



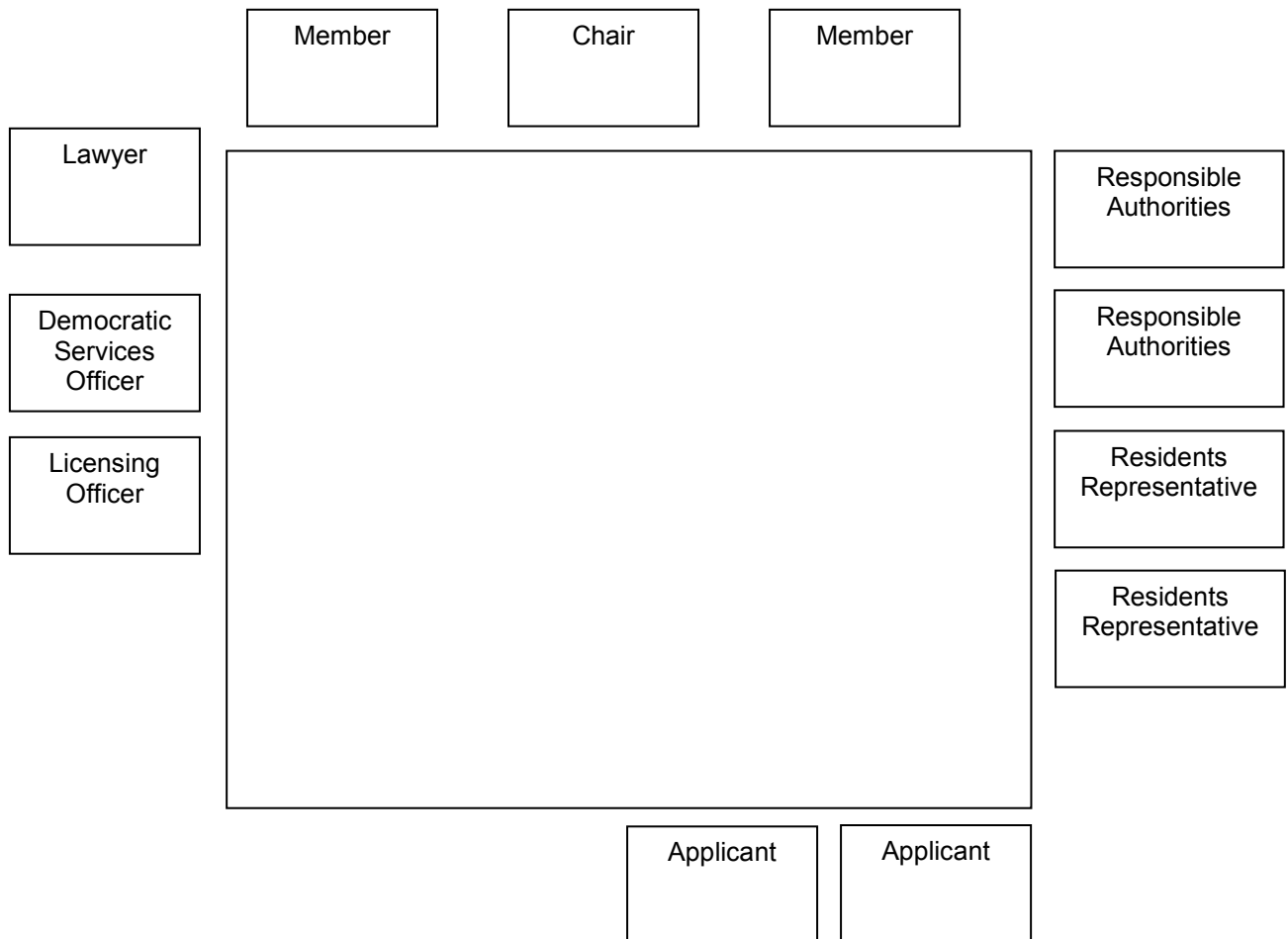
Licensing Panel

(Licensing Act 2003 Functions)

Title:	Licensing Panel (Licensing Act 2003 Functions)
Date:	25 April 2014
Time:	10.00am
Venue	Committee Room 3, Brighton Town Hall
Members:	Councillors: Deane, Simson and Jones
Contact:	Penny Jennings Democratic Services Officer 01273 29-1065 Penny.jennings@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

Part One

Page

78. TO APPOINT A CHAIR FOR THE MEETING

79. PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests not registered on the register of interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

80. REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003, GOLDEN GRILL, 9 WESTERN ROAD, HOVE

1 - 50

Report of the Director of Public Health (copy attached)

Contact Officer: Mark Savage-Brookes Tel: 01273 292100
Ward Affected: Brunswick & Adelaide

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

81. REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003, CASBA, 11 WESTERN ROAD, HOVE 51 - 114

Report of the Director of Public Health (copy attached)

Contact Officer: Jim Whitelegg Tel: 29-2438

Ward Affected: Brunswick & Adelaide

82. REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003, CASBA 2, 8 WESTERN ROAD, HOVE 115 - 192

Report of the Director of Public Health (copy attached)

Contact Officer: Jim Whitelegg Tel: 29-2438

Ward Affected: Brunswick & Adelaide

NOTES: *Applicants, Agents, Representatives from Statutory Authorities and Other Interested Parties are kindly requested to wait outside before the beginning of the hearing until called in together by the clerk.*

There may be more than one item on this agenda, and as such the item you are interested in may not be heard until later in the day. However, the Chairman reserves the right to alter the running order of the agenda at the start of the meeting without prior notice.

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For further details and general enquiries about this meeting contact Penny Jennings, (01273 29-1065, emailpenny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Tuesday, 15 April 2014

LICENSING PANEL

(Licensing Act 2003 Functions)

Agenda Item 80

Brighton & Hove City Council

Subject:	Review of a Premises Licence under the Licensing Act 2003		
Applicant:	Sussex Police		
Premises:	Golden Grill, 9 Western Road, Hove, BN3 1AE		
Licence Holder:	Ladan Hadavi		
Date of Meeting:	25 April 2014		
Report of:	Director of Public Health		
Contact Officer:	Name:	Mark Savage-Brookes	Tel: (01273) 292100
	Email:	mark.savage-brookes@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	Brunswick & Adelaide		

FOR GENERAL RELEASE/

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To review a Premises Licence for Golden Grill under the Licensing Act 2003.

2. RECOMMENDATIONS:

- 2.1 That the Panel review the licence granted to the premises known as **Golden Grill** under the Licensing Act 2003

3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

- 3.1 Existing licence attached at Appendix A.
- 3.2 Brighton & Hove City Council is both the relevant licensing authority and a responsible authority in respect of any premises, and may in its capacity apply under Section 51 of the Licensing Act 2003 for a review of any premises licence in respect of the premises.
- 3.3 An application was received by the Licensing Authority from Sussex Police, to review the licence granted to the premises known as Golden Grill, 9 Western Road, Hove, BN3 1AE. A copy of the review application form is attached at Appendix B.
- 3.4 The grounds for the review relates to the following Licensing objectives:
- Prevention of Public Nuisance
 - Crime of Disorder
 - Public Safety

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

3.5 Since submitting an application to review the Premises Licence, Sussex Police have consulted with the Premises Licence Holder and have submitted a Memorandum of Agreement, which the Panel are asked to consider when making their decision on this review application. Details of the Agreement can be found at Appendix F

3.6 At this hearing the licensing authority must:

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

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

Representations received

3.7 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

3.8 Three representations have been received from Interested Parties and a Ward Councillor on the grounds of the Prevention of Crime & Disorder, the Prevention of Public Nuisance and Public Safety supporting the application submitted by Sussex Police seeking the revocation of the licence.

3.9 Full details of the representations are attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

4 COMMENTARY ON THE LICENSING POLICY

4.6 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**:

General

1.2 The licensing objectives are:-

- (a) Prevention of Crime and Disorder;
- (b) Public Safety;
- (c) Prevention of Public Nuisance;

- 1.3 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 area.
- 1.5 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.

In respect of the Prevention of Crime and Disorder

- 2.1 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.
- 2.2 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.
- 2.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 2.7.1 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. A "matrix" approach to licensing decisions has been adopted and is set out below.

Matrix approach for licensing decisions in a Statement of Licensing Policy

	Cumulative Impact Area	Special Stress Area and London Road	Mixed Commercial and Residential Areas (streets containing shopping parades)	Residential Area (mainly residences in street)	Marina
Restaurant	Yes (midnight)	Yes (2am)	Yes	Yes (11.30pm)	Yes
Late Night Takeaways	No	Yes (midnight)	Yes (midnight)	Yes (midnight)	Yes
Night Club	No	No	Yes (3am)	No	Yes
Pub	Yes (11pm)	Yes (11pm)	Yes (3am)	Yes (11pm, midnight Friday and Saturday)	Yes
HVVD (Super pub)	No	No	No	No	Yes
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes (favourable)	Yes	Yes
Off-licence	No	No	No	Yes (8pm)	Local shops only
Members Club	Yes (<100)	Yes (<100)	Yes	Yes (11pm and midnight Friday and Saturday)	Yes

Notes on matrix

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

- 1) Each application would be considered on individual merit*
- 2) Departure from policy is expected only in exceptional circumstances*
- 3) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix*
- 4) Exceptional circumstances may include: close consultation with Sussex Police and the Licensing Authority, meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to off set impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts), BCRP membership*
- 5) 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

6) Shatterproof drinking receptacles will normally be required by licence condition in alcohol led establishments in the city centre

7) Outdoor events will be supported where arranged through the council's event planning process

8) Favourable consideration will be given to residential need

9) Favourable consideration will be given to local businesses properly engaged with the local licensing authority and responsible authorities

2.7.6 Care, control and supervision of premises: 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.

2.7.7 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, e.g. type of licence, capacity, operating hours restrictions.

2.7.8 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, 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.

2.7.12 Enforcement will be achieved by the enforcement policy.

3. In respect of Public Safety

- 3.3 Conditions will be imposed in accordance with operating schedules to protect public safety including where justified:

A) Provision of close circuit television and panic buttons;

B) Use of shatterproof drinking vessels, bottles requiring use of toughened glass or plastic should normally be required unless applicants can show exceptional reasons (recognised by Community Safety Strategy);

C) Use of door supervisors, licensed by the Security Industry Authority (recognised by the Community Safety Strategy);

D) Requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment;

E) Occupant capacity conditions will be applied where appropriate;

F) The provision of designated and suitably trained first aiders

- 3.5 Policy recognises that the numbers of late night revellers can lead to service delivery pinch-points, for example at city centre taxi ranks. Frustration and restlessness in queues can lead to anti-social behaviour and public disorder which can be controlled by , for example, taxi marshalling systems. Operators whose customers contribute to the night-time demand for taxis may wish to consider assisting in the provision of resources for such systems or similar schemes.

4. In respect of the Prevention of Public Nuisance

- 4.7 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours on busy main roads and in the central leisure area. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood. Licensed premises in residential neighbourhoods will normally have a terminal hour no later than 2330. In mixed neighbourhoods they will normally have a terminal hour of no later than 0200 hours to counter noise disturbance to residents as informed by the health impact assessment and requested by Licensing Strategy Group. The Licensing Authority has adopted a matrix approach to licensing decisions (see 2.7.1)

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

4.12 Health Impact Assessment

The licensing authority's response to this public consultation exercise is as follows:

- There is no presumption in favour of later terminal hours generally
- Minor variations to licences will be processed expeditiously
- The Cumulative Impact Area (CIA) and Special Stress Areas (SSAs) will include all locations where there are residents in the vicinity of licensed premises when there is an evidential basis to justify

- Low-level impacts and noise levels as a result of alcohol consumption are legitimate considerations for licensing reviews
- Information about the licensing process using leaflets and the Council's website will be available for residents
- The Council will publicise its statement of licensing policy, enforcement policy and information to assist applying for licence reviews and making representations for licence applications
- The local character provided by small local public houses is recognised. Policy supports the need to support small local businesses, providing information and business support to assist successful businesses
- Policy recognises the need to mediate between residents and licensed premises where noise and other nuisance/disturbance occurs late into the night/early morning where appropriate. Enforcement action will have regard to the Council's enforcement policies
- Normally the terminal hour in residential areas will not exceed 2330 hours
- Normally the terminal hour in mixed areas will not exceed 0200 hours
- Normally in city centre leisure areas favourable consideration will be given to later terminal hours.

6. Strategic Integration

- 6.5 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.
- 6.8 Other regulatory regimes: This policy avoids duplication with other regulatory regimes wherever possible.
- 6.9 Enforcement – 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 H of Brighton and Hove City Council's Statement of Licensing Policy. In addition the Licensing Authority will have regard to its publishing Licensing Enforcement Policy in making enforcement decisions (Appendix E) of Brighton and Hove City Council's Statement of Licensing Policy. 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. Joint Intelligence Meetings are organised and include officers from responsible authorities.

8. Reviews

- 8.1 Reviews represent a key protection for the community. Where the licensing authority considers action necessary under its statutory powers it

will take necessary steps to support the licensing objectives. Action following review will be informed by licensing enforcement policy.

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 Jeff Coates

Date: 08.04.2014

Legal Implications:

- 5.2 The licensing authority must act to promote the four licensing objectives which are:

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

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Rebecca Sidell

Date: 08.04.2014

Equalities Implications:

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

Sustainability Implications:

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

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part A of Premises Licence
2. Appendix B – Review Application
2. Appendix C – Representation
3. Appendix D – Map of area
4. Appendix E – Supplementary Documentation
5. Appendix F – Memorandum of Agreement

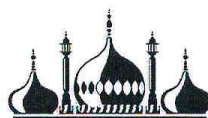
Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2011, as amended 20 December 2011.

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2011, as amended 20 December 2011

Appendix A



Brighton & Hove City Council

Schedule 12

Part A

Regulation 33, 34

Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2012/00648/LAPRET

Part I – Premises Details

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

Golden Grill
9 Western Road
Hove
BN3 1AE

Telephone number

Where the licence is time limited the dates -

Licensable activities authorised by the licence

Late Night Refreshment

Times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Every Day 23:00 - 02:30

The opening hours of the premises -

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

N/A



Part 2

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

Ladan Hadavi

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

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

N/A

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

N/A



Annex 1 – Mandatory conditions

N/A

Annex 2 – Conditions consistent with the Operating Schedule

N/A

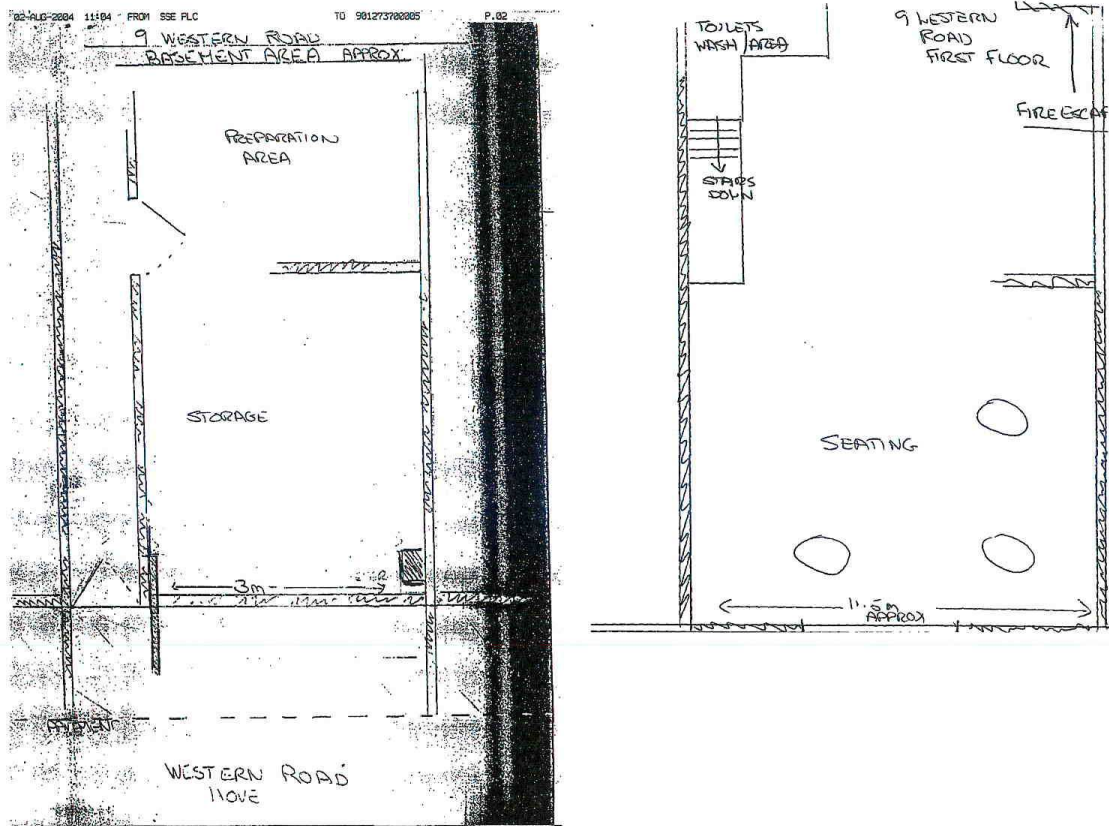
Annex 3 – Conditions attached after a hearing by the licensing authority

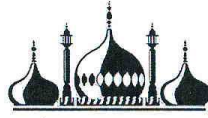
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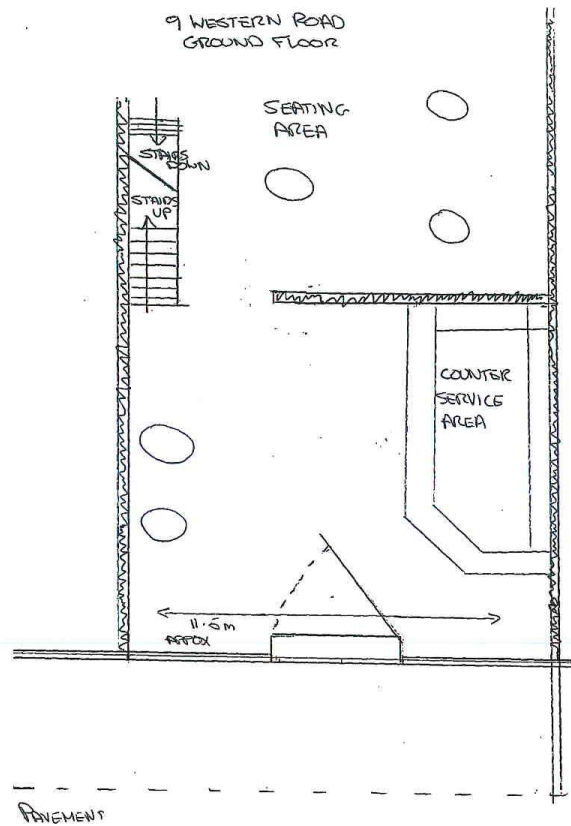
Brighton & Hove City Council

Annex 4 – Plans





Brighton & Hove City Council



Appendix B

03/03 / 31/03

Valid PPN & PCD MSB

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Chief Supt Nev Kemp, Divisional Commander, Brighton and Hove Police on behalf of Temporary Chief Constable Giles York
(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Golden Grill 9 Western Road Hove East Sussex	
Post town Hove, East Sussex	Post code (if known)

Name of premises licence holder or club holding club premises certificate (if known)
Ladan Hadavi Flat 1 5-6 Western Road Hove BN3 1AE

Number of premises licence or club premises certificate (if known)
1445/3/2012/00648/LAPRET



Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises ☐
- b) a body representing persons living in the vicinity of the premises ☐
- c) a person involved in business in the vicinity of the premises ☐
- d) a body representing persons involved in business in the vicinity of the premises ☐
- 2) a responsible authority (please complete (C) below) ☒
- 3) a member of the club to which this application relates (please complete (A) below) ☐

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

Please tick

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (for example, Rev) ☐

Surname

First names

Please tick yes

I am 18 years old or over

☐

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Chief Supt Nev Kemp, Divisional Commander, Brighton and Hove Police (on behalf of the Chief Constable)
Please ensure all communications and committee papers are addressed to:
David Bateup Police Licensing Officer Brighton & Hove Licensing Unit 4 th Floor, Police Station John Street BRIGHTON BN2 0LA
Telephone number (if any) 101 ext 550826
E-mail address (optional) david.bateup@sussex.pnn.police.uk

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

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
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<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

Golden Grill is a late night refreshment premises on Western Road, and is situated within the Brighton & Hove City Council cumulative impact area.

