not authorised to carry out any licensable activities.

Please ensure that all sales and supply of alcohol ceases immediately until you have an authorised DPS. You must also remove all alcohol from display. Supply of Late-Night Refreshment is also licensable activity. You must not sale or supply any hot food after 23:00.

It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislations states that:-

- (1) A Person commits an offence if –
 - (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
 - (b) he knowingly allows a licensable activity to be carried on.
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Please note this Authority and Sussex Police have officers monitoring the City both day and night and we will be monitoring the premises. If it is witnessed that your premises is carrying out further unauthorised licensable activities, then enforcement action will be taken.

A copy of this email has also been sent to Police Licensing and my colleague Emily Fountain.

Please can you acknowledge receipt of this email, replying to all.

You may also wish to obtain independent legal advice.

Regards

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 | **REDACTED**

Appendix B - Copy of the email sent 24 October 2023

From: Donna Lynsdale
Sent: 24 October 2023 14:41
To: **REDACTED**; **REDACTED**
Cc: Emily Fountain < **REDACTED** >; Brighton.Licensing@sussex.police.uk
Subject: Cardamom, 119 St James's Street, Brighton BN2 1TH - 2023/02068/LICPRM/EH
Importance: High

Good Afternoon

Following on from my previous email sent on 2 October 2023 (below).

To date we have not received a Transfer Application. As of 18 October 2023, the current premises licence is no longer in force.

Therefore, the premises is unable to be used for any licensable activities including the sale of alcohol or late-night refreshment.

A new Premises Licence will need to be applied for and granted before any licensable activities can take place,

I must remind you that it is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislations states that:-

- (1) A Person commits an offence if –
 - (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
 - (b) he knowingly allows a licensable activity to be carried on.
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Please note this Authority and Sussex Police have officers monitoring the City both day and night and we will be monitoring the premises. If it is witnessed that your premises is carrying out further unauthorised licensable activities, then enforcement action will be taken.

A copy of this email has also been sent to Police Licensing and my colleague Emily Fountain.

Please can you acknowledge receipt of this email, replying to all.

Many thanks

Regards

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 | **REDACTED**

From: Donna Lynsdale

Sent: 02 October 2023 15:19

To: REDACTED

Cc: Emily Fountain < REDACTED >

Brighton.Licensing@sussex.police.uk; EHL Licensing <EHL.Licensing@brighton-hove.gov.uk>

Subject: Cardamom, 119 St James's Street, Brighton BN2 1TH - 2023/02068/LICPRM/EH
(Reply 02.10.23)

Importance: High

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Please see below details regarding Transferring a Premises Licence:

Transferring the premises licence

You will need to complete a premises licence transfer application.

- [submit a premises licence transfer application online](#)
- [download a paper premises licence transfer application](#)
- the current licence holder will need to complete a [consent transfer of a premises licence](#)

The cost is £23 made payable to Brighton & Hove City Council.

There is a 14-day consultation process where Sussex Police can make any comments on the application.

Once the consultation is complete, a new licence with all the details will be sent to you.

The Transfer Consent form needs to be signed by the current PLH. Please see guidance below:

Obtaining the permission of the existing licence holder

It is important for you to make every effort to obtain consent to the transfer from the existing licence holder before you make your application.

You must take all reasonable steps to obtain it and we can only exempt you from this requirement if you are able to satisfy us that all reasonable steps have been taken, and that if the application were granted that you would be in a position to use the premises for licensable activities.

If for whatever reason it is not possible for you to provide us with the existing licence holders signed consent form with the application, then it will be necessary for you to provide us with copies of (for example) any recorded delivery correspondence you may have sent to the licence holder or any other documentation which shows the steps taken to obtain it.

It may be possible to accept proof via your Solicitor that you have the permission to operate from the premises i.e., a Lease etc.

If you cannot provide such information, then your application will not be accepted.

After the 18 October 2023, the current premises licence will lapse.

Until the above has been submitted, you are not authorised to carry out any licensable activities.

Please ensure that all sales and supply of alcohol ceases immediately until you have an authorised DPS. You must also remove all alcohol from display. Supply of Late-Night Refreshment is also licensable activity. You must not sale or supply any hot food after 23:00.

It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislations states that:-

- (1) A Person commits an offence if –
 - (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
 - (b) he knowingly allows a licensable activity to be carried on.
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Please note this Authority and Sussex Police have officers monitoring the City both day and night and we will be monitoring the premises. If it is witnessed that your premises is carrying out further unauthorised licensable activities, then enforcement action will be taken.

A copy of this email has also been sent to Police Licensing and my colleague Emily Fountain.

Please can you acknowledge receipt of this email, replying to all.