The premises are licensed for late night refreshment seven days a week from 23:00 to 02:30. The premises have been observed by police officers continually staying open and trading beyond its permitted hours.

Sussex Police contend that the following licensing objectives have been seriously undermined:

- 1) the prevention of crime and disorder;
- 2) the prevention of public nuisance.

It is now necessary to instigate review proceedings in order that the seriousness of the situation is recognized and addressed.

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

Golden Grill is a kebab and burger takeaway premises situated at the western end of Western Road in Hove, near to Brunswick Square. The shop has a premises licence for late night refreshment only for the hours of 23:00 to 02:30, seven days a week. There are no other conditions on the licence.

The area surrounding Golden Grill is densely populated with licensed premises and late night refreshment venues, and suffers from significant crime and disorder and public nuisance. The area may also be described as mixed use with retail units or offices at ground level and multiple occupation flats above. The roads leading immediately off of Western Road are all high density terraced housing, with many multiple occupation flats and bedsits, and may therefore be described as residential. Golden Grill by continually opening and serving past its permitted hours is adding to the crime and disorder and public nuisance within the area as they are slowing the dispersal of persons away from the area.

Patrons of late night take away premises are usually under the influence of alcohol and such, for example, do not always react rationally to people jumping queues. Noise and associated disorder can then take place.

Below is a chronology of incidents at the premises over the last six months which includes six occasions when trading has continued past the terminal hour of 02:30. This is despite intervention from both police and Brighton & Hove City Council licensing team and the fact that a crime is being committed under the Licensing Act 2003.

Monday 9th September 2013. 01:01.

Police were called to a fight inside Golden Grill at 01:01. Upon arrival at the premises staff advised that a group of ten males had been inside the premises and began fighting amongst themselves. During the violence the glass top counter in the shop was smashed, after which the fighting males all made off before police arrived.

Saturday 2nd November 2013. 03:10.

Acting on intelligence that the premises was trading past its permitted hours, officers observed the premises at 03:10. The premises was observed for ten minutes, during which time approximately seven customers were waiting inside the premises with several more being observed by PC Hearth entering the premises empty handed and leaving after a period of time with wrapped containers. PC Hearth entered the premises in uniform at 03:30 and spoke with staff. He asked to see part B of the premises licence, which was not on display. The staff could not locate either part A or part B of the licence on the premises.

Sunday 10th November 2013. 02:44.

Following information that Golden Grill was opening past permitted hours, police officers drove past the premises at 02:32 and 02:36. Several people were queuing to order food at the counter. Three staff were actively involved in food preparation. The doors were open and the lights on. Police officers entered the premises at 02:44. When staff saw the officers, they immediately started closing up, saying "sorry, I know its late" Several customers were seen eating in the rear seating area. One of the staff behind the counter stated "I'm only serving the ones that were already here", pointing to the group at the rear. However this group was seen by officers entering the premises after 02:30. The staff were told to close and the licence breach would be reported to the Council.

Saturday 21st December 2013. 02:45.

The premises were visited following repeated intelligence that it was trading past its permitted hours. The premises initially denied continuing to serve customers when PC Hearth entered the premises in uniform to confront them about trading past permitted hours. However staff then took money off a customer for hot food in front of PC Hearth.

Saturday 28th December 2013. 03:00.

The premises were observed trading at 03:00. PC Hearth entered the premises in uniform and confronted the staff about the unlawful sale of hot food past permitted hours. Hot food was still clearly being prepared inside the shop. One of the staff said that the two customers lived next door to the shop and had paid for the food at 02:00 and arranged to collect it at 03:30 [and hour past permitted hours]. When the officer told him that he was wearing body worn video and was being recorded, the staff member went very quiet. The staff member still provided the hot food to the two customers in the shop. He was unable to provide a till roll or any CCTV footage to prove his claim.

Wednesday 1st January 2014. 05:04.

The premises staff were observed to be still open and trading at 05:04. It was obvious to PC Hearth that the premises have been open and trading all night, and past its 02:30 terminal hour. Other late night takeaways in the City had applied for a TEN for New Year's morning trading. This premises has never applied for a TEN.

Tuesday 7th January 2014.

A formal warning letter was sent by Sarah Cornell at Brighton & Hove City Council Licensing Department to Mr Hadavi (the Premises Licence Holder) in relation to previous breaches of the licence. This letter also made reference to a previous visit by Council Licensing to the premises on Thursday 12th September 2013 to carry out a routine licensing inspection and discuss previous allegations of trading beyond permitted hours.

Saturday 8th February 2014. 03:12.

Police officers conducted a test purchase operation in plain clothes. An officer entered the premises at 03:12 and ordered and paid for hot food. The food was served at 03:15. PC Upton went into Golden Grill and spoke to Mikhah Mehrdad, who admitted that he did know his permitted hours on the licence, and admitted that he had continued to trade past 02:30 as he was in competition with a neighbouring takeaway, and he did not see why he should adhere to the permitted hours on his licence, if the neighbouring premises was still trading. PC Upton told Mr Mehrdad that he would be reported to the Council for the breach and left.

PC Upton left with his police colleagues and drove past Golden Grill, the premises was STILL open and new customers were entering the shop with the shop staff and management making no attempt to turn them away.

This premises is persistently breaching the permitted hours on its licence. Despite continued interventions by uniformed police officers and a formal written warning from Council Licensing, the premises continue to trade beyond their permitted hours. Mr Mehrdad at the premises on the 8th February 2014 stated to officers that he would continue to serve customers after 03:30 in the morning if competing businesses were doing so. He and his colleagues then continued trading after the officer had left. These actions show that the premises management have a wilful disregard of the terms of the premises licence. These breaches of the licence have continued despite repeated visits and warnings by uniformed police officers, and a formal written warning from Council Licensing.

The premises management have failed to promote the licensing objectives, and specifically the prevention of crime and disorder and public nuisance, whilst it continues to break the law by breaching its licence permitted hours. The premises cannot be seen to be promoting the licensing objective of the prevention of crime and disorder, whilst they continue to break the law (S.136 of the Licensing Act 2003) by continually and deliberately breaching their permitted hours.

To address our concerns, Sussex Police considered requesting the Licensing Committee reduce the permitted hours on the premises licence. However, as the premises management have not adhered to their existing licence hours, and have demonstrated a lack of regard for the Licensing Act 2003, it is unlikely that shorter hours would be adhered to.

Sussex Police consider that there is no alternative other than to request the Licensing Committee give serious consideration to revoking the premises licence of this venue. Sussex Police contend that revocation is an appropriate and proportionate response to the continual disregard to the hours on the existing licence and the additional public nuisance that will have been caused as a result of trading after permitted hours.

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

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

Please tick yes

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature (on behalf of the applicant)


pp

Date
27th February 2014

Capacity

Chief Superintendent, Divisional Commander, Brighton & Hove Division

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) david.bateup@sussex.pnn.police.uk	

Notes for Guidance

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

Appendix C

204/00903/LAREV

PCD
PS
PPN

Vanessa Archer

From: [Redacted]
Sent: 29 March 2014 17:45
To: Vanessa Archer
Subject: licence objection

Thank you for your help. I now enclose as suggested. Juliette Hunting

Representation to Licensing Application

Name & address of premises subject to application

Golden Grill 9 Western Road Hove BN3 1 AE 1445/3/2014/0093/larev

Your name and address (residence of business)

Chair, Lansdowne Area Residents' Association, [Redacted] ng

[Redacted]

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENTAL HEALTH & LICENSING
DATE RECEIVED

31 MAR 2014

Note: Whether or not your representation can be considered depends upon whether your residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on the premises or immediately outside the premises.

Please state the substance of your representation within one (or more) of the following categories (representations outside these categories cannot be considered).

The Prevention of Crime & Disorder

The Association, fully constituted, supports the application by the police for a review, and revocation of the licence. This is in a Cumulative Impact Zone to which the residents responded and welcomed.

The Western Road artery is surrounded by residential properties and where there is late night refreshment available after alcohol drinking this encourages noisy and rowdy behaviour, - these activities spilling over into the side areas. This problem appears regularly as one of the priorities of the local Brunswick and Adelaide ACTION Team LAT.

Public Safety

late night refreshment shops with small seating areas, results in their customers spilling over onto the narrow pavement, making walking along very unsafe. The customers then often use local

31/03/2014

space areas to congregate and make the area unsafe.

Prevention of Public Nuisance

The availability of late night refreshment encourages loitering by customers outside the premises and creating noise and disturbance as they continue through this residential district, of some 6000 - 7000 residents thus causing a public nuisance

The Protection of Children from harm

Sleep patterns of the residents are badly disturbed, particularly those of children of whom there are an increasing number by late night activities.

Signed: J. Hunting Date: ..27 march 2014.....

Name: . j. Hunting.....

Please note:

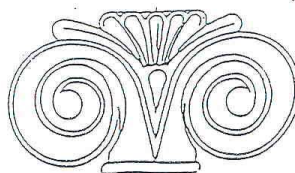
1. Electronically transmitted representations must be confirmed in writing and signed within 5 working days.
2. Representations are in the public domain. Copies are sent to the applicants to allow discussions and with the notice of hearing. They are also included in Licensing Panel papers. Hearings are public.

*** eSafe scanned this email for malicious content ***

*** IMPORTANT: Do not open attachments from unrecognized senders ***

31/03/2014

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENTAL HEALTH & LICENSING
DATE RECEIVED
31 MAR 2014



PCD
PPN

Friends of Brunswick
Square & Terrace



Dear Madam/Sir,

28th. March, 2014.

re. The Police Review in respect of the following:-

Casba, 11, Western Road 1445/3/2014/00897/LAPEV.

Casbah, 8, Western Road. 1445/3/2014/00899/LAPEV.

The Golden Grill, 9, Western Road 1445/3/2014/0093/LAPEV.

The Friends of Brunswick Square & Terrace would like to support the Police Review concerning the above food outlets, which we understand seeks to limit the selling of food to 11p.m. at night. We have heard reports of noise and anti-social behaviour at night and in the early hours where these outlets are situated on the Western Road. Also, we have heard complaints that the pavements outside the premises get congested in these late hours, with the result that uninvolved pedestrians are forced into the road to get by, putting themselves in danger.

Yours faithfully,

(Alan Felton - Chair)

To Whom it May Concern,
The Licensing Department,
Bartholomew House,
Bartholomew Square,
Brighton, BN1 1JE.

VALID ✓
CD
PN
CIZ

EHL – please treat as supporting rep to Police application. Thanks, Tim

Tim Nichols
Head of Regulatory Services
Planning & Public Protection
Brighton & Hove City Council
01273292163
New email address: tim.nichols@brighton-hove.gcsx.gov.uk

From: Phelim MacCafferty
Sent: 31 March 2014 16:17
To: Tim Nichols
Cc: Ollie Sykes
Subject: RE: Western Road Hove kebab shops unclassified

Dear Tim

Please find my letter supporting the Police's position below. I can provide the resident's correspondence as an appendix (with their personal details redacted) if necessary.

ATB

Dear Tim

This is a note to advise you that I will be supporting Sussex Police for the revocation of late night refreshment licences for Casba, Casba 2 and Golden Grill.

It is my understanding that Sussex Police are seeking such a revocation for these premises operating beyond their permitted hours.

Through my work on the Local Action Team, anti-social behaviour and fear of it, particularly at night, is regularly reported to our two PCSOs and is a real issue of concern for local residents, which indeed we have raised with Inspector Jon Carter of the West Area Neighbourhood Policing Team.

As you will know from the way in which the Cumulative Impact Zone was welcomed by residents in the ward, there is a commonly-held understanding that the late night economy is putting an acute strain on particular areas of our community- whether that's late night vertical drinking establishments or the late night refreshment economy that accompanies it. Sadly the feedback I have had from residents' correspondence and amenity groups in the ward is that they feel these three licensed premises are adding to public nuisance in this part of our community.

One of the 4 key licensing objectives is prevention of public nuisance. Public nuisance is not defined tightly in the 2001 legislation but retains common law meaning and in the circumstances of this correspondence I wish to articulate how noise nuisance has harmed the amenity of my residents.

I have correspondence from residents 3 years ago (11th August 2011) which asserts that, sadly, there has been a long-term consistent problem- these residents talked about how "...this premises has installed a large stereo system in its serving area, which is used at extremely high volume to play dance music, mainly between 11pm and 4am..."

A letter from an environmental health officer was sent to my resident on 15th August 2011. Residents also talked about how after a visit from the Noise Patrol Officers, noise abated but once again rose. This clearly is outside of the licensed hours of the premises. It is the operation beyond the permitted hours which the Police are using as their evidence today.

Said residents informed me and together we contacted environmental health, noise patrol officers and so on about what was a problem then and what remains a problem that is sadly still affecting residents today. There is an understanding from residents that there has been a persistent, consistent noise nuisance and the amenity groups' response to the Police's call for a revocation supports my understanding of noise nuisance.

Please keep me informed when this panel is in sitting so I can come along. I would also like to speak as a witness as a ward Councillor.

Yours sincerely
Phélim

Phélim Mac Cafferty

Green Party Councillor for Brunswick and Adelaide
Chair of Planning, Brighton and Hove City Council
Member of the Economic Development and Culture Committee, Community Safety Forum and Staff Consultation Forum; Chair of B&H Music Trust; Member of B&H Citizens' Advice Bureau & Arts Commission; Representative on the Coastal West Sussex Strategic Planning Board.

p: 01273 291357

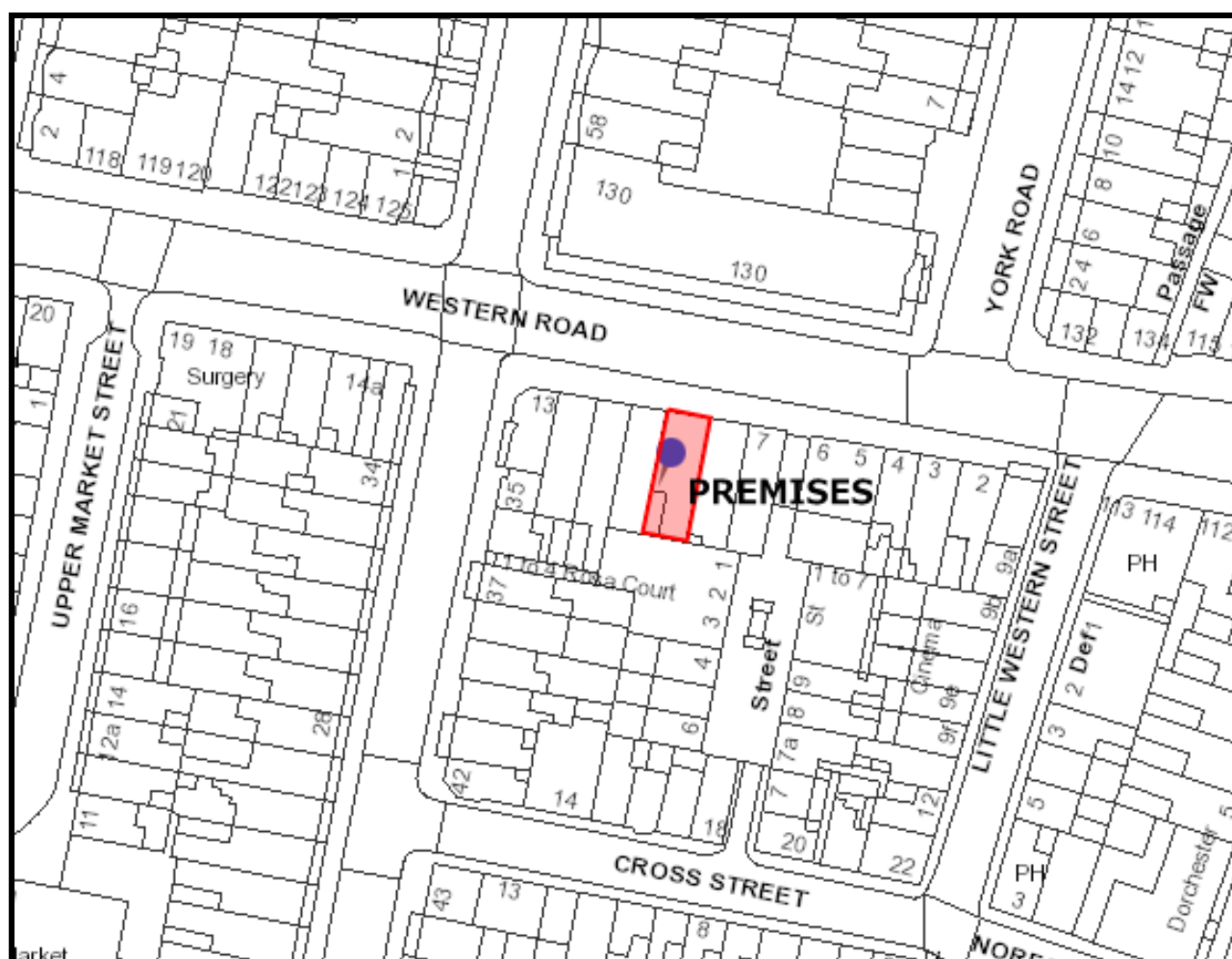
e: phelim.maccafferty@brighton-hove.gov.uk

a: King's House, Grand Avenue, Hove, BN3 2LS

t: @phelimmac

w: <http://www.brighton-hove.gov.uk>

Appendix D



Appendix E



Sussex Police
Serving Sussex

www.sussex.police.uk

Brighton Police Station

Brighton & Hove Licensing Unit
4th Floor
Police Station
John Street
Brighton
BN2 OLA

Tel: 101 ext 550826

Fax: 01273 66 55 96

Email: david.bateup@sussex.pnn.police.uk

21st March 2014

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

Dear Sirs,

**RE: APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR GOLDEN GRILL, 9
WESTERN ROAD, HOVE, EAST SUSSEX, BN3 1AE.**

Further to the review application in respect of the above premises served by Sussex Police on the 27th February 2014.

I enclose our evidence bundle in support of the application.

Yours faithfully,

RE Nev Kemp
Chief Superintendent
Divisional Commander
Brighton & Hove Division

Sussex Police Headquarters

Malling House Malling, Lewes, East Sussex, BN7 2DZ

Telephone: 101 | 01273470101

Sussex Police
Supporting Evidence for Review Application
Golden Grill, 9 Western Road

Document Index:

1. Statement from PS Simon Morgan of Sussex Police – Brighton & Hove Licensing Team
-

Attachment 1: Police observed breach

2. Statement from A/PS Hearth
This relates to incident on **Saturday 02/11/2013 03:10hrs** in Review Application
-

Attachments 2 and 3: Police observed breach

3. Statement from PC White
 4. Statement from SC Soderholm
This relates to incident on **Sunday 10/11/2013 02:44hrs** in Review Application
-

Attachment 4: Police observed breach

5. Statement from A/PS Hearth
This relates to incident on **Saturday 21/12/2013 02:45hrs** in Review Application
-

Attachment 5: Police observed breach

6. Statement from SC Soderholm
This relates to incident on **Saturday 28/12/2013 03:00hrs** in Review Application
-

Attachment 6: Police observed breach

7. Statement from A/PS Hearth
This relates to incident on **Wednesday 01/01/2014 05:04hrs** in Review Application
-

Attachment 7: Police observed breach

8. Letter from Sarah-Jane McNaught (BHCC Licensing Officer) to Ladan Hadavi
This relates to incidents on **Saturday 21/12/2013 & 28/12/2013** and **Wednesday 01/01/2014** in Review Application
-

Attachments 8 and 9: Test Purchase Operation

9. Statement from PC Upton

10. Statement from PC Franks

This relates to incident on **Saturday 08/02/2014 03:12hrs** in Review Application

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)

URN

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Statement of: Simon Morgan

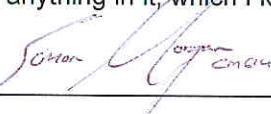
Age if under 18: 0.18

(if over 18 insert 'over 18')

Occupation: Police Sergeant CM614

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:


Date 1st April 2014

Tick if witness evidence is visually recorded

☐

(supply witness details on rear)

I am a Licensing Sergeant responsible for managing the Sussex Police Licensing Team in Brighton and Hove. I have held this position since April 2013. Prior to this I was the Licensing Sergeant in West Sussex, a position I held for three years. I have over sixteen years police service with approximately ten years spent policing the front line in Brighton. One of my roles is to ensure that licensed premises are operating within the licensing law and in accordance with both their conditions and their permitted hours of licensing. When there is evidence to show that such premises are in breach of the above or not promoting the licensing objectives, it is my duty to ensure that this is effectively addressed and remedied.