You may also wish to obtain independent legal advice.

Regards

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 | **REDACTED**

Appendix C - Copy of the email sent 4 April 2024

From: Donna Lynsdale
Sent: 04 April 2024 17:54
To: **REDACTED**
Cc: Brighton.Licensing@sussex.police.uk
Subject: Cardamom Indian Restaurant, 119 St James's Street, Brighton BN2 1TH -
2024/00675/LICPRM/EH
Importance: High

Dear Rafiqul Islam

Licensing Act 2003

Cardamom Indian Restaurant, 119 St James's Street, Brighton BN2 1TH
Premises Licence Number: 1445/3/2023/04964/LAPREN

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

On Tuesday 26 March 2024 at 15:21, accompanied by my colleague Mark Thorogood from Police Licensing, we visited your premises and carried out a full licensing inspection.

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

The premises licensable activities and opening times are:

Times the licence authorises the carrying out of licensable activities	
Late Night Refreshment	
Every Day	23:00 - 00:00 (Midnight)
Sale by Retail of Alcohol	
Every Day	10:00 - 00:00 (Midnight)

The opening hours of the premises	
Every Day	10:00 - 00:30

You advised that you sometimes stay open until 01:00. Please note that above times, and ensure you comply with them.

Annex 1 - Mandatory conditions

All licensed premises are issued with a premises licence. This consists of Part A and Part B and sets out all the licensable activities that may take place at these premises.

Part A and Part B – Part B only one page was on display.

The holder of the licence must ensure that Part B of the licence, or a certified copy of it, is prominently displayed at the premises. Part A of the licence (with conditions) must be available on request by licensing officers from the council or Sussex Police.

S 19; mandatory conditions where licence authorises supply of alcohol

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;
 - (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.

At the time of my inspection, you had printed on your drink menu prices for spirits. However, you did not state the measures supplied. Also, the measures you had were not stamped nor specified the measures being supplied. Please ensure this is rectified to comply with the above condition.

Annex 2 – Conditions consistent with the Operating Schedule:

For the Prevention of Crime and Disorder:

- 2. 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.
- g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable. This can be done via email: brighton.licensing@sussex.police.uk.
- 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.

You had no CCTV system installed.

- 3. a) 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 least once a week.

You had a logbook which I had sent you. However, you had not been signing it off once a week to comply with the above condition.

For the Protection of Children from Harm:

- 6. a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive 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/refreshers 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/refreshers 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.

I also sent you a training book, which you had not used. Therefore, you had no initial or refresher training records.

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 permission's and restrictions attached to any premises licence, all licensed premises are required to operate with regard to the 4 licensing objectives, which are;

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

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

As a result of the above breaches, this email acts as a **Warning**.

A copy of this email has also been sent to Police Licensing.

Please acknowledge receipt of this email. When responding please reply to all in this email.

Yours sincerely

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 | **REDACTED**

Appendix D - Copy of letter hand delivered on 9 April 2024



Safer Communities – Licensing Team

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

Cardamom Indian Restaurant
119 St James's Street
Brighton
BN2 1TH

Date: 9 April 2024
Our Ref: 2024/00675/LICPRM/EH
Phone: 01273 292494
email: **REDACTED**

Dear Rafiqul Islam

Licensing Act 2003

Cardamom Indian Restaurant, 119 St James's Street, Brighton BN2 1TH
Premises Licence Number: 1445/3/2023/04964/LAPREN

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

On Tuesday 26 March 2024 at 15:21, accompanied by my colleague Mark Thorogood from Police Licensing, we visited your premises and carried out a full licensing inspection.

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

The premises licensable activities and opening times are:

Times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Every Day 23:00 - 00:00 (Midnight)

Sale by Retail of Alcohol

Every Day 10:00 - 00:00 (Midnight)

The opening hours of the premises

Every Day 10:00 - 00:30

You advised that you sometimes stay open until 01:00. Please note that above times, and ensure you comply with them.

Annex I - Mandatory conditions

All licensed premises are issued with a premises licence. This consists of Part A and Part B and sets out all the licensable activities that may take place at these premises.

Part A and Part B – Part B only one page was on display.

The holder of the licence must ensure that Part B of the licence, or a certified copy of it, is prominently displayed at the premises. Part A of the licence (with conditions) must be available on request by licensing officers from the council or Sussex Police.

S 19; mandatory conditions where licence authorises supply of alcohol

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;
 - (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.

At the time of my inspection, you had printed on your drink menu prices for spirits. However, you did not state the measures supplied. Also, the measures you had were not stamped nor specified the measures being supplied. Please ensure this is rectified to comply with the above condition.

Annex 2 – Conditions consistent with the Operating Schedule:

For the Prevention of Crime and Disorder:

2. 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.
- i) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
 - j) CCTV footage will be stored for a minimum of 31 days.
 - k) 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.
 - l) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

- m) 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.
- n) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable. This can be done via email: brighton.licensing@sussex.police.uk
- o) 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.

You had no CCTV system installed.

- 3. a) 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 least once a week.

You had a logbook which I had sent you. However, you had not been signing it off once a week to comply with the above condition.

For the Protection of Children from Harm:

- 6. a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive 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.

I also sent you a training book, which you had not used. Therefore, you had no initial or refresher training records.

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 permission's and restrictions attached to any premises licence, all licensed premises are required to operate with regard to the 4 licensing objectives, which are;

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

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

As a result of the above breaches, this email acts as a **Warning**.

A copy of this letter has also been sent to Police Licensing.

Please acknowledge receipt of this email. When responding please reply to all in this email.

Yours sincerely

REDACTED

Donna Lynsdale
Licensing Officer

Appendix E - Copy of the email sent 10 December 2024

From: Donna Lynsdale
Sent: 10 December 2024 10:23
To: **REDACTED**
Cc: Brighton.Licensing@sussex.police.uk
Subject: Cardamom Indian Restaurant, 119 St James's Street, Brighton BN2 1TH - 2024/03044/LICRSK/EH
Importance: High

Dear Rafiqul Islam

Licensing Act 2003
Cardamom Indian Restaurant, 119 St James's Street, Brighton BN2 1TH
Premises Licence Number: 1445/3/2023/04964/LAPREN

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

On Wednesday, 4 December 2024 at 15:30, accompanied by my colleague Mark Thorogood from Police Licensing, we visited your premises and carried out a full licensing inspection.

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

Annex 2 – Conditions consistent with the Operating Schedule:

For the Prevention of Crime and Disorder:

2. 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.
 - g. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable. This can be done via email: brighton.licensing@sussex.police.uk.
 - 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.

The CCTV system you had in place was operate by batteries. At time of our inspection your CCTV was not working as the cameras had run out of charge. It was not recording in accordance with the above condition.

3. a) 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 least once a week.

You had a logbook which I had sent you. However, you had not been signing it off once a week to comply with the above condition.

For the Protection of Children from Harm:

6. a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive 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.

I also sent you a training book, which you had not been used. You had no initial or refresher training records for your staff.

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.

It was very disappointing that despite providing you with all the relevant documentation to assist, you still continue to breach the premises licence conditions.

I note that your premises licence has now lapsed and have submitted an application for a new one.

Despite all the support we have provided, you have made no attempt to comply with the premises licence you had. Unfortunately, I have no confidence that if a new premises licence is granted you will comply with any condition attached to it. I will be submitting a representation against your application.

A copy of this email has also been sent to Police Licensing.

Please acknowledge receipt of this email. When responding please reply to all in this email.

Yours sincerely

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 | **REDACTED**



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

Cardamom Indian Restaurant
119 St James's Street
Brighton
BN2 1TH

Date: 6 December 2024
Our Ref: 2024/03029/LICCON/EH
Phone: 01273 292494
e-mail: **REDACTED**

Dear Rafiqul Islam

Section 27 & Section 50 Licensing Act 2003

Cardamom Indian Restaurant, 119 St James's Street, Brighton BN2 1TH
Premises Licence Number: 2023/04964/LAPREN

I am writing following information we have received that the Premises Licence Holder company 'Cardamom James's Street Limited' has dissolved and therefore inform you that Premises licence for the above premises has lapsed.

'Cardamom James's Street Limited', Company Number: 14610955, was dissolved on 24 June 2024. Once dissolved there is a 28-day period for a Transfer to take place (into another company or persons name), if this is not done within 28 days then the licence lapses.

As this has not been done, the licence is no longer in force and the premises is unable to be used for any licensable activities including the sale of alcohol. A new Premises Licence will need to be applied for and granted before alcohol can be sold.

It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislations states that:-

(1) A Person commits an offence if -

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
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.

Should you wish to discuss this further, please do contact me via email or seek independent legal advice.

Yours sincerely

REDACTED

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

c.c. Police Licensing Unit via email to brighton.licensing@sussex.police.uk

Appendix G - Licensing Panel Decision Letter dated 10 February 2025.