Golden Grill is situated in Western Road, Hove and it is open to the public until 02:30hrs in the morning. As it is a late night refreshment business supplying hot food or drink to members of the public after 23:00hrs, it requires to be licensed.

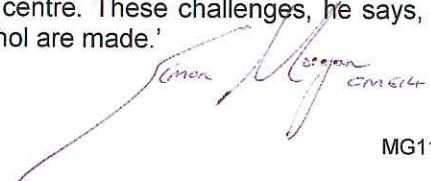
Golden Grill caters primarily for those taking part in the night time economy and it is essential that the management adhere strictly to both their licensing conditions and their permitted licensing hours. Both the conditions and permitted hours are measures which help stop the licensing objectives becoming undermined. Golden Grill have no conditions upon their licence; however they are not permitted to operate beyond 02:30hrs.

The premises is situated on an arterial route out from the city and Western Road suffers from a disproportionately high level of alcohol-related crime, disorder and anti social behaviour during the night time economy. The premises is also situated within the Cumulative Impact Zone (CIZ), where it has been evidenced and published within the Statement of Licensing Policy that the concentration of licensed premises in this small area of the city is directly contributing to crime, disorder and nuisance.

It has been recognised by Sussex Police that the existence of a late night refreshment establishment will increase the likelihood of crime, disorder and public nuisance occurring either in the premises or in the vicinity of the premises. Late night refreshment establishments essentially become focal points for individuals leaving the night time economy - some of which are drunk and also aggressive. They can also impede the flow of dispersal from the night time economy.

I have reviewed the last six months of occurrences relating directly to the night-time economy in Western Road after 23:00hrs. There are over twenty incidents in the vicinity of the premises, ten of which involve public place violent crime including a group of five males fighting in the street, a group of people (one with a knife) fighting outside a restaurant, a female head-butted in the street, a male punched on the jaw outside a hot food outlet and a female claiming that she was assaulted by staff in a late night food outlet. The occurrences in this time period also include eight incidents involving drunken individuals, one of these incidents involved the police being called at 03:18hrs to a late night refreshment establishment on Friday 1st November 2013 and removing a drunken female from the premises. There have also been three counts of criminal damage to shop windows and vehicles in the vicinity.

In 2.6.16 of the Statement of Licensing Policy, Chief Inspector Simon Nelson states: 'Weekends in the city centre continue to offer a high level of risk.' He further states that new challenges for the police have emerged concerning areas within walking distance of the city centre. These challenges, he says, apply to, 'the end of a night out when further purchases of food and alcohol are made.'



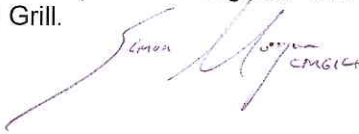
MG11(t) 9/2007

Continuation of statement of

Sussex Police's resourcing during the weekend night-time economy is encompassed by Operation Marble. The 'foot-print' of Operation Marble had previously been increased solely due to the spread of off licences and late night refreshment premises along Western Road. In turn, the Cumulative Impact Zone extended from the Preston Street border to the Holland Road border to address this proliferation.

It is therefore essential that the hot food outlets in this key location adhere to their hours of licensable activities. By operating beyond these hours, the management are not only acting unlawfully, but they are also wilfully increasing the risk of crime, disorder and public nuisance. Additionally, they are undermining the licensing objectives and furthermore acting in contempt of the processes especially designed by the Statement of Licensing Policy and Sussex Police to reduce problems relating to the night-time economy.

Golden Grill has persistently breached their permitted hours; this is despite interventions from the police and a formal written letter from the council licensing team. As such I believe that revocation of the licence is both a proportionate and appropriate measure to ensure that the licensing objectives and the safety and well-being of the public in Brighton and Hove are no longer compromised by the negligent management of Golden Grill.



Signature

Signature witnessed by:

PTO

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1)

URN

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Statement of: A/PS Ben HEARTH CH234

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Acting Police Sergeant

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:



Date 14/02/2014

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

On Saturday the 2nd of November 2013 I was on duty in full uniform crewed under callsign JC703 together with PC UPTON CU779. Following intelligence received that the Golden Grill on Western Road in Hove was operating passed its 0230 licensed hours serving hot refreshments I went to the premises. At approximately 0310 hours we drove passed the premises and noticed that both the doors to it were open and all its lights were on. I could see that there were approximately 7 people within the premises waiting for food and I observed 3 attendants behind the counter working on the meat or cutting up salad. The front part of the premises interior can be easily seen from the roadside. The right hand side of the premises is the counter that runs along the wall allowing a small, almost corridor size, area that people wait to be served or walk to the rear of the premises that opens out into an area containing table and chairs. This area towards the back of the premises cannot be seen from the outside. Due to witnessing the premises being open at this hour, and once passing the premises, we turned the car around and parked up a couple of car lengths down from the entrance. Whilst this view point did not allow us to see directly inside and or see what exactly was going on, it gave us a good viewpoint of people coming in and out of the premises. We parked up for approximately 10 minutes and in that time I was able to observe several people enter the premises empty handed and then leave with wrapped up packages which I suspected was cooked food. One female who entered the premises, stood out as once she went in she came back out almost immediately to smoke, then re-enter the premises and leave with what I suspected to be hot food.

At 03.20 we went into the premises which was now empty of customers though I could see donar meat still being cooked. I then looked around to see if I could see PART B of the premises licence on display as this is a legal requirement. Not being able to locate PART B I then asked one of the males behind the counter for a copy of their licence. The male I asked, could not locate PART A of the licence, and whilst this male was attempting to locate the licence one of the other attendants looked at me and said words to the effect of "ITS



Attachment 1

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: Teresa Louise WHITEAge if under 18: 0.18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature:  DW777Date 14th February 2014Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

At approximately 02:25 hours on Sunday 10th November 2013 I was on duty in full uniform driving a marked police vehicle, accompanied by SC Soderholm, S2520. I was using the callsign JC702. At this time I drove along Western Road, Hove heading west. SC Soderholm and I were interested to see whether or not the 'Golden Grill' kebab shop situated at 9 Western Road, Hove was still open for business following information received that they had been carrying out licensable activities outside of their permitted hours which are 2300-0230 hours. SC Soderholm and I patrolled the general area for about 10 minutes and during this time I drove past the Golden Grill on a number of occasions. At around 0230 hours I saw that the premises were still open, with all lights on. There was a considerable number of people, around 8-10 queuing up at the counter, presumably wanting to order food. I recall that this queue was out of the door and onto the pavement. There were three members of staff inside the premises, behind the counter, all actively involved in food preparation.

At approximately 02.45 hours SC Soderholm and I entered the Golden Grill. Straight away, upon seeing us, they claimed to be closing up and apologised for it being late. I noticed several people seated toward the rear of the premises that were eating hot food. I recognised some of them as having been in the queue described previously. I recall one member of staff claiming that they were only serving the customers that were already there, gesturing toward the group at the back of the premises. This group would not have been served prior to 02.30.

The staff were instructed to stop serving and close the shop immediately. They were also informed that we would be making the Licensing Department at Brighton and Hove City Council aware.


DW777

Signature: _____

Signature witnessed by: _____

MG11 5/2007

RESTRICTED (when complete)

Attachment 2

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: Daniel SODERHOLMAge if under 18: Over 18 (if over 18 insert 'over 18')Occupation: Special Constable S2520

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature:

Date 15/02/2014

Tick if witness evidence is visually recorded

☐

(supply witness details on rear)

On Saturday, November 10th 2013, I was on duty in uniform with PC WHITE DW777, on patrol for BRIGHTON & HOVE LICENSING TEAM. Following information that a number of restaurants in Brighton and Hove were continuing to serve food past their licensed trading hours, we attended the GOLDEN GRILL, 9 WESTERN ROAD, BRIGHTON, which is licensed to trade until 02:30 hours.

We drove past the GOLDEN GRILL at 02:32 and 02:36, and noted that the lights were on and door open, a number of customers were queuing to order at the counter, and staff appeared to be actively involved in the preparation of hot food in the form of kebabs, burgers and chips.

At 02:44, we walked up to the shop and entered through the main door. As soon as we did so, staff immediately started preparing to close the shop. One member of staff said, "SORRY, I KNOW IT'S LATE".

I saw several customers sitting in the rear seating area and eating the hot food they had purchased in the premises. When I pointed this out to a member of staff, he said, "I'M ONLY SERVING THE ONES THAT WERE ALREADY HERE" and pointed to the customers at the rear of the shop. However, several of the customers were seen queuing at the counter and did not appear to have ordered until after the time when we first drove past.

PC WHITE and I instructed staff to close up as they were no longer licensed to trade. I made a note of the incident on the Sussex Police INNKEEPER computer system later the same night.

This statement was completed on 15th February, 2014.

Signature:

Signature witnessed by:

MG11 5/2007

RESTRICTED (when complete)

Attachment 3

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: A/PS Ben HEARTH CH234

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Acting Police Sergeant

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:

Date 14/02/2014

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

On Saturday the 21st of December 2013 I was on duty in full uniform crewed under callsign JC703 together with SC SODERHOLM S2520. Following further intelligence that the Golden Grill on Western Road was still operating past its licensed hours we attended the premise at 02.45. As we approached the premises I could see that all the lights were on and the doors to the premises were wide open. We entered the premises and could see a male who was very intoxicated slumped up against the wall waiting for food. Anytime the male came away from the wall he was so unsteady that he would go back to the wall to support himself. I could see when I was within the premises that meat was cooking on the spit and also a burger was being cooked on the grill. I turned to one of the four attendants working behind the counter explaining the reason for the visit and the fact that the premises should have stopped serving hot food at 02.30. The male then said that they were closed, I enquired why the doors were wide open and he explained that it was quite difficult to keep people out. This seemed odd to me and so I suggested that by closing the doors and turning off the lights that this would alleviate the problem. One of the attendants then followed my instructions and closed the door and turned off the outside lights. The male attendant I had started speaking to then explained that he had served the male who was waiting, the previously described drunk person, before 02.30 as per their licence. He then indicated that the burger on the grill was being cooked for the male. With that I asked why the meat on the spit was cooking. The male explained that this was for him. I was finding their reasons hard to believe as by this point it, roughly 02:50, their excuses would have meant that the burger would have been cooking for over 20 minutes which didn't seem the case. Due to this I asked them to show me their till roll since 02.30 and the attendant stated that he did not know how to work it. Noticing that they had CCTV, I asked them if I could see the CCTV for the same period to which he stated that his manager had the pin code for the CCTV and as such he could not use it. Once this conversation had finished and as the burger seemed to be close to being finished I waited around for the male to be served. The attendant

Attachment 4

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: Daniel SODERHOLMAge if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Special Constable S2520

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature: [Signature] Date 15/02/2014Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

On Saturday 28/12/2013, I was on duty in uniform with PC HEARTH CH234 from the BRIGHTON & HOVE LICENSING TEAM. I have been trained in the use of body worn video (BWV) and took control of a Sussex Police Reveal Media BWV camera, which I booked out from the BWV computer system in my name. I ascertained that the data card was blank, the equipment was working correctly, and the time and date were correct.

Following information that a number of restaurants in BRIGHTON & HOVE were continuing to serve food past their licensed trading hours, we attended the GOLDEN GRILL, 9 WESTERN ROAD, BRIGHTON, which is licensed to trade until 02:30 hours.

PC HEARTH and I attended the GOLDEN GRILL at 03:09:19 hours to establish whether they were still trading past their licensed hours, and I started recording on the BWV camera. I did this to make a record of the visit, the time, and the conversation that PC HEARTH and I had with staff.

When we entered the GOLDEN GRILL, there were two male customers in the process of being served, and two male members of staff behind the counter. I saw member of staff was preparing a tray of meat, rice and salad for the customers and continued to prepare it and hand it to them whilst PC HEARTH and I spoke to him about the fact that they were still open. The staff did not appear to have made any preparations to close the shop until after the customers left, shortly after PC HEARTH and I arrived. PC HEARTH asked the staff to provide CCTV and till receipts to show whether they had been serving customers but the staff were unable to operate the equipment to do so. I stopped recording at 03:13:59, when PC HEARTH and I left the premises.

I recorded 1 file in relation to the visit. During the video, the left half of the screen becomes black for a period. That is because the right lapel of my jacket folded over and covered the lens. I continued recording during this time. I later plugged the BWV device into the Sussex Police computer system that securely stores and audits all data.

On Friday, 15th February, 2014, I retrieved the video file from the above incident. I copied the data onto a DVD video disc using the same computer system. The data was not altered in any way. I designated this disc as the master disc, giving it the exhibit reference of DS/1. I sealed and signed the disk and then made an additional copy of the disk to use as a working copy. I later entered the master disc into the G83 property store at Brighton under receipt number CBHS/14/02/02730.

Signature: [Signature]Signature witnessed by: [Signature]

MG11 5/2007

RESTRICTED (when complete)

5.

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1)

URN

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Statement of: A/PS Ben HEARTH CH234

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Acting Police Sergeant

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:



Date 14/02/2014

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

On Wednesday the 1st of January 2014 I was on duty in full uniform crewed under callsign JC703 together with PS MORGAN CM614. During the New Years eve shift we dealt with several incidences and throughout the night we completed several premises checks. Towards the end of our shift and on routine patrol we attended Western Road in Hove to see if several kebab shops were still open due to recent intelligence that they were operating past their licensed hours. We were aware that not one had applied for a temporary event notice for New Years eve. We had attended this particular parade of 3 Kebab shops earlier on in the evening and noticed one had been operating passed their hours and suitable words of advice had been given to them. At approximately 0500 we attended the same parade of shops and noticed that all 3 were still open. The premises that I went to speak to the staff was the Golden Grill on Western Road, whereas PS MORGAN CM614 and PC UPTON CU779, who had joined us towards the end of the shift, went into the other two. I was aware that on our previous visit at approximately 01.45 that the Golden Grill had been open, however I was also aware that they had licensed hours until 02.30 which meant that at that time they were operating within their licensed hours.

As I approached the open door to the premises I saw one of the staff try to close it. I then opened the door and entered, I could see that hot food was still being cooked and there were two customers waiting for the food. Whilst they were now technically allowed to serve hot food, as the licensing act stipulates a licence is required for serving of hot food between 2300 and 0500, it was clear to me that they had been operating past their hours since 0230 and the present time as they hadn't just opened up to trade. I introduced myself and asked why they were serving hot food and they stated that the two waiting were friends and not customers, I found this hard to believe having had so many reports of this premises opening passed their licensed hours and having observed them serving passed their hours myself on previous visits. With that I asked for the males details which he provided as Elias SHAMALA 13/06/1988 and stated that I would be reporting this



Attachment 6

Ladan Hadavi
Flat 1
5-6 Western Road
Hove
BN3 1AE

Date: 7th January 2014
Our Ref: 2014/00061/LICCON/EH
Phone: (01273) 295801
Fax: (01273) 292196
Email: Sarah.cornell@brighton-hove.gcsx.gov.uk

Dear Sirs

Licensing Act 2003 – Unauthorised licensable activities -WARNING
Golden Grill, 9 Western Road, Hove, BN3 1AE

I am writing to you in your capacity as premises licence holder, to inform you that the above premises was witnessed operating beyond permitted hours on three separate occasions.

Information has been passed to us from the Police Licensing Unit that they visited on **21st December 2013 at 02:45hrs, 28th December 2013 at 03:00hrs and 1st January 2014 at 05:04hrs** and on all occasions the premises was open and trading. Various members of staff were advised by the police on each occasion of the authorised hours and that they were operating outside of those hours.

These are breaches of your premises licence as the hours you are authorised to open and trade are as follows:

Times the licence authorises the carrying out of licensable activities	
Late Night Refreshment	
Every Day	23:00 - 02:30

The above breaches have occurred even after our visit to your premises on 12th September 2013 at 21:15 to carry out a routine licensing inspection and discuss the allegations of trading beyond permitted hours.

There are no actual conditions on your premises licence but it is still very important that you and your staff are familiar with the licence including the authorised hours and your responsibilities under the Licensing Act 2003. The **four licensing objectives** are central to the whole Licensing Act 2003 and it is extremely important that operators uphold these, they are:

- The prevention of crime & disorder
- The prevention of public nuisance

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

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

- Public safety
- The protection of children from harm

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

(1) A Person commits an offence if –

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

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

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

In light of the fact that the Police Licensing Unit have witnessed you operating on three separate occasions, as well as verbal advice being given to various members of staff regarding opening beyond permitted hours, I am issuing you with a **Warning** in accordance with our Licensing Enforcement Policy. If you continue to carry out unauthorised licensable activities then further enforcement action will be taken.

Please be aware that Council Licensing and Police Licensing teams have enforcement officers monitoring the city both day and night and we will be monitoring the premises.

If you have any queries regarding the contents of this letter please do not hesitate to contact me to discuss.

Yours faithfully,

Sarah Cornell
Senior Licensing Officer
Licensing Team, Environmental Health and Licensing
Regulatory Services

c.c. The Manager, Golden Grill, 9 Western Road, Hove, BN3 1AE
c.c. Brighton & Hove Police Licensing Unit, Brighton Police Station (via email)

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: David UPTON

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Officer CU779

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:



Date 09/02/2014

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

On Saturday the 8th of February 2014 I was on duty in plain clothes with my colleagues PC FRANKS DF386 and SC SODERHOLM S2520. I work in the police licensing department and as part of our responsibilities we check that fast food outlets with a late night refreshment licence are abiding by their conditions.

Over the last few months we have been having particular trouble with 3 Kebab shops in Hove. These are Casba 2, 8 Western Road Hove. The Golden Grill, 9 Western Road Hove and Casba, 11 western road Hove. My colleagues and I have attended these premises numerous times in the recent months and they have always been serving customers long past their permitted hours. Every time I have seen this I have gone into the shop and asked them why they are serving, what their hours are and where their licence is. At no time have any of the shops been able to produce their licence. Not one of them has had the Part B of the licence on display and not one of them would tell me what time they should be shutting despite me knowing this before attending. They generally come out with a range of excuses which include 'THE OTHERS DO IT SO I HAVE TO DO IT OR I WILL LOSE OUT' often it will just be complete denial that they were doing anything at all even though I have witnessed it.

On the 8th of February we were carrying out a test purchase operation. This involves an officer in plain clothes entering the Kebab shop and attempting to buy hot food or drink. Another officer in plain clothes stands in the area and watches the transaction take place. Once the first officer comes out of the shop they show the food to the second and confirm that they paid for it then the second officer goes into the Kebab shop to identify themselves inform them that they have failed the test purchase and that the Council will be informed.

At 0315 hours on the 8th of February I went to Western Road with my two colleagues. PC FRANKS was going to enter the first of the three kebab shops and attempt to buy food while I observed from across the



Attachment 8

Continuation of statement of [REDACTED]
he stated 0230, I then asked him what the time was now and he just stated that next door were open so why shouldn't he be. I informed him he would be reported to the council and I left.

Finally I went into Casba and spoke to Aris DEMA. As soon as I identified myself as a police officer he said that he had not served anyone since 0300 hours. I said that he had and he replied 'NO, NO, NO, NO, NO I HAVE NOT' I then informed him that a plain clothes officer had been served at 0325 hours and I had watched the whole transaction. I also pointed out that there was a person stood at the till right now being served but he was in complete denial. I asked him where Part B of his licence was, the part I had asked him to put on display before Christmas, on new years eve and a few weeks ago. By now he had lapsed into silence and did not want to speak to me. I told him he would be reported to the council and I left.

I walked to the car and we started the engine to leave the area.

As we drove off more people were entering the Golden Grill and Casba, the staff were showing no signs of turning them away.



Signature



Signature witnessed by:

PTO

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1)

URN

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Statement of: PC Stephanie Franks DF386Age if under 18: Over 18 (if over 18 insert 'over 18')Occupation: Police Constable

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature:

Date 08/02/2014Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

On Friday 7th February 2014 I was on duty in plain clothes. My booking on time was 18:00 hours my duty was due to finish at 04:00 hours on the 8th February 2014. I was with PC UPTON CU779 and SC SOEDERHOLM S2520. It was believed that there were three kebab shops on WESTERN RD, BRIGHTON that were serving food to customers after their licensed hours. All three shops had been spoken to about the keeping to their license. However it was believed that even after being spoken to by the licensing team they continued to ignore their licensed hours. Subsequently it was decided that a test purchase would be carried out.

At 03:12 hours on Saturday 8th February 2014 I went to Golden Grill, 9 Western Rd, Hove BN3 1AE. The shop is situated on the southerly side of CHURCH RD. PC UPTON stood on the northerly pavement and watched me entered Golden Grill. I saw a male who I would describe as a white male, 5ft10", aged approximately 50, white/grey hair. I said "PLEASE CAN I HAVE A SMALL PORTION OF CHIPS". He turned to another male who I would describe as white perhaps eastern European, short light coloured hair aged between 25-35 and told him to put the chips in. The second male put the chips in the deep fat fryer; once they were cooked he put them in a takeaway box. He said "WOULD YOU LIKE ANY SALT OR VINIGAR". I said "PLEASE CAN I HAVE SALT". The male put the salt on and then asked "WOULD YOU LIKE ANY SAUCES" I replied "NO THANK YOU". The male handed the chips to me. The first male took the money from me. I then walked out crossed over the road and showed PC UPTON and SC SOEDERHOLM the chips I had bought.

Signature:



Signature witnessed by:

MG11 5/2007

RESTRICTED (when complete)

Attachment 9

Appendix F

Memorandum of Agreement

This memorandum reflects the agreement between Ladan Hadavi, Premises Licence Holder of Golden Grill, 9 Western Road, Hove, BN3 1AE, and the Chief Constable of Sussex Police in the matter of the Review of the Premises Licence to be heard on the 25th April 2014.

It is agreed that the premises licence be varied as follows:

1. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System, operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The CCTV cameras and recording equipment must be of sufficient quality to work in normal lighting levels inside the premises at all times. CCTV footage will be stored for a minimum of 28 days and subject to Data Protection requirements 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. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. 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 for the police without difficulty or delay and without charge to Sussex Police. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
2. The premises will join the BCRP or like scheme operating with 'Nightsafe' information, Yellow card schemes and radio' if it exists.
3. The premises will contract the services of an approved mobile support unit if available to cover all its hours of opening.
4. The premises will complete a written risk assessment in relation to the provision of SIA registered door staff at the premises. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays and other City Centre events. The written risk assessment will be available for inspection by police and Authorised Licensing Officers. Additional door staff will be provided at the premises for a specified period if required in writing by Sussex Police.

- Sussex Police
5. All staff however frequently or infrequently employed and in whatever role shall receive training in the hours of operation permitted, the law and conditions on the licence. This training will be carried out before the premise re-opens, will be documented in full and a written record kept in a separate file for each member of staff who will not commence working at the premise until the training is received and acknowledged and thereafter will be refreshed at intervals of no longer that 3 months. All details of training and the written records will be kept for at least 12 months and made available for inspection by the police and authorised officers under the Act.

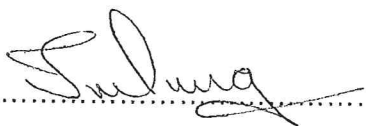
The following have also been agreed:

From the 29th of May 2014 until the 29th of August 2014 on any occasion the premises is open after 23.00 hrs an SIA registered door supervisor will be employed until after close of the premises, such closure time being recorded daily by the manager in charge and signed off by the Door Supervisor employed. During this three month period a written risk assessment will be made concerning the need for additional door staff, taking into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays and other City Centre events. The written risk assessment will be available for inspection by police and Authorised Licensing Officers. Additional door staff will be provided at the premises for a specified period during the three month period if required in writing by Sussex Police. [This temporary condition will supersede condition 4 above during the specified period between May to August].

The premises licence holder agrees a period of suspension from Thursday the 22nd of May through to Wednesday the 28th of May during which time no licensable activities will take place after 23:00 hrs.

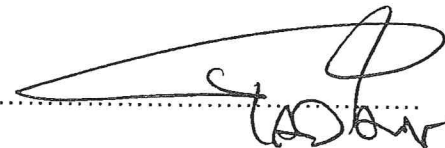
Sussex Police and Ladan Hadavi submit this Memorandum of Agreement to the Licensing Committee for consideration and respectfully request that the agreement is accepted in its entirety.

Both parties contend that application of the above conditions to the Premises Licence and suspension of the Premises Licence, as detailed above, is both necessary and proportionate to ensure the four Licensing Objectives will be promoted.

Signed..........

Jean Irving signing on behalf of Sussex Police

Dated:

Signed..........

Ladan Hadavi on behalf of Golden Grill

9/03/14

Dated:

LICENSING PANEL

(Licensing Act 2003 Functions)

Agenda Item 81

Brighton & Hove City Council

Subject:	Review of a Premises Licence under the Licensing Act 2003		
Applicant:	Sussex Police		
Premises:	Casba, 11 Western Road, Hove, BN3 1AE		
Licence Holder:	Aris Dema		
Date of Meeting:	25 April 2014		
Report of:	Director of Public Health		
Contact Officer:	Name:	Jim Whitelegg	Tel: (01273) 292438
	Email:	jim.whitelegg@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	Brunswick & Adelaide		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

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

2. RECOMMENDATIONS:

- 2.1 That the Panel review the licence granted to the premises known as **Casba** under the Licensing Act 2003

3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

- 3.1 Existing licence attached at Appendix A.
- 3.2 Brighton & Hove City Council is both the relevant licensing authority and a responsible authority in respect of any premises, and may in its capacity apply under Section 51 of the Licensing Act 2003 for a review of any premises licence in respect of the premises.
- 3.3 An application was received by the Licensing Authority from Sussex Police, to review the licence granted to the premises known as Casba, 11 Western Road, Hove, BN3 1AE. A copy of the review application form is attached at Appendix B.
- 3.4 The grounds for the review relates to the following Licensing objectives
- Prevention of Public Nuisance
 - Crime of Disorder
 - Public Safety

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

3.5 At this hearing the licensing authority must:

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

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

Representations received

- 3.6 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:
- 3.7 Three representations have been received from Interested Parties and a Ward Councillor on the grounds of The Prevention of Crime & Disorder, The Prevention of Public Nuisance and Public Safety supporting the application submitted by Sussex Police seeking the revocation of the licence.
- 3.8 Full details of the representations are 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**:

General

- 1.2 The licensing objectives are:-
- (a) Prevention of Crime and Disorder;
 - (b) Public Safety;
 - (c) Prevention of Public Nuisance;
- 1.3 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 area.

- 1.5 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.

In respect of the prevention of crime and disorder

- 2.1 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.
- 2.2 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.
- 2.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 2.7.1 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. A "matrix" approach to licensing decisions has been adopted and is set out below.

Matrix approach for licensing decisions in a Statement of Licensing Policy

	Cumulative Impact Area	Special Stress Area and London Road	Mixed Commercial and Residential Areas (streets containing shopping parades)	Residential Area (mainly residences in street)	Marina
Restaurant	Yes (midnight)	Yes (2am)	Yes	Yes (11.30pm)	Yes
Late Night Takeaways	No	Yes (midnight)	Yes (midnight)	Yes (midnight)	Yes
Night Club	No	No	Yes (3am)	No	Yes
Pub	Yes (11pm)	Yes (11pm)	Yes (3am)	Yes (11pm, midnight Friday and Saturday)	Yes
HVVD (Super pub)	No	No	No	No	Yes
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes (favourable)	Yes	Yes
Off-licence	No	No	No	Yes (8pm)	Local shops only
Members Club	Yes (<100)	Yes (<100)	Yes	Yes (11pm and midnight Friday and Saturday)	Yes

Notes on matrix

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

- 1) Each application would be considered on individual merit
- 2) Departure from policy is expected only in exceptional circumstances
- 3) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix
- 4) Exceptional circumstances may include: close consultation with Sussex Police and the Licensing Authority, meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to off set impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts), BCRP membership
- 5) 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

6) Shatterproof drinking receptacles will normally be required by licence condition in alcohol led establishments in the city centre

7) Outdoor events will be supported where arranged through the council's event planning process

8) Favourable consideration will be given to residential need

9) Favourable consideration will be given to local businesses properly engaged with the local licensing authority and responsible authorities

2.7.6 Care, control and supervision of premises: 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.

2.7.7 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, e.g. type of licence, capacity, operating hours restrictions.

2.7.8 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, 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.

2.7.12 Enforcement will be achieved by the enforcement policy.

3. In respect of Public Safety

- 3.3 Conditions will be imposed in accordance with operating schedules to protect public safety including where justified:

A) Provision of close circuit television and panic buttons;

B) Use of shatterproof drinking vessels, bottles requiring use of toughened glass or plastic should normally be required unless applicants can show exceptional reasons (recognised by Community Safety Strategy);

C) Use of door supervisors, licensed by the Security Industry Authority (recognised by the Community Safety Strategy);

D) Requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment;

E) Occupant capacity conditions will be applied where appropriate;

F) The provision of designated and suitably trained first aiders

- 3.5 Policy recognises that the numbers of late night revellers can lead to service delivery pinch-points, for example at city centre taxi ranks. Frustration and restlessness in queues can lead to anti-social behaviour and public disorder which can be controlled by , for example, taxi marshalling systems. Operators whose customers contribute to the night-time demand for taxis may wish to consider assisting in the provision of resources for such systems or similar schemes.

4. In respect of the prevention of public nuisance

- 4.7 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours on busy main roads and in the central leisure area. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood. Licensed premises in residential neighbourhoods will normally have a terminal hour no later than 2330. In mixed neighbourhoods they will normally have a terminal hour of no later than 0200 hours to counter noise disturbance to residents as informed by the health impact assessment and requested by Licensing Strategy Group. The Licensing Authority has adopted a matrix approach to licensing decisions (see 2.7.1)

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

4.12 Health Impact Assessment

The licensing authority's response to this public consultation exercise is as follows:

- There is no presumption in favour of later terminal hours generally
- Minor variations to licences will be processed expeditiously
- The Cumulative Impact Area (CIA) and Special Stress Areas (SSAs) will include all locations where there are residents in the vicinity of licensed premises when there is an evidential basis to justify

- Low-level impacts and noise levels as a result of alcohol consumption are legitimate considerations for licensing reviews
- Information about the licensing process using leaflets and the Council's website will be available for residents
- The Council will publicise its statement of licensing policy, enforcement policy and information to assist applying for licence reviews and making representations for licence applications
- The local character provided by small local public houses is recognised. Policy supports the need to support small local businesses, providing information and business support to assist successful businesses
- Policy recognises the need to mediate between residents and licensed premises where noise and other nuisance/disturbance occurs late into the night/early morning where appropriate. Enforcement action will have regard to the Council's enforcement policies
- Normally the terminal hour in residential areas will not exceed 2330 hours
- Normally the terminal hour in mixed areas will not exceed 0200 hours
- Normally in city centre leisure areas favourable consideration will be given to later terminal hours.

6. Strategic Integration

- 6.5 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.
- 6.8 Other regulatory regimes: This policy avoids duplication with other regulatory regimes wherever possible.
- 6.9 Enforcement – 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 H of Brighton and Hove City Council's Statement of Licensing Policy. In addition the Licensing Authority will have regard to its publishing Licensing Enforcement Policy in making enforcement decisions (Appendix E) of Brighton and Hove City Council's Statement of Licensing Policy. 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. Joint Intelligence Meetings are organised and include officers from responsible authorities.

8. Reviews

- 8.1 Reviews represent a key protection for the community. Where the licensing authority considers action necessary under its statutory powers it

will take necessary steps to support the licensing objectives. Action following review will be informed by licensing enforcement policy.

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 Jeff Coates

Date: 08.04.2014

Legal Implications:

- 5.2 The licensing authority must act to promote the four licensing objectives which are:

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

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Rebecca Sidell

Date: 08.04.2014

Equalities Implications:

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

Sustainability Implications:

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

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part A of Premises Licence
2. Appendix B – Review Application
2. Appendix C – Representation
3. Appendix D – Map of area
4. Appendix E – Supplementary Documentation

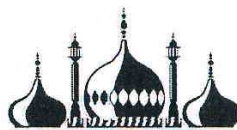
Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2011, as amended 20 December 2011.

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2011, as amended 20 December 2011.

Appendix A



Brighton & Hove City Council

Schedule 12

Part A

Regulation 33, 34

Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2013/05478/LAPRET

Part I – Premises Details

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

Casba
11 Western Road
Hove
BN3 1AE

Telephone number

Licensable activities authorised by the licence

Late Night Refreshment

Times the licence authorises the carrying out of licensable activities

Late Night Refreshment

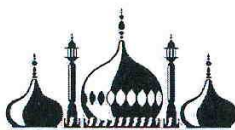
Monday - Sunday 23:00 - 03:00

The opening hours of the premises

Monday - Sunday 12:00 - 03:00

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

N/A



Brighton & Hove City Council

Part 2

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

Aris Dema
19A Brunswick Place
Hove
BN3 1ND

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

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

N/A

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

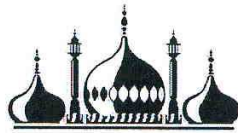
N/A



Annex 1 – Mandatory conditions – N/A

Annex 2 – Conditions consistent with the Operating Schedule – N/A

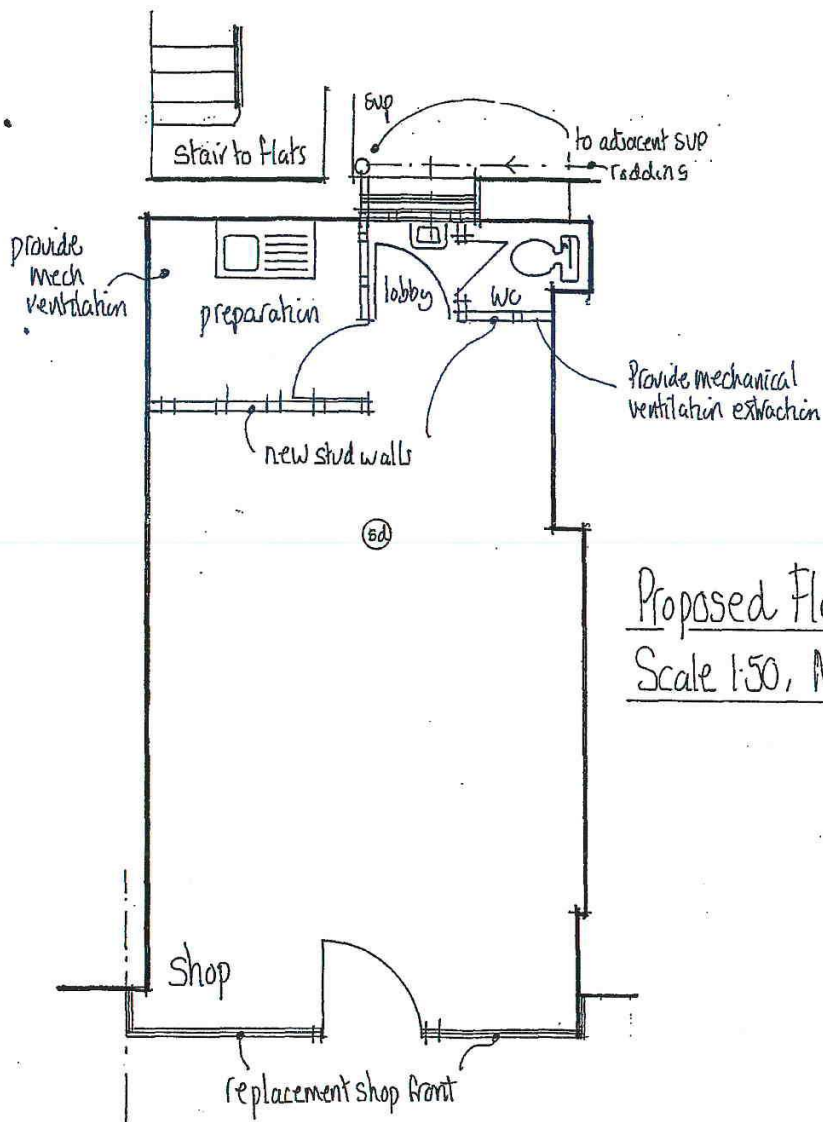
Annex 3 – Conditions attached after a hearing by the licensing authority – N/A



**Brighton & Hove
City Council**

Annex 4 – Plans

11 Western Rd. Hove,



Proposed Floor Plan
Scale 1:50, May 03

Appendix B

03/03 / 31/03

Valid PPN & PCD
2014/00897/LAREV

UW

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I Chief Supt Nev Kemp, Divisional Commander, Brighton and Hove Police on behalf of Temporary Chief Constable Giles York
(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Casba 11 Western Road	
Post town	Post code (if known)
Hove, East Sussex	BN3 1AE

Name of premises licence holder or club holding club premises certificate (if known)
Aris Dema 19A Brunswick Place Hove East Sussex BN3 1AE

Number of premises licence or club premises certificate (if known)
1445/3/2013/05478/LAPRET



Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises ☐
 - b) a body representing persons living in the vicinity of the premises ☐
 - c) a person involved in business in the vicinity of the premises ☐
 - d) a body representing persons involved in business in the vicinity of the premises ☐
- 2) a responsible authority (please complete (C) below) ☒
- 3) a member of the club to which this application relates (please complete (A) below) ☐

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

Please tick

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

☐

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Chief Supt Nev Kemp, Divisional Commander, Brighton and Hove Police c/o Claire Abdelkader Police Licensing Officer Brighton & Hove Licensing Unit 4 th Floor, Police Station John Street BRIGHTON BN2 0LA
Telephone number (if any) 101 ext 550828
E-mail address (optional) brighton.licensing@sussex.pnn.police.uk

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Sussex Police contend that the following licensing objectives have been seriously undermined:

- the prevention of crime and disorder
- the prevention of public nuisance

The premises staff have been observed by police officers continually keeping Casba open and trading beyond their hours for licensable activity and opening.

Since November 2013, the premises has been observed breaching their permitted hours by police on 5 occasions. The premises management and staff continue to trade after their permitted hours contrary to Section 136 of the Licensing Act 2003, despite being given words of advice by police officers and a formal warning letter from Council Licensing Officers at Brighton & Hove City Council. The management of the premises are continuing to demonstrate a flagrant disregard of the law in relation to the Licensing Act 2003.

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

Casba is a late night refreshment premises located at 11 Western Road, and is situated within the Brighton & Hove City Council cumulative impact area (CIA) as defined in the Brighton & Hove City Council Statement of Licensing Policy.

The premises is licensed for late night refreshment seven days a week from 23:00 to 03:00.

The premises operates on a single floor with the servery running along the right hand wall as you enter through the front door. There are a number of tables and chairs for patrons along the left hand side and two tables with chairs outside the premises.

The area surrounding Casba is densely populated with licensed premises and late night refreshment venues and suffers from significant crime and disorder and public nuisance. This is proven by Western Road and its locale being within the Local Authorities CIA as set out on pages 28-29 of the Brighton & Hove City Council Statement of Licensing Policy. The area may also be described as mixed use with retail units or offices at ground level and multiple occupation flats above. The roads leading immediately off of Western Road are all high density terraced housing, with many multiple occupation flats and bedsits, and may therefore be described as residential. Casba by continually opening and serving past its permitted hours is adding to the crime and disorder and public nuisance within the area as they are slowing the dispersal of persons away from the area.

Patrons of late night take away premises are usually under the influence of alcohol and such, for example, do not always react rationally to people jumping queues. Noise and associated disorder can then take place.

Below is a chronology of observed breaches, visits and letters relating to the premises recorded by Sussex Police and Brighton & Hove City Council since May 2013. These constant breaches constitute a flagrant disregard for the Licensing Act 2003 and the legislation relating to late night venues. This has been despite intervention from both police and Brighton & Hove City Council licensing team and a crime is being committed under the Licensing Act 2003.

1. Friday 17th May 2013

Environmental Protection at Brighton & Hove City Council received a complaint which alleged that there was 'banging and cleaning up noise every night until 6am' with 'music on Friday and Saturday nights in the early hours of the morning' and that it was 'only quiet enough to sleep between 06:00 – 08:30'. Whilst there was no corroborating evidence, the premises were sent a warning letter on 21st May 2013 by an Environmental Protection Officer regarding this.

2. Tuesday 3rd September 2013

Food Safety at Brighton & Hove City Council completed a routine food inspection at the premises and held discussions with 3 employees including the now Premises Licence Holder, Mr Aris Demir. The result of Food Safety's inspection found a number of hygiene and cleanliness issues, including a 26 point list of details of work that needed to be carried out at the premises to comply with the law. This meant that Casba was awarded a hygiene rating of one out of a possible five under the Food Hygiene Rating Scheme (FHRS). The premises were informed of the result by letter on 5th September 2013 by a Food Safety Officer.

3. Saturday 30th November 2013, 03:10hrs

Following driving by and observing that Casba was open at 02:50, PC White and PC Heath returned to the premises and parked up nearby to watch the activity at the premises at 03:10. They viewed 10-15 persons queuing from the serving counter to outside the premises, waiting to be served. There were two members of staff behind the counter which officers saw taking orders, preparing food, passing it to customers and taking money. Exchanges of money and transactions through the till were specifically seen at 03:15 and 03:24. The exterior lights were turned off at 03:25 and the final customer left the premises at 03:31.