Regulatory Services – Licensing Team

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

STRICTLY PRIVATE AND CONFIDENTIAL

Premises Licence Holder or Applicant

Those who have made relevant representations

Date: 10/02/2025
Our Ref: 2024/05499/LAPREN
Phone: 01273 294429

e-mail: ehl.licensing@brighton-hove.gov.uk

Dear Sir Madam:

Licensing Act 2003 – Licensing Panel Hearing Notification of the Determination

Licensing panel hearing held via Teams on Monday 3rd February 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 00:00 hours and late night refreshment 23:00 to 00:00. 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 unusual circumstances relating to this application in that a premises licence has been in existence previously but has lapsed twice necessitating the current application.

Both the police and licensing authority 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. In relation to a second follow up visit in December 2024 when breaches of conditions were still in evidence the police issued a final warning letter. It then came light that the applicant's premises licence company had been dissolved some months previously and so the licence had lapsed. The hours applied for were also contrary to the current planning permitted hours. Because of their concerns both the police and licensing asked the panel to refuse the application.

The applicant's agent addressed the panel and made the following submissions. The situation with the company was an administrative oversight and his client gained nothing from it and should not be criticised for this, and but for this oversight the licence would be in place today. There has been a licence at this site since 2005. This should constitute exceptional circumstances. Mr Islam was not involved at the initial time of police involvement and only really since December 2023. He is now the business owner and does all the front of house work. Licensing was new to Mr Islam and he put off installing CCTV due to the expense. Planning had not made a representation and was a separate regime.

The submission was made that the final warning issued by the police in December 2024 meant that they were content for him to continue with the licence and yet despite no new evidence their representation submitted shortly after stated no they had no confidence in him and this was unfair. The applicant would be the only member of staff selling alcohol and was trained and would train other staff. The applicant would be compliant going forward, had learnt much and had assistance from the agent.

During questions from the panel and others, doubts were raised as to the ability of the applicant to run the business himself and be on the premises at all times 7 days a week. It was stated that his wife sometimes helps out.

The panel has carefully considered this application on its merits and in light of the concerns raised by the Responsible Authorities and submissions on behalf of the applicant. The panel is very mindful of the location of these premises in the CIZ and in particular St James's street which suffers from relatively high levels of crime and disorder.

Taking the history of these premises into account and the previous breaches of licence conditions and lapses of the licence, the panel does not have confidence that the applicant will operate these premises in accordance with the requirements of the licensing regime and conditions on the licence. The responsible authorities have intervened and given advice but still issues have

remained. Respectfully, the panel does not construe the police 'final warning' on the 5th December 2024 as a demonstration of their confidence in the licence holder, and in the context of a new application after a further lapse of the licence it understands why representation was made by the police and joined by the Licensing Authority. The panel is also concerned about the ability of the applicant to be on the premises all the time and cope with the demands of operating the licence including administrative requirements which he has not shown himself capable of in the past, and this gives further cause for concern. Overall the panel shares the concerns of the responsible authorities and considers that granting this licence in the CIZ in this location is likely to undermine the licensing objectives and therefore the application is refused.

The minutes of the panel will be available on the Council's website under the rubric 'Council and Democracy'.

Appeal Rights

(Section 181 and schedule 5, paragraph 1 of the Licensing Act 2003) The applicant may appeal against the decision to refuse the licence.

All appeals must be made to Magistrates' Court, Edward Street, Brighton, within 21 days of deemed delivery of this letter. Delivery will be deemed to have been effected on the second working day after posting. A fee is payable upon lodging an appeal.

Yours faithfully

REDACTED

Specialist Team Leader Licensing



Brighton & Hove

ENVIRONMENTAL SERVICES

Brighton & Hove Council
Bartholomew House
Bartholomew Square
Brighton BN1 1JP

Application No: BH1997/00918/FP

Axia Architects



BRIGHTON AND HOVE COUNCIL

Town and Country Planning Act 1990

PERMISSION TO DEVELOP LAND

IN PURSUANCE of their powers under the above-mentioned Act, the Council hereby notify you that they PERMIT the following development:

Situation: 119 St James Street (Ground & Basement Only) Brighton

Description: Change of use of ground floor and basement from shop (class A1) to restaurant (class A3).

In accordance with the application and plans (as modified by any undermentioned conditions) submitted to the Council on 10 July 1997 and SUBJECT to compliance with any condition(s) specified hereunder:

- 1 The development for which permission is hereby granted must be commenced within five years from the date hereof.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 Detailed plans of any proposed works which affect the elevational appearance of the building shall be submitted to and approved by the Local Planning Authority before the use is commenced.
Reason: This permission refers to a change of use only and to no physical alterations whatsoever.
- 3 The premises shall be used as a cafe/restaurant only and not as a public house within Use Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or on any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order.
Reason: To protect the amenities of the occupiers of nearby residential properties.
- 4 The premises shall not be open or in use except between the hours of 0900 and 2300 Mondays to Saturdays and between 0900 and 2230 on Sundays.
Reason: To protect the amenities of the occupiers of nearby residential properties.