4. Monday 9th December 2013

A formal warning letter was sent by Sarah-Jane McNaught at Brighton & Hove City Council Licensing Department to Mr Aris Dema (the Premises Licence Holder) in relation to breaches of the licence on 30/11/2013.

5. Sunday 22nd December 2013, 04:39hrs

PC Heath passed Casba whilst off duty and observed that the premises was still open and cooking hot food at 04:39. He noted that there were approximately 5 customers within the premises and 3 members of staff behind the serving counter.

6. Sunday 29th December 2013, 03:45hrs

PC Ben Heath and SC Soderholm drove past Casba at 03:45 and due to operational reasons were unable to stop. However, they observed that the lights were still on, there were three members of staff visible and although there were no customers present, it appeared there was food still being cooked and the tables were still outside. There was no indication that staff were clearing up, cleaning or preparing to close and would have been able to serve any passing trade.

7. Wednesday 1st January 2014, 05:10hrs

PS Morgan and PC Heath were passing Casba and noted it was still open

with the doors open, lights on, food cooking and persons inside at 05:10. The officers were able to enter the premises and confirm they had not closed when their permitted hours ceased at 03:00. Other late night refreshment premises had applied for a Temporary Event Notice for New Years morning however, Casba had not. When asked, staff members stated that although they had remained open, the persons sat inside were family and that they had not served anyone since 03:00. Staff could not operate the till to confirm whether any sales had taken place after 03:00. They could also not operate the CCTV. Staff were given formal words of advice, one of whom identified himself as the father of the manager.

8. Saturday 8th February 2014, 03:17hrs

As part of a Test Purchase operation PC Franks (dressed in plain clothes) entered Casba at 03:20 observed by PC Upton from the pavement across the road. The front door of the premises was open and PC Franks requested a Doner Kebab from the male member of staff serving. He asked her what sauces and salad she would like before taking payment.

Sussex Police contend that the management team of Casba are not promoting the licensing objectives, specifically the prevention of crime and disorder and public nuisance. They are committing crime (Sec 136 of the Licensing Act 2003) by repeatedly remaining open and serving hot food and drink after the hours they are licensed for. The premises has been observed serving on 5 occasions since November 2013 despite being given words of advice and this shows the disregard that management have for their prescribed hours and promoting the licensing objectives. These police warnings are in addition to a formal warning letter from Brighton & Hove Council Licensing Department. There have also been further formal letters from Environmental Protection and Food Safety at the local authority which display additional lack of faith in the management. However, subsequent to these letters, plain clothes officers were served hot food during the police test purchase carried out on 08/02/2014 after licensable activity should have ceased at Casba.

Sussex Police did consider requesting further conditions be added to the licence or a reduction in hours to address our concerns, but do not believe either will address the problem as the premises flagrantly disregard their current terminal hour.

Sussex Police consider that there is no alternative other than to request the Licensing Committee give serious consideration to revoking the premises licence of this venue. Sussex Police contend that revocation is an appropriate and proportionate response to the repeated disregard to the hours on the existing licence and the additional public nuisance that will have been caused as a result of trading after permitted hours.

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

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

Please tick yes


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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature (on behalf of the applicant)


pp

Date
27th February 2014

Capacity

pp. Chief Superintendent, Divisional Commander, Brighton & Hove Division

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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

Appendix C

Page 1 of 2

2014/00897/LAREV

PCD
PS
PPN

Vanessa Archer

From: juliette [jus.hunting@btinternet.com]
Sent: 29 March 2014 17:49
To: Vanessa Archer
Subject: 1445/3/2014/00897/larev

Representation to Licensing Application

Name & address of premises subject to application Casba 11 Western Road BN3 1 AE Your name and address (residence of business) Chair, Lansdowne Area Residents' Association, LARA J. Hunting c/o 41 Lansdowne Place BN3 1 HF	BRIGHTON & HOVE CITY COUNCIL ENVIRONMENTAL HEALTH & LICENSING DATE RECEIVED 31 MAR 2014
--	---

Note: Whether or not your representation can be considered depends upon whether your residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on the premises or immediately outside the premises.

Please state the substance of your representation within one (or more) of the following categories (representations outside these categories cannot be considered).

The Prevention of Crime & Disorder The Association, fully constituted, supports the application by the police for a review. and revocation of the licence. This is in a Cumulative Impact Zone to which the residents responded and welcomed. The Western Road artery is surrounded by residential properties and where there is late night refreshment available after alcohol drinking this encourages noisy and rowdy behaviour, - these activities spilling over into the side areas. This problem appears regularly as one of the priorities of the local Brunswick and Adelaide ACTION Team LAT. Public Safety late night refreshment shops with small seating areas, results in their customers spilling over onto the narrow pavement, making walking along very unsafe. The customers then often use local space areas to congregate and make the area unsafe. Prevention of Public Nuisance

31/03/2014

The availability of late night refreshment encourages loitering by customers outside the premises and creating noise and disturbance as they continue through this residential district, of some 6000 - 7000 residents thus causing a public nuisance

The Protection of Children from harm

Sleep patterns of the residents are badly disturbed, particularly those of children of whom there are an increasing number by late night activities.

Signed: J. Hunting Date: ..29 march 2014.....

Name: . j. Hunting.....

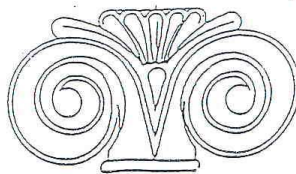
Please note:

1. Electronically transmitted representations must be confirmed in writing and signed within 5 working days.
2. Representations are in the public domain. Copies are sent to the applicants to allow discussions and with the notice of hearing. They are also included in Licensing Panel papers. Hearings are public.

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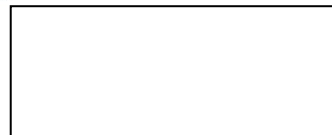
*** IMPORTANT: Do not open attachments from unrecognized senders ***

31/03/2014



Friends of Brunswick
Square & Terrace

PCD
PPN



Dear Madam/Sir,

28th.March,2014.

re.The Police Review in respect of the following:-

Casba,11,Western Road 1445/3/2014/00897/LAPEV.

Casbah,8,Western Road. 1445/3/2014/00899/LAPEV.

The Golden Grill,9,Western Road 1445/3/2014/0093/LAPEV.

The Friends of Brunswick Square & Terrace would like to support the Police Review concerning the above food outlets, which we understand seeks to limit the selling of food to 11p.m. at night.We have heard reports of noise and anti-social behaviour at night and in the early hours where these outlets are situated on the Western Road. Also, we have heard complaints that the pavements outside the premises get congested in these late hours, with the result that uninvolved pedestrians are forced into the road to get by,putting themselves in danger.

Yours faithfully,

(Alan Felton - Chair)

To Whom it May Concern,
The Licensing Department,
Bartholomew House,
Bartholomew Square,
Brighton,BN1 1JE.

VALID ✓
CD
PN
CIZ

EHL – please treat as supporting rep to Police application. Thanks, Tim

Tim Nichols
Head of Regulatory Services
Planning & Public Protection
Brighton & Hove City Council
01273292163
New email address: tim.nichols@brighton-hove.gcsx.gov.uk

From: Phelim MacCafferty
Sent: 31 March 2014 16:17
To: Tim Nichols
Cc: Ollie Sykes
Subject: RE: Western Road Hove kebab shops unclassified

Dear Tim

Please find my letter supporting the Police's position below. I can provide the resident's correspondence as an appendix (with their personal details redacted) if necessary.

ATB

Dear Tim

This is a note to advise you that I will be supporting Sussex Police for the revocation of late night refreshment licences for Casba, Casba 2 and Golden Grill.

It is my understanding that Sussex Police are seeking such a revocation for these premises operating beyond their permitted hours.

Through my work on the Local Action Team, anti-social behaviour and fear of it, particularly at night, is regularly reported to our two PCSOs and is a real issue of concern for local residents, which indeed we have raised with Inspector Jon Carter of the West Area Neighbourhood Policing Team.

As you will know from the way in which the Cumulative Impact Zone was welcomed by residents in the ward, there is a commonly-held understanding that the late night economy is putting an acute strain on particular areas of our community- whether that's late night vertical drinking establishments or the late night refreshment economy that accompanies it. Sadly the feedback I have had from residents' correspondence and amenity groups in the ward is that they feel these three licensed premises are adding to public nuisance in this part of our community.

One of the 4 key licensing objectives is prevention of public nuisance. Public nuisance is not defined tightly in the 2001 legislation but retains common law meaning and in the circumstances of this correspondence I wish to articulate how noise nuisance has harmed the amenity of my residents.

I have correspondence from residents 3 years ago (11th August 2011) which asserts that, sadly, there has been a long-term consistent problem- these residents talked about how "...this premises has installed a large stereo system in its serving area, which is used at extremely high volume to play dance music, mainly between 11pm and 4am..."

A letter from an environmental health officer was sent to my resident on 15th August 2011. Residents also talked about how after a visit from the Noise Patrol Officers, noise abated but once again rose. This clearly is outside of the licensed hours of the premises. It is the operation beyond the permitted hours which the Police are using as their evidence today.

Said residents informed me and together we contacted environmental health, noise patrol officers and so on about what was a problem then and what remains a problem that is sadly still affecting residents today. There is an understanding from residents that there has been a persistent, consistent noise nuisance and the amenity groups' response to the Police's call for a revocation supports my understanding of noise nuisance.

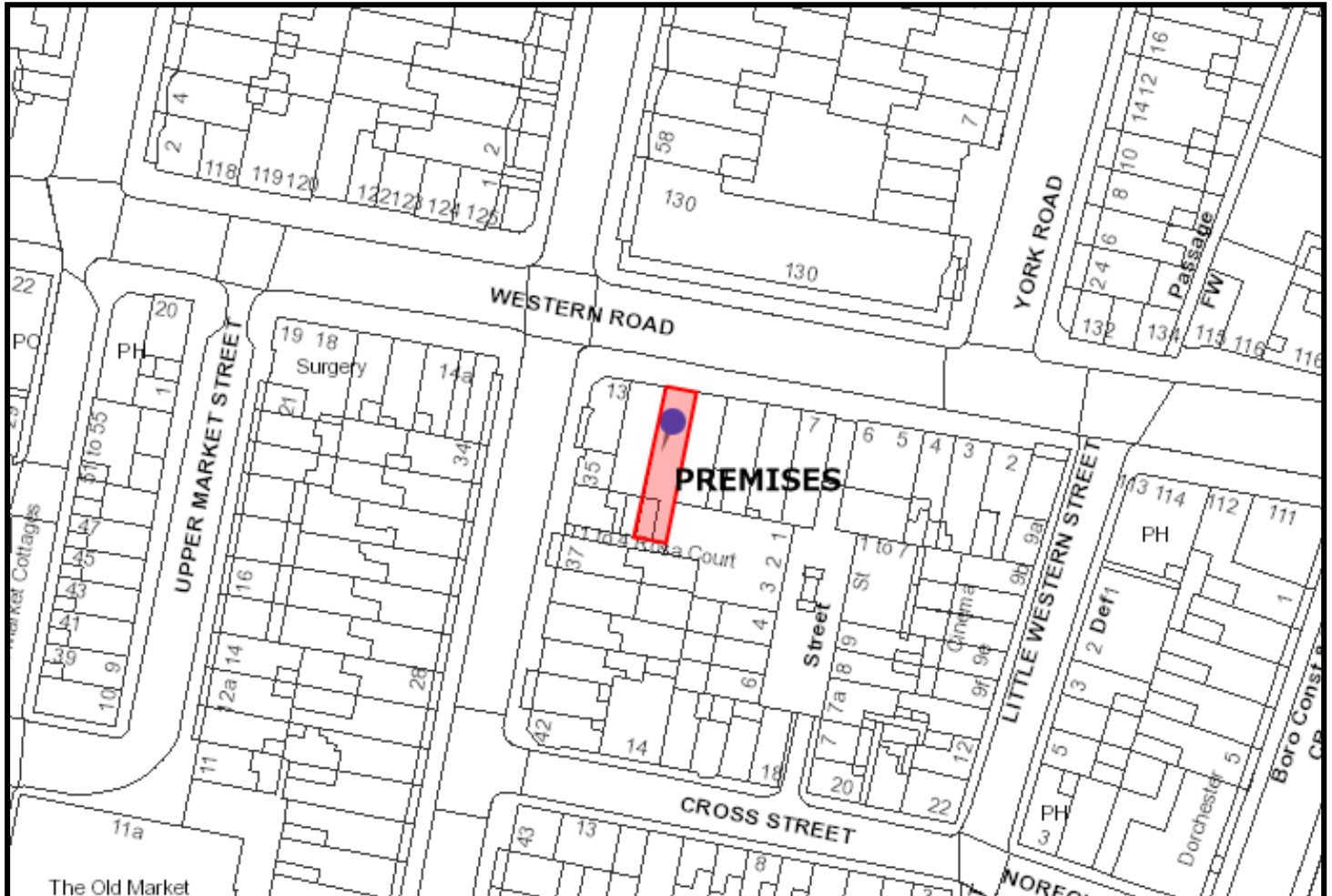
Please keep me informed when this panel is in sitting so I can come along. I would also like to speak as a witness as a ward Councillor.

Yours sincerely
Phélim

Phélim Mac Cafferty

Green Party Councillor for Brunswick and Adelaide
Chair of Planning, Brighton and Hove City Council
Member of the Economic Development and Culture Committee, Community Safety Forum and Staff Consultation Forum; Chair of B&H Music Trust; Member of B&H Citizens' Advice Bureau & Arts Commission; Representative on the Coastal West Sussex Strategic Planning Board.
p: 01273 291357
e: phelim.maccafferty@brighton-hove.gov.uk
a: King's House, Grand Avenue, Hove, BN3 2LS
t: @phelimmac
w: <http://www.brighton-hove.gov.uk>

Appendix D



Appendix E



Sussex Police
Serving Sussex

www.sussex.police.uk

Brighton & Hove Licensing Unit

3rd April 2014

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

Dear Sir or Madam,

RE: APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR CASBA, 11 WESTERN ROAD, HOVE, EAST SUSSEX, BN3 1AE UNDER THE LICENSING ACT 2003.

Further to the review application in respect of the above premises served by Sussex Police on the 27th February 2014.

I enclose our evidence bundle in support of the application.

Yours faithfully,

PP

Nev Kemp
Chief Superintendent
Divisional Commander
Brighton & Hove Division

Police Station

John Street, Brighton, East Sussex, BN2 0LA

Telephone: 101 | 550828

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

Sussex Police
Supporting Evidence for Review Application
Casba, 11 Western Road

Document Index:

1. Statement from PS Simon Morgan of Sussex Police - Brighton & Hove Licensing Team
-

Incident No: 1 (Alleged noise complaint)

2. Letter from Ellen Redford (BHCC Environmental Protection Officer) to The Owner of Casba
This relates to incident on **Friday 17/05/2013** in Review Application
-

Incident No: 2 (Food Safety Inspection)

3. Letter from Jo Burchell-Collins (BHCC Food Safety Officer) to The Company Secretary of Casba Sussex Ltd (For Committee only)
This relates to incident on **Tuesday 03/09/2013** in Review Application
-

Incident No: 3 (Police observed breach)

4. Statement from PC White
This relates to incident on **Saturday 30/11/2013 03:10hrs** in Review Application
-

Incident No: 4 (Formal warning letter)

5. Letter from Sarah-Jane McNaughton (BHCC Licensing Officer) to Mr Aris Dema
This relates to incident on **Saturday 30/11/2013 03:10hrs** in Review Application
-

Incident No: 5 (Police observed breach)

6. Statement from PC Hearth
This relates to incident on **Sunday 22/12/2013 04:39hrs** in Review Application
-

Incident No: 6 (Police observed breach)

7. Statement from SC Soderholm
This relates to incident on **Sunday 29/12/2013 03:45hrs** in Review Application
-

Incident No: 7 (Police observed breach)

8. Statement from PS Morgan

This relates to incident on **Wednesday 01/01/2014 05:10hrs** in Review Application

Incident No: 8 (Test Purchase Operation)

9. Statement from PC Franks

This relates to incident on **Saturday 08/02/2014 03:17hrs** in Review Application

10. Statement from PC Upton

This relates to incident on **Saturday 08/02/2014 03:17hrs** in Review Application

RESTRICTED (not complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: Simon Morgan

Age if under 18: 0.18

(if over 18 insert 'over 18')

Occupation: Police Sergeant CM614

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:

Date 1st April 2014Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a Licensing Sergeant responsible for managing the Sussex Police Licensing Team in Brighton and Hove. I have held this position since April 2013. Prior to this I was the Licensing Sergeant in West Sussex, a position I held for three years. I have over sixteen years police service with approximately ten years spent policing the front line in Brighton. One of my roles is to ensure that licensed premises are operating within the licensing law and in accordance with both their conditions and their permitted hours of licensing. When there is evidence to show that such premises are in breach of the above or not promoting the licensing objectives, it is my duty to ensure that this is effectively addressed and remedied.

Casba is situated in Western Road, Hove and it is open to the public until 03:00hrs in the morning. As it is a late night refreshment business supplying hot food or drink to members of the public after 23:00hrs, it requires to be licensed.

Casba caters primarily for those taking part in the night time economy and it is essential that the management adhere strictly to both their licensing conditions and their permitted licensing hours. Both the conditions and permitted hours are measures which help stop the licensing objectives becoming undermined. Casba have no conditions upon their licence; however they are not permitted to operate beyond 03:00hrs.

The premises is situated on an arterial route out from the city and Western Road suffers from a disproportionately high level of alcohol-related crime, disorder and anti social behaviour during the night time economy. The premises is also situated within the Cumulative Impact Zone (CIZ), where it has been evidenced and published within the Statement of Licensing Policy that the concentration of licensed premises in this small area of the city is directly contributing to crime, disorder and nuisance.

It has been recognised by Sussex Police that the existence of a late night refreshment establishment will increase the likelihood of crime, disorder and public nuisance occurring either in the premises or in the vicinity of the premises. Late night refreshment establishments essentially become focal points for individuals leaving the night time economy - some of which are drunk and also aggressive. They can also impede the flow of dispersal from the night time economy.

I have reviewed the last six months of occurrences relating directly to the night-time economy in Western Road after 23:00hrs. There are over twenty incidents in the vicinity of the premises, ten of which involve public place violent crime including a group of five males fighting in the street, a group of people (one with a knife) fighting outside a restaurant, a female head-butted in the street, a male punched on the jaw outside a hot food outlet and a female claiming that she was assaulted by staff in Casba. The occurrences in this time period also include eight incidents involving drunken individuals, one of these incidents involved the police being called at 03:18hrs to a late night refreshment establishment on Friday 1st November 2013 and removing a drunken female from the premises. There have also been three counts of criminal damage to shop windows and vehicles in the vicinity.

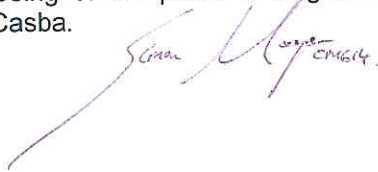
In 2.6.16 of the Statement of Licensing Policy, Chief Inspector Simon Nelson states: 'Weekends in the city centre continue to offer a high level of risk.' He further states that new challenges for the police have emerged concerning areas within walking distance of the city centre. These challenges, he says, apply to, 'the end of a night out when further purchases of food and alcohol are made.'

Continuation of statement of

Sussex Police's resourcing during the weekend night-time economy is encompassed by Operation Marble. The 'foot-print' of Operation Marble had previously been increased solely due to the spread of off licences and late night refreshment premises along Western Road. In turn, the Cumulative Impact Zone extended from the Preston Street border to the Holland Road border to address this proliferation.

It is therefore essential that the hot food outlets in this key location adhere to their hours of licensable activities. By operating beyond these hours, the management are not only acting unlawfully, but they are also wilfully increasing the risk of crime, disorder and public nuisance. Additionally, they are undermining the licensing objectives and furthermore acting in contempt of the processes especially designed by the Statement of Licensing Policy and Sussex Police to reduce problems relating to the night-time economy.

Casba has been observed serving after hours on five occasions since November despite being warned by both the Environmental Protection and the Police licensing teams. As such I believe that revocation of the licence is both a proportionate and appropriate measure to ensure that the licensing objectives and the safety and well-being of the public in Brighton and Hove are no longer compromised by the negligent management of Casba.



Signature

Signature witnessed by:

PTO

Evidence relating to
incident dated:
17th May 2013

1 x Letter from BHCC



Planning and Public Protection
Bartholomew House
Bartholomew Square
Brighton BN1 1JP

The Owner/Occupier
Casba
11 Western Road
Hove
BN3 1AE

Date: 21st May 2013
Our Ref: 2013/06926/NOH/EH
Your Ref:
Phone: 01273 292168
Fax: 01273 292196
E-mail: ellen.redford@brighton-hove.gov.uk

Dear Sir/Madam

Environmental Protection Act 1990
Re: Alleged Noise Nuisance at 11 Western Road Hove BN3 1AE

I write to inform you that this office has received a complaint alleging the following is coming from your premises and is causing a disturbance to neighbouring residents: banging and loud music, especially during the night.

Whilst I am unable to confirm if this complaint is justified I hope you understand that it is this Department's duty to make enquiries following the receipt of such complaints.

The aim of bringing this problem to your attention is to give you the opportunity to consider the matter and if necessary to take all suitable steps to resolve the issue.

I must advise you that should this Department receive further complaints regarding this matter we are obliged to carry out a formal investigation.

Should you wish to discuss the matter further I am normally available 10.00am to 12.00pm and 2.00pm to 5.00pm.

Enclosed is a leaflet with practical advice on how to reduce the level of disturbance, which may be of assistance to you.

Yours faithfully

Ellen Redford
Environmental Protection Officer

Enc

Evidence relating to
incident dated:
3rd September 2013

1 x Letter from BHCC

FOR COMMITTEE
ONLY

The Company Secretary
Casba Sussex Ltd
109A Dyke Road
Brighton
BN1 3JE

Date: 5 September 2013
Our Ref: JBC/2013/33033/FHI
Contact: Mrs J Burchell-Collins
: 01273 292444
Phone: 01273 292196
Fax:
Email: jo.burchell-collins@brighton-hove.gcsx.gov.uk

Dear Sir/Madam,

**Food Safety Act 1990
Food Hygiene (England) Regulations 2006
Regulation (EC) No. 852/2004
Routine Food Hygiene Inspection
Casba, 11 Western Road, Hove**

I refer to my inspection of your take-away carried out on the afternoon of 3 September 2013 and to the discussions held with Aris and Luftim Dema and your employee when a note of my key findings was left on site. I would confirm that this inspection covered the whole of the premises and that your Safer Food Better Business (SFBB) pack, Onyx Ventilation Cleaning Certificate and some invoices were examined.

I was very concerned that there was no water supply to the wash hand basin in the cooking/servery area and that the hot tap to the wash hand basin in the toilet lobby was broken. Mr Dema agreed to carry out the repairs I requested the next day and we agreed on extra hygiene precautions in the meantime. Hands can be washed temporarily at one of the washing up sinks where there was an adequate supply of hot water. You must also provide alcohol hand gel as an extra precaution and ensure that the sink taps and other hand-contact surfaces are frequently disinfected throughout the day. I will revisit on 5 September 2013 to ensure that there is an adequate supply of hot and cold water at both hand basins. If not, legal action may be taken against you.

In addition to the above, there were a number of other matters which require your attention.

Schedule A details the work needed to comply with the law. (This work or work considered equally effective must be completed.)

Schedule B lists those matters that, though not legally required, are considered to be good working practice. You should view these recommendations as important guidance for developing safe, hygienic practices.

As a result of my inspection your premises has been awarded a hygiene rating of one out of a possible 5 under the national Food Hygiene Rating Scheme (FHRS). This will be published on our website. See enclosed for your sticker and certificate which you can display on the premises if you wish.

Any sticker or certificate issued under this scheme remains the property of Brighton & Hove City Council. Display of the sticker and certificate is discretionary. Where you choose to display these, upon receiving your new certificate and sticker you should destroy the previous and replace them with the new ones within 14 days of receiving them. Continuation to display the incorrect sticker or certificate after notification may constitute an offence under the Consumer Protection from Unfair Trading Regulations 2008. Only the current rating for the business can be displayed.

The window sticker and certificate will be sent to the inspected premises.

The reasons why you have received a hygiene rating of one are:-

Hygiene issues

- The wash hand basin in the cooking/servery area was not being used by staff to wash their hands.
- There was no soap at the wash hand basin in the servery and no hand drying materials at the wash hand basin in the toilet lobby.
- There was a risk of contamination to ready-to-eat foods from leaving sauces and a green chopping board and knife for salad preparation on the back of the serve-over chiller where juices from raw kebabs could drip onto them.
- It was not clear where salads are prepared/washed and what precautions you are taking to prevent cross-contamination from raw meat preparation.
- High-risk foods were being stored/displayed at temperatures above 8°C.
- There were no independent thermometers to monitor food temperatures.
- There were some uncovered plastic boxes of salads and raw meat in the walk-in chiller and two of the boxes were damaged.
- Uncovered boxes of meat had been left on the floor in the 'kitchen'/washing up area.
- A dirty cloth was seen under the red chopping board used for cutting raw meat.
- There were no waterproof plasters in your first aid box.
- Food handlers were not wearing suitable protective clothing.

Structure/Cleanliness issues

- There was no supply of hot and cold running water to the wash hand basin in the servery.
- The hot tap to the wash hand basin in the toilet lobby was not working.
- There was a build up of dirt and debris in the base of the serve-over chiller where the grilles which should cover the motors were missing.

- The door to the lobby between the toilet and the adjacent cooking/servery area was missing.
- The condensate pipe to the walk-in chiller was missing and water was dripping down from the external cooler.
- There was a hole in the ceiling of the cooking/servery area where a light fitting had been removed.
- There was a gap between the wall and the stainless steel worktop housing the wash hand basin in the cooking/servery area.
- The paintwork to the door frame in the 'kitchen'/washing up area was chipped.
- The wooden support to the shelf on the north wall of the washing up area was damaged.
- There were gaps in the boxed in section behind the toilet.
- The casing to the door of the microwave oven was cracked.
- There was no documentation available to show that waste bones are being taken by a licensed contractor.

Continued/...

Hygiene management issues

- There were inadequate procedures in place regarding hand washing, preventing cross-contamination and temperature control of high-risk foods.
- Your staff have not received adequate food hygiene training and there were no records of training on site.
- Amendments were required to your written food safety procedures and your daily records did not include details of all problems which have happened and the action you have taken to deal with them.

Under the FHRS you have a number of rights which are outlined in the 'Good hygiene is good for your business' leaflet that I have enclosed. Further details of these rights are also contained in our 'Safeguards for Food Businesses' leaflet which can be obtained by telephoning (01273) 292161, emailing ehl.food@brighton-hove.gov.uk, visiting www.brighton-hove.gov.uk/hygienerating or by writing to me at this address.

Once you have completed the legal requirements, you can request a re-inspection and a rescore under the Food Hygiene Rating Scheme. Details of how to do this are at www.food.gov.uk/multimedia/pdfs/enforcement/fhrssafeguards.pdf where you can also find out about your right to reply and download the relevant forms.

A visit will be made on 5 September 2013 to check the hot water supplies and a further revisit will then be made in approximately 6 weeks to assess progress with the other works listed above. However, should you have any queries regarding the contents of this letter, please contact me on the above number.

If you are unhappy with the service you have received, please contact the Food Safety Team Leader, contact number (01273) 292157.

Yours faithfully,

J Burchell-Collins

Mrs J Burchell-Collins,
Food Safety Officer.

Enclosures (delivered to premises):-

- FHRS certificate and sticker
- FHRS 'A guide for businesses'
- Customer survey/Demographic Questionnaire
- Food & Safety News
- Handwashing stickers
- Details of food hygiene courses

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

c.c. Mr A Dema, Casba, 11 Western Road, Hove, BN3 1AE (by hand)

SCHEDULE A - LEGAL REQUIREMENTS

Hygiene issues

1. The wash hand basin in the cooking/servery area was not being used by staff to wash their hands. Whilst I understand Mr L Dema's concern about customers using this wash hand basin because it is close to the deep fat fryer, it is essential that the water supply is reconnected (see Item 12 below) and that food handlers use this basin to wash their hands. There are risks of spreading bacteria if they use the washing up sinks or the basin in the toilet lobby to wash hands after handling raw meat. Hands could also pick up contamination from the taps of the basin in the toilet lobby and so bacteria could spread to ready-to-eat foods when they are prepared. Good hand-washing and regularly cleaning and disinfecting taps and other hand-contact points such as door handles are essential to prevent the spread of bacteria. You could put up a sign to tell customers to use only the hand basin in the toilet lobby. In any case, you must supervise customers walking through the food preparation area to ensure that their clothing or hair does not contaminate food being prepared or cooked.
2. There was no soap at the wash hand basin in the servery and no hand drying materials at the wash hand basin in the toilet lobby. Liquid anti-bacterial soap and disposable tissue/ paper towels or clean hand towels must be provided at both basins. Until the hot water supply is reinstated to both basins, you must also use alcohol hand gel after washing hands as an additional precaution against spreading bacteria.
3. There was a risk of contamination to ready-to-eat foods from leaving sauces and a green chopping board and knife for salad preparation on the back of the serve-over chiller where juices from raw kebabs could drip onto them.

You must ensure that raw kebabs do not contaminate utensils or sauces on the back of the serve-over chiller. Marinade from the kebabs could drip onto the board/knife or sauces when the kebabs are lifted out of the serve-over chiller. Mr A Dema moved the green board and knife over to the salad display side of the serve-over chiller, next to the paper used to wrap foods. You must also re-organise the layout so that sauces are kept well away from raw kebabs.

A similar issue was highlighted in my letter to Mr A Dema dated 28 August 2013, regarding 8 Western Road.

4. It was not clear where salads are prepared/washed and what precautions you are taking to prevent cross-contamination from raw meat preparation. A green chopping board and knife for cutting salad had been left on the back of the serve-over chiller and this was where Mr A Dema thought that salads were prepared. However, Mr L Dema told me that salads were

washed, drained and cut in the 'kitchen'. If this is the case, I am concerned that the same area is used for preparation of raw meat. It is safer to prepare salads in a separate area from raw meat preparation. If this is not possible, then the two tasks must be carried out at different times and food-contact surfaces, hand-contact points (such as taps) and storage containers must be adequately washed and disinfected in between different uses. This is to prevent the spread of food poisoning bacteria from raw meat onto ready-to-eat salads.

5. High-risk foods were being stored/displayed at temperatures above 8°C. Prepared salads in the walk-in chiller were at 13°C and the surface temperature of cooked rice in the serve-over chiller was 26°C. As explained to Mr A Dema in my recent letter regarding 8 Western Road, high-risk foods must be stored at 8°C or less to prevent the growth of harmful bacteria and the formation of spores/toxins which could lead to food poisoning. Temperatures must be closely monitored and appropriate action taken if high-risk foods get too warm.

Sauces had been left out at room temperature on the back of the serve-over chiller. Mr A Dema and your employee said that the sauces are changed twice a day and that the first pots put out at 12 noon could still be there at 5pm. Although the tahini and chilli sauce are safe at room temperature, mayonnaise is a high-risk product and so you must limit the time that it is out of refrigeration. Mr L Dema told me that it would only be out for a couple of hours before it is all used up. It is important that all food handlers are aware of your procedures and how long such foods can safely be left out.

There is an exemption from temperature control for food which is on display during service for one period of up to 4 hours, providing that the food is still safe. Due to the heat from the doner kebab grills and the motors to the serve-over chiller, I would say that 4 hours may still be too long to leave mayonnaise out at ambient temperature. I suggest that you keep a small pot of mayonnaise out during busy service periods and that the rest of the container is kept with the salads in the chilled section of the serve-over chiller.

6. There were no independent thermometers to monitor food temperatures. As the rice was excessively warm, you must buy a new probe thermometer to check the temperature of the rice stored in the serve-over chiller and ensure that it is safe. Care must be taken when using probe thermometers to make sure that they are adequately cleaned and disinfected between uses.
7. There were some uncovered plastic boxes of salads and raw meat in the walk-in chiller and two of the boxes were damaged. Pieces of plastic could break off the cracked boxes and contaminate food. All containers of food

must be kept covered with cling-film, tin foil or lids to protect the food from physical contamination.

8. Uncovered boxes of meat had been left on the floor in the 'kitchen'/washing up area, where the food was at risk of contamination. Food must be stored in covered containers and boxes of food must not be left on the floor in this area.
9. A dirty cloth was seen under the red chopping board used for cutting raw meat. Dirty cloths could spread bacteria if used to wipe down other surfaces, particularly if they have been close by raw meat. If you need to stop chopping boards slipping, use a washable rubber mat, such as 'Duck Grip Liner' which you can buy from Robert Dyas.
10. There were no waterproof plasters in your first aid box. You must keep adequate supplies of waterproof (and ideally blue coloured) plasters for food handlers.
11. It was noted that food handlers were not wearing suitable over-clothing. I was told that Mrs Dema had taken aprons home for washing. You must ensure that all persons working in food handling areas wear suitable, clean, and where appropriate, protective clothing. When staff prepare raw meat, they must either wear disposable aprons which are then thrown away, or clean material aprons which are then removed when meat preparation has finished. Dirty aprons must be stored away from clean clothing and must be put through a hot wash cycle in a washing machine before being worn again. You must buy some disposable aprons or keep adequate supplies of clean aprons on site. If you prefer for staff to wear clean T-shirts instead, the same rules apply about changing T-shirts after raw meat preparation and before going on to other food handling tasks.

Structure/Cleanliness issues

12. There was no supply of hot and cold running water to the wash hand basin in the servery. The pipes to this basin must be reconnected straight away so that food handlers can wash their hands at this basin.
13. The hot tap to the wash hand basin in the toilet lobby was not working and must be repaired immediately, to provide a constant supply of hot water for hygienic hand washing.
14. There was a build up of dirt and debris in the base of the serve-over chiller where the grilles which should cover the motors were missing. These areas must be thoroughly cleaned and missing grilles replaced to prevent further debris building up.
15. The door to the lobby between the toilet and the adjacent cooking/servery area was missing. Because there is no door to the lobby, there is a risk that

airborne viruses from the toilet could contaminate food in the servery area. You must fit a door to the lobby to separate it from the cooking/servery area and ensure that the fan in the toilet runs on for 15 minutes after the light is switched off. Because of the lack of space, the door can be a sliding door or concertina type door, as long as it closes tightly with no gaps.

16. The condensate pipe to the walk-in chiller was missing and water was dripping down from the external cooler. Although a metal container had been put on the floor below it, water was splashing down the outer wall of the walk-in chiller and onto the floor. Mr L Dema found the missing pipe which must be refitted so that water can drain directly into a container. You must also make sure that the cooler is working properly because water should only drain down the pipe and not drip from other places.
17. There was a hole in the ceiling of the cooking/servery area where a light fitting had been removed. This must be blocked off and any board used to cover it must be painted with washable paint.
18. There was a gap between the wall and the stainless steel worktop housing the wash hand basin in the cooking/servery area. To prevent food debris and liquids splashing down the gap, it must be blocked off with silicon sealant.
19. The paintwork to the door frame in the 'kitchen'/washing up area was chipped. It must be repainted to provide a surface which is non-absorbent and easy to clean. You may wish to consider fitting a metal corner protector to prevent further damage to the door frame.
20. The wooden support to the shelf on the north wall of the washing up area was damaged. It must be made smooth and repainted.
21. There were gaps in the boxed-in section behind the toilet. To remove a possible hiding place for pests, the gaps must be closed off.
22. The casing to the door of the microwave oven was cracked. This means that the door is not easy to clean properly and could also be leaking dangerous microwaves. The faulty microwave oven must be replaced.
23. There was no documentation available to show that waste bones are being taken by a licensed contractor. As mentioned in my recent letter to Mr A Dema regarding 8 Western Road, raw meat waste and bones must be collected by someone who has a licence from the Environment Agency. I was told that a man takes away the bones for his security dogs. I need to see a copy of your Waste Transfer Note for the bones or you can give me his licence number. If he is not a licensed contractor, then you will need to arrange a contract with a suitable company.

Hygiene management issues

24. There were inadequate procedures in place regarding hand washing, preventing cross-contamination and temperature control of high-risk foods (see above). You must consider all the potential food safety hazards in your business and then put suitable controls and monitoring in place to minimise the danger from these hazards. Following the guidance in the Safe Method sheets in the pack will help you to ensure you are serving safe food.

Good handwashing, adequate disinfection and temperature control of high-risk foods are all essential to prevent the spread and growth of bacteria and it is important that your staff are made aware of this.

25. Your staff have not received adequate food hygiene training and there were no records of training on site. Mr A Dema has not had any formal food hygiene training and yet the records in your Diary show that he has been in charge of food preparation at the premises sometimes.

You must ensure that all food handlers engaged in your food business are supervised, instructed and/or trained in food hygiene matters to a level appropriate to their work activity. It is suggested that staff who prepare open, high-risk foods or handle food and have a supervisory role must have training to a level equivalent to Level 2 Award in Food Safety in Catering within 3 months of starting work. Please find enclosed details of organisations offering food hygiene courses for your information.

You must also ensure that your staff are trained in your own food hygiene procedures and in particular, and food safety checks that they are expected to carry out when you are not on site (for example, checking fridge temperatures and ensuring that adequate disinfection is carried out). You must keep records of this training. I suggest you fill out the Staff Training Record sheets in the SFBB pack to show you have trained your staff in your food hygiene procedures.

26. Amendments were required to your written food safety procedures and your daily records did not include details of all problems which have happened and the action you have taken to deal with them.
- i) Your Suppliers List needs to be updated.
 - ii) The 'Extra Checks' sheet needs to be fully completed, including details of deep cleaning such as how often the extract ventilation system is cleaned.
 - iii) There was no mention in your Diary of the disconnection of the water supply to the basin in the cooking/servery area or the broken tap to the basin in the toilet lobby. If the Opening & Closing Checks were being carried out properly, someone should have made a note of the broken tap and then repairs carried out as necessary. It is important that you recognise the need for adequate handwashing facilities and that daily checks are effective in identifying problems so that

- appropriate remedial action can be taken. You must also keep a written record of what action you have taken when there is a problem.
- iv) You must keep the SFBB pack up to date in future, when there are any changes to suppliers, food hygiene practices or if new equipment is put into use.

SCHEDULE B – RECOMMENDATIONS

- 27. I suggest that you install a fly killing machine in the cooking/servery area. A fly was seen on the front door and as it is not practical to fit a flyscreen, a fly machine would be a good secondary measure to deal with flies. The machine should be placed in a dark area and not directly above any areas where open food is handled or stored.
 - 28. I recommend that you carry out temperature checks on chilled and frozen food deliveries, to ensure that all products are received at the correct temperatures. You could ask the delivery driver to write down the van temperature on the invoice/delivery note, or use your probe thermometer to check actual food temperatures.
 - 29. I recommend that you use a probe thermometer for checking temperatures and that you keep a written record of your checks. Probe thermometers can be used to check both hot and cold temperatures and will measure both air and food temperatures. A probe would be particularly useful for monitoring the temperature of foods in the serve-over chiller. I enclose details of thermometer suppliers for your information.
 - 30. I suggest that a wall-mounted dispenser for the blue roll is fitted above the wash hand basin in the cooking/servery area. This is to avoid water dripping from hands onto surfaces as staff move over to the worktop to get blue roll to dry their hands.
-

Evidence relating to
incident dated:
30th November 2013

1 x Police Statement

1 x Letter from BHCC

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: PC Teresa WHITE DW777

Age if under 18: 0.18 (if over 18 insert 'over 18')

Occupation: Police Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature:

 DW777Date 1st December 2013Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

At approximately 02:50 hours on Saturday 30th November 2013 I was on duty in full uniform in a marked police vehicle, accompanied by PC HEARTH CH234. I was using the callsign JC702. At this time I drove along Western Road, Hove heading west. I passed a parade of shops on the south side of the road that includes the 'Casba 2' kebab shop at number 8 Western Road which was closed. Adjacent to this is the 'Golden Grill' at number 9 Western Road which did not have any customers present but still appeared to open. Then at number 11 Western Road is the 'Casba' kebab shop which I know has a late night refreshment licence to operate until 03:00 each day. At the time of passing, Casba had its lights on and I could see two members of staff behind the counter. There were no customers present. I continued to drive into Hove for a short while before returning back along Western Road again passed the same parade of shops. It was approximately 03:10 when we approached Casba and as I drew close to it I could clearly see a large group of people gathered outside the premises and queuing in the open doorway. The lights were still on in the premises and its tables and chairs were still set up on the pavement outside. I parked the police car directly opposite the Casba on the northern side of Western Road and observed the premises. I would say there were about 10-15 people both inside and outside of the premises and around 5/6 directly in front of the serving counter looking like they were waiting to be served their food. I moved the police car back about 1 foot so that I had a better view of the counter and the till. There were two members of staff working behind the counter. I would describe Male 1 as being aged between 20-25, having olive skin, approximately 5' 8" tall with short dark spiky hair and wearing a white t-shirt. Male 2 also had olive skin, he was aged between 25-30, approximately 6 feet tall. He had dark hair in a ponytail and was wearing a fitted white t-shirt.