Brighton & Hove

ENVIRONMENTAL SERVICES

Brighton & Hove Council
Bartholomew House
Bartholomew Square
Brighton BN1 1JP

- 5 Before any works commence a scheme shall be submitted to and approved by the Local Planning Authority indicating proposals for the satisfactory storage of refuse in accordance with BS.5906. Such proposals as shall be agreed shall be implemented and thereafter maintained.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse.

- 6 A scheme for the fitting of odour control equipment to the building shall be submitted to the Local Planning Authority and no development shall commence until a scheme is approved by the Local Planning Authority. The use of the premises shall not commence until all odour control equipment works have been carried out to the satisfaction of the Local Planning Authority. The odour control equipment shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties.

- 7 A scheme for the sound insulation of odour control equipment referred to in the condition set out above shall be submitted to the Local Planning Authority and no development shall commence until all sound insulation works have been carried out to the satisfaction of the Local Planning Authority. The sound insulation works shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties.

- 8 No open storage shall take place within the curtilage of the site without the prior permission of the Local Planning Authority.

Reason: To safeguard the visual amenities of the area.

- 9 Amplified music or other entertainment noise from within the premises shall not be audible at any adjacent residential premises.

Reason: To safeguard the amenities of the occupiers of adjacent residential premises.

- Informative: The applicant is reminded that facilities for the disabled will be required under the Building Regulations.

Dated this 27 January 1998



Director of Environmental Services



Sussex Police
Serving Sussex

www.sussex.police.uk

Brighton & Hove Licensing Unit

Police Station
John Street
Brighton
BN2 0LA

Date: 07th May 2025

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

CH CON ENDS 13.05.2025 VALID PCD and PCH (B)

RE: Application for a new premises licence: Cardamom Restaurant, 119 St James Street, Brighton, BN2 1TH.

Dear Corinne Hardcastle,

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the new premises licence application for the above on the grounds that it will undermine the Licensing Objectives of the prevention of crime and disorder and protection of children from harm.

This is a proposed application in an area of the City which is subject to a Special Policy adopted by Brighton & Hove City Council. The premises lies in the Cumulative Impact Zone (CIZ) (as defined in the BHCC Statement of Licensing Policy) and seeks the following hours and licensable activities:

Supply of alcohol and hours open to the public: 10:00 – 23:00 7 Days a week.

Previous History

This application follows one which was applied for on 09th Dec 2024 and refused following a hearing on 03rd February 2025.

Th application on 09th December was submitted due to a previous licence held at the premises having lapsed as the trading company was dissolved. Sussex Police raised a representation against this application following several of months of dealings with Mr Rafiqua Islam which resulted in us losing confidence in his ability and wish to trade responsibly and under the terms of his premises licence.

We went in to great detail to evidence this within our representation of 24th December 2024 of which is all still very relevant and forms part of our representation today. Rather than repeat it all in this document though, we attach a copy of the representation and ask you take this in to consideration when reviewing this new application.

Current Application

Sussex Police Headquarters
Malling House, Church Lane, Lewes, E. Sussex, BN7 2DZ

Telephone: 101 | 01273 404535

Email: brighton.licensing@sussex.police.uk

The application is similar to what was applied for before but with one less trading hour. We are unsure if it's for

on sales only or if off sales is being applied for as the relevant boxes have not been ticked. The main difference is although Mr Rafiquel Islam would still be the Premises Licence Holder, a new Designated Premises Supervisor is being put forward, Mr Szabolcs Veres.

Sussex Police do not feel this brings in a new chapter for this premises should the licence be granted and that going forwards we will still experience the breaches of the licence conditions and lack of wish from Mr Islam to ensure there is compliance despite all the previous assistance we have given him.

On 08th April 2025 we had communication from Mr Islam's agent, Nicholas Perkins asking for our comments on the following (see attached):

- A new application to be submitted.
- New Proposed DPS.
- This new DPS would most likely be part time.
- The new DPS to be in post for an agreed amount of time.
- The new DPS has run premises before locally, including Cardamon.

The suggestion that the new DPS will be part time and for a limited period does not fill us with confidence with what will happen at the premises when he is not there and eventually leaves. Mr Islam is still the Premises Licence Holder employing Mr Veres so in the background running the venue. Mr Islam has had the assistance from Licensing Consultants in the past and not been able to comply with his conditions. Why would we now believe that he will follow instructions from Mr Veres.

In regards to Mr Veres running previous venues locally, including Cardamom, we have no record of him on our licensing system as being a Designated Premises Supervisor in Sussex.