Both males were seen preparing food and passing it to customers. I saw them both taking orders from customers and at 03:15 I saw Male 2 accept a £10 note from a customer, ring it up on the till and issue the customer with change. Shortly after this the customer received their order. At 03:22 Male 1 came out from behind the counter and closed the front door to the premises. There were around 8 people inside at this point, the lights remained on and service continued. At 03:24 I saw another exchange of money take place and a food order being put through the till. At 03:25 the exterior lights that illuminate the front of the premises were switched off and at 03:31 the last customer left. As the shop emptied of customers I was able to see a third male who was sat at the rear of the premises and who I had seen go behind the serving area a couple of times while we were observing. I would describe Male 3 as having olive skin, aged 20-25 with short dark hair. PC Hearth and I left at approximately 03:32.

I would say that the distance from the police car to the premises was about 15 metres. My vision was only momentarily obstructed when a bus went by and this happened 2 or 3 times. This area of Western Road is well lit with street lights and the inside of the premises was also brightly lit.

This statement was completed at John Street Police Station on Sunday 1st December 2013.

Signature:

Signature witnessed by:



DW777

MG11 5/2007

RESTRICTED (when complete)

Aris Dema
19A Brunswick Place
Hove
BN3 1ND

Date: 9th December 2013
Our Ref: 2013/15689/LICCON
Phone: 01273 294431
e-mail: sarah.mcnaught@brighton-hove.gov.uk

Dear Sir

Licensing Act 2003 - Warning
Re: Casba, 11 Western Road, Brighton

I am writing to you in your capacity as Premises Licence Holder and for Casba, 11 Western Road and following my visit on the evening on the 12th September 2013.

At that visit I advised you regarding transferring premises licence (for your business at 8 Western Road). I also advised you that allegations had been made that you were trading after hours. I ran through both licences of 8 and 11 Western Road, Hove advising you of the hours you are authorised to trade. I then informed you that Council and Police Licensing would be monitoring over the coming weeks. You advised me that it was not you trading late but the other business at 9 Western Road.

I have now received written statements from Police Licensing informing the Licensing Authority that you were trading at 3.15am on Saturday 30th November 2013 and that the lights were switched off and final customers left at 3.31am.

Times the licence authorises the carrying out of licensable activities
Late Night Refreshment

Monday - Sunday 23:00 - 03:00

The opening hours of the premises

Monday - Sunday 12:00 - 03:00

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

(1) A Person commits an offence if -

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

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

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

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

It is our intention to monitor the premises and I would remind you that the Council Licensing and Police Licensing teams have officers monitoring the city both day and night.
Should I or any of my colleagues witness a further offence with trading after authorised hours, then further enforcement action will be considered.

If you wish to discuss this, please contact me on the telephone number above.

Yours sincerely,



Sarah-Jane McNaught
Licensing Officer
Environmental Health & Licensing

CC'd:
Manager, Casba, 11 Western Road, Hove, East Sussex. BN3 1AE

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

Evidence relating to
incident dated:
22nd December 2013

1 x Police Statement

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1)

URN

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Statement of: PC Ben HEARTH CH234

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Constable

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:



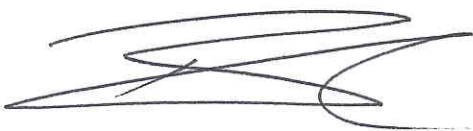

Date

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

On Sunday the 22nd of December 2014 whilst off duty I was driving past the CASBA 11 WESTERN ROAD in HOVE at 04.39, having just finished work. Having received several reports that the premises was operating passed its licensable hours which finished at 0300, I noticed that the premises had its doors open. I could see that there were 3 people working behind the counter and approximately 5 customers within the premises. I also observed food cooking with meat on the skewer. Based on what I witnessed it was my opinion that they were still open and serving hot food.

There was nothing obscuring my view and there was plenty of light from within the premises and street lighting to be able to see exactly what was happening.

These form part of my original notes on the matters having refreshed my memory using a report on our Innkeeper system which I inputted nearer the time. This statement was written on Wednesday the 5th of March 2014 at 15.01 at John Street Police Station.



Evidence relating to
incident dated:
29th December 2013

1 x Police Statement

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: Daniel SODERHOLMAge if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Special Constable S2520

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature:  Date 26/02/2014Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

On Sunday, 29 December 2013, I was on duty in uniform with PC HEARTH CH234 from BRIGHTON & HOVE POLICE LICENSING TEAM. We had received information that a number of late night takeaway shops were open past their licensed hours and were conducting a patrol of the area in a marked police car to observe their activity.

At 03:45 hours, we drove slowly past CASBA, 11 WESTERN ROAD, HOVE, which is permitted to carry out licensable activities until 03:00 hours. When we did so, I saw that the lights were on, tables were outside on the pavement, and the door was open. There were three members of staff behind the counter. There were no customers at that time, but it appeared that food was still being cooked, as the doner kebab rotating spit was still switched on.

As there was no visible activity that suggested the staff were cleaning up or preparing to close, it appeared to me that they were still open for business and waiting for passing trade.

PC HEARTH and I were unable to stop and enter the premises, as another police unit requested assistance over the radio, and we were obliged to leave the area. I made a note of my observations at the time on the Sussex Police Innkeeper computer system.

This statement was completed on Wednesday, 26/02/2014.

Signature: 

Signature witnessed by: _____

MG11 5/2007

RESTRICTED (when complete)

Evidence relating to
incident dated:
1st January 2014

1 x Police Statement

RESTRICTED (when complete)**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1)

URN

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Statement of: Simon Morgan

Age if under 18: 0.18

(if over 18 insert 'over 18')

Occupation: Police Sergeant CM614

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

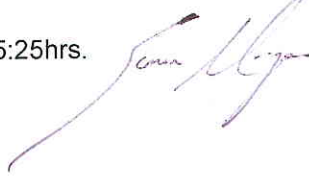
Signature:

Date 25th March 2014Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I currently supervise the Brighton Police Licensing Team. I have had this position since April 2013. Prior to this I was the Licensing Sergeant in West Sussex, a position I held for three years. I have over sixteen years police service with approximately ten years spent policing the front line in Brighton. One of my current roles involves ensuring that visits are conducted at licensed premises and licensing conditions are being met. I also check that the hours of licensing activity are being adhered to and the four licensing objectives are being promoted.

At approximately 05:10hrs on Wednesday 1st January 2014, I was on duty with PC Hearth when we drove past Casba, a late night refreshment establishment located at 11 Western Road, Hove. I noted that the lights were on and the doors were open. There were a number of people inside. I was aware that licensable activities at Casba terminated at 03:00hrs and that there were no seasonal variations or temporary event notices in effect to allow them to conduct licensable activities after 03:00hrs. We entered the premises and I noted that there were a small group of males sitting at the tables, it was apparent that they had recently consumed food. Behind the servery, I could clearly see that food was still cooking on the rotisserie; the fryer was on, as were all the lights. The male behind the servery was wearing kitchen clothes. And there were three other members of staff on duty in the kitchen, all wearing kitchen clothes. When asked, this male stated that he was managing the premises tonight and those who were sitting down with food were family members. He stated that they had not served anyone since 03:00hrs. When I asked him to clarify this, he said that they closed two and quarter hours ago. I asked why the doors were open, the lights on, food still cooking and staff still on duty in the kitchen. He responded with a shrug and laughed, as did some of the staff. He confirmed that there was no Temporary Event Notice in effect. I asked him to show me the till roll since 03:00hrs. He stated he was unable to do it and that he had not been using the till that night. I asked him to show us the CCTV footage since 03:00hrs and he stated that no one there was able to work the CCTV. Whilst we spoke

Continuation of statement of
with the manager a group of customers walked in and the manager shouted out to them that they were
closed. This prompted a shocked reaction among the group and they walked out. The manager was warned
about staying open beyond hours and he stated that they would be closing the doors. We left the
establishment at approximately 05:25hrs.



Signature

Signature witnessed by:

PTO

Evidence relating to
incident dated:
8th February 2014

2 x Police Statement

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: PC Stephanie Franks DF386Age if under 18: Over 18 (if over 18 insert 'over 18')Occupation: Police Constable

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature:


Date 08/02/2014

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

On Friday 7th February 2014 I was on duty in plain clothes. My booking on time was 18:00 hours my duty was due to finish at 04:00 hours on the 8th February 2014. I was with PC UPTON CU779 and SC SOEDERHOLM S2520. It was believed that there were three kebab shops on WESTERN RD, BRIGHTON that were serving food to customers after their licensed hours. All three shops had been spoken to about the keeping to their license. However it was believed that even after being spoken to by the licensing team they continued to ignore their licensed hours. Subsequently it was decided that a test purchase would be carried out.

At 03:12 hours on Saturday 8th February 2014 I went to Golden Grill, 9 Western Rd, Hove BN3 1AE. The shop is situated on the southerly side of CHURCH RD. PC UPTON stood on the northerly pavement and watched me entered Golden Grill. I saw a male who I would describe as a white male, 5ft10", aged approximately 50, white/grey hair. I said "PLEASE CAN I HAVE A SMALL PORTION OF CHIPS". He turned to another male who I would describe as white perhaps eastern European, short light coloured hair aged between 25-35 and told him to put the chips in. The second male put the chips in the deep fat fryer; once they were cooked he put them in a takeaway box. He said "WOULD YOU LIKE ANY SALT OR VINIGAR". I said "PLEASE CAN I HAVE SALT". The male put the salt on and then asked "WOULD YOU LIKE ANY SAUCES" I replied "NO THANK YOU". The male handed the chips to me. The first male took the money from me. I then walked out crossed over the road and showed PC UPTON and SC SOEDERHOLM the chips I had bought.

Signature:



Signature witnessed by:

MG11 5/2007

At 03:20 hours I went into CASBA 11 Western Road, Hove, BN3 1AE. Again PC UPTON watched me go into the shop. I saw a male who I would describe as 5ft10" muscular build, his hair was dark and plaited. I said "PLEASE CAN I HAVE A DONNA KEBAB". He asked "WHAT SAUCES WOULD YOU LIKE". I said "EVERYTHING" He then asked "WOULD YOU LIKE SALAD" I said "YES PLEASE". He then asked for the money which was £4.60 I handed over a £5 note and he gave me the change along with the food. I subsequently left the store and showed SC SOEDERHOLM what I had bought.

This statement was written at 03:55 hours on Saturday 8th February 2014.



RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: David UPTON

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Officer CU779

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:



Date 09/02/2014

Tick if witness evidence is visually recorded

☐

(supply witness details on rear)

On Saturday the 8th of February 2014 I was on duty in plain clothes with my colleagues PC FRANKS DF386 and SC SODERHOLM S2520. I work in the police licensing department and as part of our responsibilities we check that fast food outlets with a late night refreshment licence are abiding by their conditions.

Over the last few months we have been having particular trouble with 3 Kebab shops in Hove. These are Casba 2, 8 Western Road Hove. The Golden Grill, 9 Western Road Hove and Casba, 11 western road Hove. My colleagues and I have attended these premises numerous times in the recent months and they have always been serving customers long past their permitted hours. Every time I have seen this I have gone into the shop and asked them why they are serving, what their hours are and where their licence is. At no time have any of the shops been able to produce their licence. Not one of them has had the Part B of the licence on display and not one of them would tell me what time they should be shutting despite me knowing this before attending. They generally come out with a range of excuses which include 'THE OTHERS DO IT SO I HAVE TO DO IT OR I WILL LOSE OUT' often it will just be complete denial that they were doing anything at all even though I have witnessed it.

On the 8th of February we were carrying out a test purchase operation. This involves an officer in plain clothes entering the Kebab shop and attempting to buy hot food or drink. Another officer in plain clothes stands in the area and watches the transaction take place. Once the first officer comes out of the shop they show the food to the second and confirm that they paid for it then the second officer goes into the Kebab shop to identify themselves inform them that they have failed the test purchase and that the Council will be informed.

At 0315 hours on the 8th of February I went to Western Road with my two colleagues. PC FRANKS was going to enter the first of the three kebab shops and attempt to buy food while I observed from across the



Continuation of statement of

road. At 0312 hours I observed PC FRANKS enter the Golden Grill Kebab shop. At 0315 hours I observed PC FRANKS exchange money for a plastic container with hot chips in. She had been in the premises for 3 minutes and was not the only person buying food at that time. Once she had paid for the items she walked back across the road and went and sat in the unmarked police car that we had brought with us. The Golden Grill is not licensed to sell any hot food after 0230 hours so was in breach of its licence.

While PC FRANKS waited in the car SC SODERHOLM entered the second Kebab shop, Casba 2. He entered at 0317 hours and I saw him ask for some food. When he went into the shop there was no one else in there, I saw the staff member tip some chips into a fryer and then take money from SC SODERHOLM. He was then handed chips at 0323 hours and he left the shop. Casba 2 is not licensed to sell food past 0100 hours at the weekend so was in breach as well. I walked with SC SODERHOLM back to the car and checked that both his and PC FRANKS items were hot.

Due to the fact that all three Kebab shops are next to each other we decided to do the final test purchase before I went into each of the shops to inform them that they had failed the test purchase. At 0325 hours PC FRANKS entered the 3rd of the Kebab shops, Casba and I witnessed her purchase a Kebab. She came out a few minutes later and showed me the Kebab and said she had paid for it. Casba is not licensed to sell food past 0300 hours at the weekend.

After this had happened I then went into the Casba 2 and identified myself as a policeman. I showed them my warrant card and explained to them that they had been subject to a test Purchase which they had failed. I explained to them that as they were well aware they were supposed to stop serving at 0100 however it was now 0330 hours and they were still serving food. I spoke with Raphi ALKHALEEL who stated to me that they had not served since 0100 hours and they were just about to close when the plain clothes officer had entered the shop. He stated that I could check the till roll if I wanted to and it would show the last sale at 0100 hours. I pointed out to the manager that the last time I had been in the shop at this time in the morning I asked to see the till roll and there was not one in the till so therefore I believed that he only used it when it suited him. At this point he started crying so I left him to stating that I would be reporting him to the council.

I then went into the Golden Grill and spoke to the owner whom had served PC FRANKS, his name was Mikkah MEHRDAD. I explained to him he had been test purchased and had failed. I asked him if he was aware of his hours and the law. He said that he was but that the Casba 2 next door traded after hours which meant that he lost business so he wasn't going to start shutting on time until they did. I stated to him that he should ignore what they did and shut his shop on time. I asked him if he knew what time he had to shut and

Signature



Signature witnessed by:

PTO

Continuation of statement of

he stated 0230, I then asked him what the time was now and he just stated that next door were open so why shouldn't he be. I informed him he would be reported to the council and I left.

Finally I went into Casba and spoke to Aris DEMA. As soon as I identified myself as a police officer he said that he had not served anyone since 0300 hours. I said that he had and he replied 'NO, NO, NO, NO, NO I HAVE NOT' I then informed him that a plain clothes officer had been served at 0325 hours and I had watched the whole transaction. I also pointed out that there was a person stood at the till right now being served but he was in complete denial. I asked him where Part B of his licence was, the part I had asked him to put on display before Christmas, on new years eve and a few weeks ago. By now he had lapsed into silence and did not want to speak to me. I told him he would be reported to the council and I left.

I walked to the car and we started the engine to leave the area.

As we drove off more people were entering the Golden Grill and Casba, the staff were showing no signs of turning them away.



Signature



Signature witnessed by:

PTO

LICENSING PANEL

(Licensing Act 2003 Functions)

Agenda Item 82

Brighton & Hove City Council

Subject:	Review of a Premises Licence under the Licensing Act 2003		
Applicant:	Sussex Police		
Premises:	Casba2, 8 Western Road, Hove, BN3 1AE		
Licence Holder:	Aris Dema		
Date of Meeting:	25 April 2014		
Report of:	Director of Public Health		
Contact Officer:	Name:	Jim Whitelegg	Tel: (01273) 292438
	Email:	jim.whitelegg@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	Brunswick & Adelaide		

FOR GENERAL RELEASE/**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 To review a Premises Licence for Casba2 under the Licensing Act 2003.

2. RECOMMENDATIONS:

- 2.1 That the Panel review the licence granted to the premises known as **Casba2** under the Licensing Act 2003

3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

- 3.1 Existing licence attached at Appendix A.
- 3.2 Brighton & Hove City Council is both the relevant licensing authority and a responsible authority in respect of any premises, and may in its capacity apply under Section 51 of the Licensing Act 2003 for a review of any premises licence in respect of the premises.
- 3.3 An application was received by the Licensing Authority from Sussex Police, to review the licence granted to the premises known as Casba2, 8 Western Road, Hove, BN3 1AE. A copy of the review application form is attached at Appendix B.
- 3.4 The grounds for the review relates to the following Licensing objectives:
- Prevention of Public Nuisance
 - Crime of Disorder
 - Public Safety

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

3.5 At this hearing the licensing authority must:

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

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

Representations received

- 3.6 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:
- 3.7 Four representations have been received from Interested Parties, a Ward Councillor and the Licensing Authority on the grounds of the Prevention of Crime & Disorder, the Prevention of Public Nuisance and Public Safety supporting the application submitted by Sussex Police seeking the revocation of the licence.
- 3.8 Full details of the representations are 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**:

General

- 1.2 The licensing objectives are:-
- (a) Prevention of Crime and Disorder;
 - (b) Public Safety;
 - (c) Prevention of Public Nuisance;
- 1.3 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 area.

- 1.5 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.

In respect of the prevention of crime and disorder

- 2.1 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.
- 2.2 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.
- 2.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 2.7.1 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. A "matrix" approach to licensing decisions has been adopted and is set out below.

Matrix approach for licensing decisions in a Statement of Licensing Policy

	Cumulative Impact Area	Special Stress Area and London Road	Mixed Commercial and Residential Areas (streets containing shopping parades)	Residential Area (mainly residences in street)	Marina
Restaurant	Yes (midnight)	Yes (2am)	Yes	Yes (11.30pm)	Yes
Late Night Takeaways	No	Yes (midnight)	Yes (midnight)	Yes (midnight)	Yes
Night Club	No	No	Yes (3am)	No	Yes
Pub	Yes (11pm)	Yes (11pm)	Yes (3am)	Yes (11pm, midnight Friday and Saturday)	Yes
HVVD (Super pub)	No	No	No	No	Yes
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes (favourable)	Yes	Yes
Off-licence	No	No	No	Yes (8pm)	Local shops only
Members Club	Yes (<100)	Yes (<100)	Yes	Yes (11pm and midnight Friday and Saturday)	Yes

Notes on matrix

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

- 1) Each application would be considered on individual merit
- 2) Departure from policy is expected only in exceptional circumstances
- 3) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix
- 4) Exceptional circumstances may include: close consultation with Sussex Police and the Licensing Authority, meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to off set impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts), BCRP membership
- 5) 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

6) Shatterproof drinking receptacles will normally be required by licence condition in alcohol led establishments in the city centre

7) Outdoor events will be supported where arranged through the council's event planning process

8) Favourable consideration will be given to residential need

9) Favourable consideration will be given to local businesses properly engaged with the local licensing authority and responsible authorities

2.7.6 Care, control and supervision of premises: 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.

2.7.7 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, e.g. type of licence, capacity, operating hours restrictions.

2.7.8 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, 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.

2.7.12 Enforcement will be achieved by the enforcement policy.

3. In respect of Public Safety

- 3.3 Conditions will be imposed in accordance with operating schedules to protect public safety including where justified:

A) Provision of close circuit television and panic buttons;

B) Use of shatterproof drinking vessels, bottles requiring use of toughened glass or plastic should normally be required unless applicants can show exceptional reasons (recognised by Community Safety Strategy);

C) Use of door supervisors, licensed by the Security Industry Authority (recognised by the Community Safety Strategy);

D) Requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment;

E) Occupant capacity conditions will be applied where appropriate;

F) The provision of designated and suitably trained first aiders

- 3.5 Policy recognises that the numbers of late night revellers can lead to service delivery pinch-points, for example at city centre taxi ranks. Frustration and restlessness in queues can lead to anti-social behaviour and public disorder which can be controlled by , for example, taxi marshalling systems. Operators whose customers contribute to the night-time demand for taxis may wish to consider assisting in the provision of resources for such systems or similar schemes.