As part of our checks on all proposed Designated Premises Supervisors, we contact the issuing authority of their Personal Licence.

Under Section 127 of the Licensing Act 2003, it requires the holder of a Personal Licence (the 'licence') to notify, as soon as reasonably practicable, the issuing Licensing Authority of any change to their name or address. A person commits an offence if he fails, without reasonable excuse, to comply with this section.

We have been informed by Portsmouth who issued Mr Veres Personal Licence, that the address they have does not match the one we have been given on this application. The agent, Mr Perkins has confirmed that Mr Veres has been living in Brighton for over 5 years. The issues previously have all been around compliance and this goes to show that things are unlikely to change in the long term if this licence is granted.

Attached is the decision from the previous application hearing which states the original panel was mindful of the location within the CIZ and along St James Street and the challenges it has. They also confirmed they do not have, like us, confidence in the applicant.

Sussex Police invite the Licensing Authority to seriously consider refusing this application. We do not believe this new application offers any reassurances that if granted we will see a positive change. In turn we see this will increase workload for us and the local authority due to extra scrutiny we will need to commit to it.

Yours sincerely,

REDACTED

Insp Ben Morrison

Ops Planning and Events (inc. Licensing) Inspector

Brighton & Hove Division

Sussex Police

STRICTLY PRIVATE AND CONFIDENTIAL

Premises Licence Holder or Applicant

Those who have made relevant representations

Date: 10/02/2025
Our Ref: 2024/05499/LAPREN
Phone: 01273 294429
e-mail: ehl.licensing@brighton-hove.gov.uk

Dear Sir Madam:

Licensing Act 2003 – Licensing Panel Hearing Notification of the Determination

Licensing panel hearing held via Teams on Monday 3rd February 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 00:00 hours and late night refreshment 23:00 to 00:00. 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 unusual circumstances relating to this application in that a premises licence has been in existence previously but has lapsed twice necessitating the current application.

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

Both the police and licensing authority 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. In relation to a second follow up visit in December 2024 when breaches of conditions were still in evidence the police issued a final warning letter. It then came light that the applicant's premises licence company had been dissolved some months previously and so the licence had lapsed. The hours applied for were also contrary to the current planning permitted hours. Because of their concerns both the police and licensing asked the panel to refuse the application.

The applicant's agent addressed the panel and made the following submissions. The situation with the company was an administrative oversight and his client gained nothing from it and should not be criticised for this, and but for this oversight the licence would be in place today. There has been a licence at this site since 2005. This should constitute exceptional circumstances. Mr Islam was not involved at the initial time of police involvement and only really since December 2023. He is now the business owner and does all the front of house work. Licensing was new to Mr Islam and he put off installing CCTV due to the expense. Planning had not made a representation and was a separate regime. The submission was made that the final warning issued by the police in December 2024 meant that they were content for him to continue with the licence and yet despite no new evidence their representation submitted shortly after stated no they had no confidence in him and this was unfair. The applicant would be the only member of staff selling alcohol and was trained and would train other staff. The applicant would be compliant going forward, had learnt much and had assistance from the agent.

During questions from the panel and others, doubts were raised as to the ability of the applicant to run the business himself and be on the premises at all times 7 days a week. It was stated that his wife sometimes helps out.

The panel has carefully considered this application on its merits and in light of the concerns raised by the Responsible Authorities and submissions on behalf of the applicant. The panel is very mindful of the location of these premises in the CIZ and in particular St James's street which suffers from relatively high levels of crime and disorder. Taking the history of these premises into account and the previous breaches of licence conditions and lapses of the licence, the panel does not have confidence that the applicant will operate these premises in accordance with the requirements of the licensing regime and conditions on the licence. The responsible authorities have intervened and given advice but still issues have remained. Respectfully, the panel does not construe the police 'final warning' on the 5th December 2024 as a demonstration of their confidence in the licence holder, and in the context of a new application after a further lapse of the licence it understands why representation was made by the police and joined by the Licensing Authority. The panel is also concerned about the ability of the applicant to be on the premises all the time and cope with the demands of operating the licence including administrative requirements which he has not shown himself capable of in the past, and this gives further cause for concern. Overall the panel shares the concerns of the responsible authorities and considers that granting this licence in the CIZ in this location is likely to undermine the licensing objectives and therefore the application is refused.

The minutes of the panel will be available on the Council's website under the rubric 'Council and Democracy'.

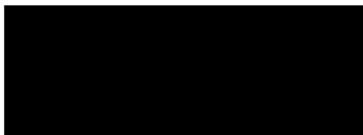
Appeal Rights

(Section 181 and schedule 5, paragraph 1 of the Licensing Act 2003)

The applicant may appeal against the decision to refuse the licence.

All appeals must be made to Magistrates' Court, Edward Street, Brighton, within 21 days of deemed delivery of this letter. Delivery will be deemed to have been effected on the second working day after posting. A fee is payable upon lodging an appeal.

Yours faithfully



Specialist Team Leader Licensing



Sussex Police
Serving Sussex

www.sussex.police.uk

Brighton & Hove Licensing Unit

Police Station
John Street
Brighton
BN2 0LA

Date: 24th December 2024

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

RE: Application for a new premises licence for Cardamom Restaurant, 119 St James Street, Brighton, BN2 1TH.

Dear Emma Grant,

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the new premises licence application for the above on the grounds that it will undermine the Licensing Objectives of the prevention of crime and disorder and protection of children from harm.

This is a proposed application in an area of the City which is subject to a Special Policy adopted by Brighton & Hove City Council. The premises lies in the Cumulative Impact Zone (CIZ) (as defined in the BHCC Statement of Licensing Policy) and seeks the following hours and licensable activities:

On premises supply of alcohol – 10:00 – 00:00 (Midnight) 7 Days a week.
Late night refreshments – 23:00 – 00:00 (Midnight) 7 Days a week.
Hours premises open to the public – 10:00 – 00:30 7 Days a week.

The applicant was granted a premises licence for this location on 12th January 2024. This has since lapsed due to the Premises Licence Holder, Cardamom James's Street Limited being dissolved on 25th June 2024. The licence was not transferred to a new holder within the required time restrictions.

Sussex Police Licensing have had many dealings with this restaurant since it opened towards the end of 2022 as Cardamom. Although Mr. Islam was not listed as an owner in the early days, we do believe he was involved in the day-to-day operation.

03rd November 2022 – Following a visit by us and colleagues from Brighton & Hove City Council Licensing, premises was found to be operating without a valid Designated Premises Supervisor appointed. They were advised to stop conducting licensable activities until this issue is rectified.

22nd December 2022 – Application to transfer the licence over to Cardamom Brighton Ltd and appoint a Designated Premises Supervisor was received and processed.

05th August 2023 – Inspection of the premises was made during that years Pride Village Party. The premises was open and operating outside of its licence permission. It was trading as a bar rather than a restaurant. All the tables and chairs had been put to the side, conducting sales of alcohol without food and off sales. The then Designated Premises Supervisor was contacted, and he responded to advise he had left the venue on 02nd March 2023. So the venue had been operating licensable activities for several months without a valid Designated Premises Supervisor. The venue was advised it had to stop all licensable activities until the issue was rectified.

02nd October 2023 – Venue was written to as they still had not applied to have a Designated Premises Supervisor in place, yet we had evidence they were carrying on with licensable activities. On this day they were also advised that the Premises Licence Holder at the time had now surrendered the licence. The council sent Mr. Islam information on how to transfer the licence over to himself and advised he had 28 days in which to do this before the licence lapses.

24th October 2023 – No transfer received by Mr. Islam, and he was advised that the licence had lapsed, and he would need to apply for a new one.

17th November 2023 – Inspection to ensure no licensable activities taking place. Venue still displayed on each table drinks menus with 95% of it being alcoholic drinks. Although no alcohol on display it was all just under the counter and the beer pump still connected.

14th December 2023 – Applicant for a new premises licence submitted and granted on 12th January 2024. Consideration was given to submit a representation against this due to previous dealings with Mr. Islam and not providing us with much confidence in him. We did however allow it to go through unchallenged in the hope that assistance given to him via a licensing consultant and advice from ourselves and the local authority meant things would improve going forwards.

26th March 2024 – Joint inspection carried out with Brighton & Hove City Council Licensing with the following breaches evidenced:

- Trading beyond permitted hours.
- Part B of the premises licence not fully on display.
- No CCTV system installed.
- Not signing off the incident log book each week.
- No initial staff trainer nor refresher training.

04th December 2024 – Joint inspection carried out with Brighton & Hove City Council Licensing with the following breaches evidenced:

- CCTV in operation is reliant on batteries rather than mains power. At time of visit the cameras had run out of charge and so not recording.
- Not signing off the incident log book each week.
- No refresher staff training.

06th December 2024 – It was established that the Premises Licence Holder, Cardamon James's Street Limited had dissolved on 24th June 2024. Mr. Islam being the sole director. Police Licensing visited the venue to advise that he must stop all licensable activities. He was surprised to hear that his company was no longer trading, which we found concerning that he did not know this.

09th December 2024 – Application received for a new premises licence.

Because of our interactions with the venue since it opened under the Cardamom name and with Mr. Islam, we have little confidence in him as an operator. His understanding of administrative issues is very limited. This has resulted in him breaching his premises licence, his company being dissolved without him realising it thus resulting in him trading for several months without a valid premises licence.

Conditions are on a licence to assist in promoting the licensing objectives. If operators agree to these conditions during a licence application process and then go on to not adhere to them, this raises concerns over public safety.

If licence conditions are not being adhered to, what other processes and regulations are being ignored.

We have recently been made aware that the planning permissions on this premises permit trading until 23:00 Monday to Saturday and 22:30 on a Sunday. When asked if the applicant is looking to alter his application to adhere to this planning restriction, we have been advised he would not. Although this is a separate process, it further shows a wish to not comply with official requirements.

Within the application form in section M it states that:

This application is, in effect, to reinstate a Premises Licence for a restaurant that has hitherto been run in a compliant and safe manner. The error in not changing the Premises Licence Holder is acknowledged as a mistake, with no ulterior or malicious motive. The restaurant has been run well under Mr Islam's stewardship and is compliant in terms of promoting the licensing objectives to the extent that, until the issue of the lapsed licence was discovered, no regulatory problems had been caused.

Evidence above clearly shows this statement not to be correct. Following our last visit on 04th December 2024 we made it very clear to Mr. Islam that he was on his final warning as we could no longer assist him in being compliant with his licence. Finding out his company had lapsed several months previous and him not being aware has meant he really has lost our trust in him running a licensed venue within the city and the responsibility that comes with. Had the licence not lapsed and further checks made in early 2025 with breaches witnessed, we would have been calling a review of the premises. And this is still the case now if the panel are minded granting as this new application. A new licence does not wipe the slate clean as it is the same named and involved individual.

Therefore, Sussex Police invite the Licensing Authority to seriously consider refusing this application.

We attach a copies of our correspondence with Mr. Islam.

Yours sincerely,



Insp Daniel Eagle
Ops Planning and Events (inc. Licensing) Inspector
Brighton & Hove Division
Sussex Police

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

Sent: 08 April 2025 08:29

To: 'Nicholas Perkins' <REDACTED>

Subject: RE: DW Ref:[118729/001] - Cardamom - St James Street

Good Morning Nicholas,

Thank you for the email and pre consulting with us.

Unfortunately all the time Mr Islam is involved in the business we would be unable to support an application as he will still be running it in the background.

Additionally the proposed part time DPS is not one we are aware of. I have checked our systems covering Sussex and we have no record of him with the details given below.

We did our best to assist Mr Islam along with the local authority but there comes a point where you just have to say enough is enough and we have reached that point.

Kind Regards

Mark.



Mark Thorogood

Police Licensing Officer

Level 4 PALO Qualification

Brighton & Hove Licensing

John Street, Brighton.

Telephone: REDACTED Mobile: REDACTED

From: Nicholas Perkins
Sent: 07 April 2025 17:45
To: Brighton Licensing
Subject: DW Ref:[118729/001] - Cardamom - St James Street

Good afternoon

I have been consulted by Mr Rafiqul Islam following his recent abortive attempt to obtain a new PL

I have seen your Rep and the BHCC decision which clearly stems from his lack of experience

I am writing therefore to enquire if there is a basis upon which you might contemplate a fresh application - my thinking being that although Mr Islam would make the application it would be on the basis that he would not be the DPS - but rather that an experienced personal licence holder would hold that position

Financially it would be unlikely that such person would be employed full time but rather part time - attending the premises regularly to ensure compliance with the conditions on the licence and the training of all staff

That person would remain in post for a period to be agreed - or if longer until you and BHCC were satisfied with the way the premises were operating

Mr Islam might also undergo further training - perhaps do the personal licence qualification course again

REDACTED who I understand has held PLs locally - including these premises - and in Portsmouth and lives locally is prepared to take on this role - I have spoken to him as to what this would entail and he understands the responsibility he would be taking on and his own personal position were there to be any problems

Thoughts ?

Thanks

Nicholas Perkins

For and on behalf of Dean Wilson LLP

REDACTED Tel REDACTED Fax REDACTED e-mail - REDACTED

Appendix D



commodious
commodious.co.uk

Certificate of Achievement

This is to certify that

Rafiqul Islam

has successfully completed

Alcohol Sale and Licensing Law Awareness Training

Certificate No.

Awarded.

CPD Credits.

C73248207

16/05/2025

1 CPD Credit

Validate this certificate at commodious.co.uk/certificate-validation

Refresher training recommended every three years or sooner if circumstances dictate.



V. M. Whitney
Signed on behalf of Commodious