4. In respect of the prevention of public nuisance

- 4.7 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours on busy main roads and in the central leisure area. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood. Licensed premises in residential neighbourhoods will normally have a terminal hour no later than 2330. In mixed neighbourhoods they will normally have a terminal hour of no later than 0200 hours to counter noise disturbance to residents as informed by the health impact assessment and requested by Licensing Strategy Group. The Licensing Authority has adopted a matrix approach to licensing decisions (see 2.7.1)

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

4.12 Health Impact Assessment

The licensing authority's response to this public consultation exercise is as follows:

- There is no presumption in favour of later terminal hours generally
- Minor variations to licences will be processed expeditiously

- The Cumulative Impact Area (CIA) and Special Stress Areas (SSAs) will include all locations where there are residents in the vicinity of licensed premises when there is an evidential basis to justify
- Low-level impacts and noise levels as a result of alcohol consumption are legitimate considerations for licensing reviews
- Information about the licensing process using leaflets and the Council's website will be available for residents
- The Council will publicise its statement of licensing policy, enforcement policy and information to assist applying for licence reviews and making representations for licence applications
- The local character provided by small local public houses is recognised. Policy supports the need to support small local businesses, providing information and business support to assist successful businesses
- Policy recognises the need to mediate between residents and licensed premises where noise and other nuisance/disturbance occurs late into the night/early morning where appropriate. Enforcement action will have regard to the Council's enforcement policies
- Normally the terminal hour in residential areas will not exceed 2330 hours
- Normally the terminal hour in mixed areas will not exceed 0200 hours
- Normally in city centre leisure areas favourable consideration will be given to later terminal hours.

6. Strategic Integration

- 6.5 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.
- 6.8 Other regulatory regimes: This policy avoids duplication with other regulatory regimes wherever possible.
- 6.9 Enforcement – 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 H of Brighton and Hove City Council's Statement of Licensing Policy. In addition the Licensing Authority will have regard to its publishing Licensing Enforcement Policy in making enforcement decisions (Appendix E) of Brighton and Hove City Council's Statement of Licensing Policy. 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. Joint Intelligence Meetings are organised and include officers from responsible authorities.

8. Reviews

- 8.1 Reviews represent a key protection for the community. Where the licensing authority considers action necessary under its statutory powers it will take necessary steps to support the licensing objectives. Action following review will be informed by licensing enforcement policy.

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 Jeff Coates

Date: 08.04.2014

Legal Implications:

- 5.2 The licensing authority must act to promote the four licensing objectives which are:

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

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Rebecca Sidell

Date: 08.04.2014

Equalities Implications:

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

Sustainability Implications:

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

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part A of Premises Licence
2. Appendix B – Review Application
2. Appendix C – Representation
3. Appendix D – Map of area
4. Appendix E – Supplementary Documentation

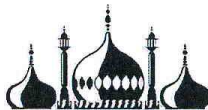
Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2011, as amended 20 December 2011.

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2011, as amended 20 December 2011.

Appendix A



Brighton & Hove City Council

Schedule 12

Part A

Regulation 33, 34

Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2013/05891/LAPRET

Part I – Premises Details

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

Casba 2
8 Western Road
Hove
BN3 1AE

Telephone number 01273 202857

Licensable activities authorised by the licence

Late Night Refreshment

Times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Sunday - Thursday 23:00 - 00:00
Friday – Saturday 23:00 – 01:00

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

N/A



Part 2

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

Aris Dema

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

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

N/A

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

N/A



Annex 1 - Mandatory conditions:

S 21; mandatory condition: door supervision

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

Annex 2 - Conditions consistent with the Operating Schedule:

For the Prevention of Crime and Disorder: N/A

For Public Safety: N/A

For the Prevention of Public Nuisance:

1. A litter bin will be installed at the entrance of the premises with a notice directing customers to use the bin.

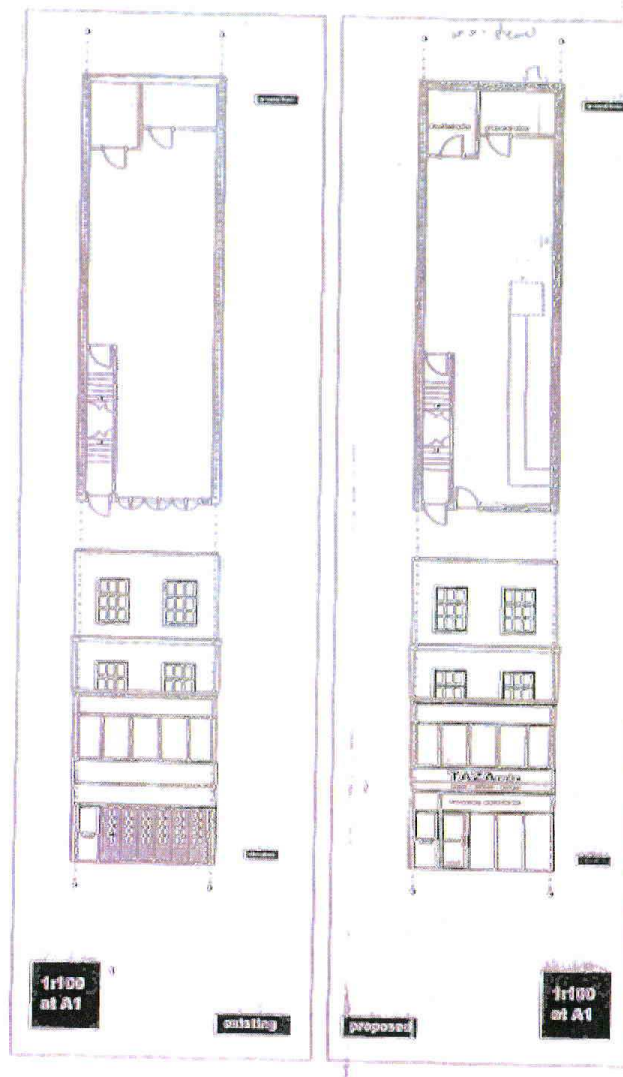
For the Protection of Children from Harm: N/A

Annex 3 - Conditions Attached after a hearing of a Licensing Panel- 23rd May 2011.

1. Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises externally and internally to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and 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. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. 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 for the police without difficulty or delay.

2. The premises will contract for the provision of a recognised mobile support unit which will provide SIA qualified door supervisor back up 24 hours a day.

Annex 4 - Plans



Appendix B

03/03/31/03

Valid PPN & PO JW

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Chief Supt Nev Kemp, Divisional Commander, Brighton and Hove Police on behalf of Temporary Chief Constable Giles York

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Casba 2 8 Western Road	
Post town	Post code (if known)
Hove, East Sussex	BN3 1AE
Name of premises licence holder or club holding club premises certificate (if known)	
Aris Dema 19A Brunswick Place Hove East Sussex BN3 1AE	
Number of premises licence or club premises certificate (if known)	
1445/3/2013/05891/LAPRET	



Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises ☐
 - b) a body representing persons living in the vicinity of the premises ☐
 - c) a person involved in business in the vicinity of the premises ☐
 - d) a body representing persons involved in business in the vicinity of the premises ☐
- 2) a responsible authority (please complete (C) below) ☒
- 3) a member of the club to which this application relates (please complete (A) below) ☐

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

Please tick

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

☐

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Chief Supt Nev Kemp, Divisional Commander, Brighton and Hove Police c/o Claire Abdelkader Police Licensing Officer Brighton & Hove Licensing Unit 4 th Floor, Police Station John Street BRIGHTON BN2 0LA
Telephone number (if any) 101 ext 550828
E-mail address (optional) brighton.licensing@sussex.pnn.police.uk

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

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

Sussex Police contend that the following licensing objectives have been seriously undermined:

- the prevention of crime and disorder
- the prevention of public nuisance

The premises staff have been observed by police officers continually keeping Casba 2 open and trading beyond their hours for licensable activity.

Since January 2014, the premises staff have been observed breaching their permitted hours by police on 6 occasions, with a further breach observed by Licensing Officers from Brighton & Hove City Council in December 2013.

The premises management and staff continue to trade after permitted hours contrary to Section 136 of the Licensing Act 2003, despite being given words of advice by police officers and two formal warning letters from Council Licensing. The management of the premises are continuing to demonstrate a flagrant disregard of the law in relation to the Licensing Act 2003.

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

Casba 2 is a late night refreshment premises located at 8 Western Road, and is situated within the Brighton & Hove City Council Cumulative Impact Area (CIA) as defined in the Brighton & Hove City Council Statement of Licensing Policy.

The premises is licensed for late night refreshment seven days a week:

Sunday – Thursday: 23:00 to 00:00

Friday – Saturday: 23:00 to 01:00

The premises operates on a single floor with the servery situated on the right hand wall as you enter through the front door. There are a number of tables and chairs for patrons along the left hand side and across the front of the premises.

The area surrounding Casba 2 is densely populated with licensed premises and late night refreshment venues and suffers from significant crime and disorder and public nuisance. This is proven by Western Road and its locale being within the Local Authorities CIA as set out on pages 28-29 of the Brighton & Hove City Council Statement of Licensing Policy. The area may also be described as mixed use with retail units or offices at ground level and multiple occupation flats above. The roads leading immediately off of Western Road are all high density terraced housing, with many multiple occupation flats and bedsits, and may therefore be described as residential. Casba 2 by continually opening and serving past its permitted hours is adding to the crime and disorder and public nuisance within the area as they are slowing the dispersal of persons away from the area.

Patrons of late night take away premises are usually under the influence of alcohol and such, for example, do not always react rationally to people jumping queues. Noise and associated disorder can then take place.

Below is a chronology of observed breaches, visits and letters relating to the premises recorded by Sussex Police and Brighton & Hove City Council since August 2013. These constant breaches constitute a flagrant disregard for the Licensing Act 2003. This is despite intervention from both police and Brighton & Hove City Council licensing team and the fact that a crime is being committed under the Licensing Act 2003.

1. Tuesday 20th August 2013

Food Safety at Brighton & Hove City Council completed a routine food inspection at the premises and held discussions with 4 employees including the now Premises Licence Holder, Mr Aris Demir. The result of Food Safety's inspection found a number of hygiene and cleanliness issues, including a 37 point list of details of work that needed to be carried out at the premises to comply with the law. This meant that Casba 2 was awarded a hygiene rating

of one out of a possible five under the Food Hygiene Rating Scheme (FHRS). The premises were informed of the result by letter on 29th August 2013 by a Food Safety Officer.

2. Thursday 12th December 2013

A formal warning letter was sent by Sarah-Jane McNaught at Brighton & Hove City Council Licensing Department to Mr Aris Dema (the Premises Licence Holder) in relation to breaches of the licence witnessed by Council Licensing Officers on 07/12/2013 at 01:40.

3. Wednesday 1st January 2014, 01:45hrs

PS Morgan and PC Hearth of the police licensing team visited Casba 2 following intelligence that the premises was trading past its licensed hours. As it was a Wednesday, the premises should have ceased licensable activity at 00:00. However, the doors were open, all lights were on, food could be seen cooking and two members of staff could be seen to be working. There were also two persons sat at a table eating. PC Hearth spoke to Raphi ALKHALEEL who identified himself as the manager and reminded him that the premises should have ceased serving at 00:00. Other late night refreshment premises had applied for a Temporary Event Notice for New Years morning however, Casba 2 had not. Mr ALKHALEEL replied that he was aware of this but as it was New Years Eve he wanted to make some money. PC Hearth explained that the premises should stop serving hot food and drink but Mr ALKHALEEL flatly refused to stop. PC Hearth went on to explain that he would be reporting the premises to the Council for the breach. Mr ALKHALEEL indicated that he would remain open as he would be in trouble anyway so there was no point in closing. It was firmly explained that he should stop serving hot food, but again this was ignored. Officers left the premises and noted the food was still cooking and the premises remained open.

4. Wednesday 1st January 2014, 02:15hrs

PC Upton and SC Garth returned to Casba 2 following the earlier visit at 01:45 where the premises were found to be serving past their hours. PC Upton approached the servery and before he could ask anyone why they were serving he was told by a staff member that they were aware the police have already been in and were going to prosecute so he was going to stay open and serving hot food. He was given further words of advice re breaching his licence.

5. Wednesday 1st January 2014, 05:00hrs

PC Upton made a third visit to the Western Road area to check on a number of late night refreshment premises in the area following previous breaches that evening. Casba 2 was seen to still be operating at 05:00 despite being spoken to on two earlier occasions that night. PC Upton entered the premises and confirmed they had been open and trading all night. When PC Upton

asked for CCTV he was informed they had none. This is a breach of one of the two licence conditions imposed on the licence under Annex 3, after a hearing of a Licensing Panel on 23/05/2011 which states the following:

1. Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises externally and internally to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and 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. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. 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 for the police without difficulty or delay.

6. Monday 13th January 2014

A formal warning letter was sent by Sarah-Jane McNaught at Brighton & Hove City Council Licensing Department to Mr Aris Dema (the Premises Licence Holder) in relation to previous breaches of the licence and an earlier formal warning letter (dated 12/12/2013).

7. Saturday 8th February 2014, 03:17hrs

As part of a plain clothes Test Purchase operation, a special constable (SC Soderholm) entered Casba 2 at 03:17 observed by PC Upton from the pavement across the road. The front door of the premises was open, the lights were on and there were 2 members of staff behind the counter. On a Friday night (into Saturday morning), the premises is licensed to sell hot food and drink until 01:00. One of the members of staff confirmed to SC Soderholm that they were still open and asked what he could get for him. SC Soderholm ordered a small portion of chips that were cooked while he waited, paid for and were handed to him at 03:23. He then exited the premises before PC Upton himself entered Casba 2 to speak to staff.

On entering the premises and identifying himself as a police officer, PC Upton informed a member of staff, Raphi ALKHALEEL that they had been subject to a test purchase and had failed. Mr ALKHALEEL stated that the premises were just about to close and had not served anyone since 01:00. He offered to let PC Upton check the till roll to confirm. This is significant as when PC Upton had previously requested to see the till roll timings on 05/01/2014 he had been told by staff that there was not one in the till. PC Upton informed the member of staff he would be reporting him to the Council for the breach and left.

8. Friday 14th February 2014, 10:50hrs

A Technical Support Officer in the Council Licensing team received a phone

call from a male at Casba 2 enquiring how to apply for permission to open later that evening (14/02/2014). He was informed that it was too late to do so due to Temporary Event Notice (TEN) timescales and that as he had not submitted a TEN he should only operate within the times specified on the licence of Casba 2 (Friday – Saturday: 23:00 to 01:00).

9. Saturday 15th February 2014, 01:35hrs

Following information from Council Licensing that Casba 2 had made an enquiry about remaining open later into the morning of Saturday 15th February 2014, PS Morgan conducted a licensing check at 01:35, after the premises' permitted serving hours. The door was open, the lights were on and he observed approximately six males inside some of whom had just finished consuming their table meals and left when PS Morgan entered. There was one male customer remaining who was standing at the counter waiting for food with a taxi on standby outside and with money in his hand. The male was being served by Raphi ALKHALEEL who was making the hot food. When Mr ALKHALEEL handed the hot food to the male, he had noticed PS Morgan's presence and stated that the male could have it for free. The male was noticeably surprised. Mr ALKHALEEL then said to PS Morgan 'I know why you are here'. After enquiring whether the premises had a TEN in place to which Mr ALKHALEEL replied 'No', PS Morgan stated that it appeared that Mr ALKHALEEL was serving hot food after his permitted hours. Mr ALKHALEEL stated that that was the only man he had served hot food to after 01:00 and that he was just closing. However, PS Morgan noted that there was both Doner and Chicken on the spike and the kitchen was in full operation. When PS Morgan asked for a print out of the till receipt, Mr ALKHALEEL stated that it had not been working. PS Morgan then stated that he would require CCTV from 01:00, Mr ALKHALEEL made little response. Mr ALKHALEEL then went on to state that all the other late night refreshment premises stay open. PS Morgan left.

Sussex Police contend that the management team of Casba 2 are failing to promote the licensing objectives, specifically the prevention of crime and disorder. They are commit a crime as a premises (Sec 136 of the Licensing Act 2003) by repeatedly remaining open and serving hot food and drink after the hours they are licensed for. Additionally, they are further breaching their licensing condition relating to CCTV by having none available on 01/01/2014, 08/02/2014 and 15/02/2014. The attitude displayed on 1st January 2014 when the premises was found to be open and serving on 3 occasions throughout the same evening despite being given words of advice and being asked to close on the first two visits clearly, shows the flagrant disregard that management have for their prescribed hours and promoting the licensing objectives. These police warnings are in addition to two formal warning letters and a verbal reminder of hours from Brighton & Hove Council Licensing Department. There has also been a further formal letter from Food Safety at the local authority which displays additional lack of faith in the management. However, subsequent to these letters and verbal interventions, plain clothes officers were served hot food during the police test purchase carried out on

08/02/2014, after licensable activity should have ceased at Casba 2. They were again observed by PS Morgan on 15/02/2014 after a verbal warning from Council Licensing.

Sussex Police did consider requesting further conditions be added to the licence but as has been shown, the premises staff and management are not complying to the minimal conditions already on the premises licence. Additionally, Sussex Police do not believe that a reduction in hours will address the problem as the premises continually and deliberately trade past the one hour they have Sunday-Thursday and the two hours they have Friday-Saturday by a considerable amount of time.

Sussex Police consider that there is no alternative other than to request the Licensing Committee give serious consideration to revoking the premises licence of this venue. Sussex Police contend that revocation of the premises licence is an appropriate and proportionate response to the repeated disregard to the hours on the existing licence and the additional public nuisance that will have been caused as a result of trading after permitted hours.

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

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

Please tick yes


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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature (on behalf of the applicant)


pp

Date
27th February 2014

Capacity

pp. Chief Superintendent, Divisional Commander, Brighton & Hove Division

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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

Appendix C



Brighton & Hove
City Council

2014/00899/LAREV
JW

Valid PCD

Planning & Public Protection
Regulatory Services
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Head of Planning & Public Protection
Health & Safety and Licensing
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Date: 13th March 2014

Phone: 01273 294431

Fax: 01273 292196

Email: Sarah.mcnaught@brighton-hove.gov.uk

Dear Sirs,

**RE: Licensing Act 2003 - Representation in Support of Review application by
Sussex Police of Casba 2, 8 Western Road, Hove BN3.**

I refer to the application made by the made by Sussex Police seeking to review the Premises
Licence for Casba 2, 8 Western Road, Hove.

I write in support of this review on the grounds of the Prevention of Crime and Disorder.

In August 2013 I received a complaint that the business was trading beyond its authorised
hours.

On the 3rd September 2013 when on an evening shift, I visited the premises at approximately
21:30. I established that the premises had been bought by Aris Dema who also owned Casba
at 11 Western Road, Hove (two doors along) and that the premises licence needed
transferring into his name.

I visited again on the 12th September 2013 and spoke with Mr. Aris Dema and I carried out
a Licensing inspection (please see inspection form attached). It was then that I explained that
there were allegations of the premises trading beyond hours and we ran through all of the
premises licence confirming what the authorised hours are. Mr. Dema said that they were
not trading beyond hours but the other takeaway, Golden Grill was.

I passed the details of the complaint to Sussex Police Licensing Unit on the 1st November to
monitor.

My colleagues Sarah Cornell and Mark Savage-Brookes (Council Licensing Officers)
witnessed the premises trading at unauthorised hours at approximately 01:40am on Saturday
7th December 2013. (Please see Sarah Cornell's statement attached).

On the 12th December 2013, I sent a warning letter to the Premises Licence Holder in
regards to the breach of licensing witnessed in the early hours of the morning of Saturday 7th
December and advising the Premises Licence Holder of the offence that had been
committed.

Telephone: 01273 290000
www.brighton-hove.gov.uk
Printed on recycled, chlorine-free paper

On the 5th January 2014, I received an email from PC Benjamin Hearth with a number of incidents recorded when the Premises was either trading or appeared to be open.

On the 13th January I wrote to the Premises Licence Holder to advise him of the breaches of licensing.

Yours sincerely



Sarah-Jane McNaught
Licensing Officer
Licensing Team, Environmental Health and Licensing
Regulatory Services

Enclosed:

- Inspection Report
- Witness Statement – Sarah Cornell
- Letter sent to PLH 12th December 2013
- Letter sent to PLH 13th January 2014

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

MUST phone Sarah-Jane when CCTV & MSU installed as current licence is for music - URGENT
 6 people drinks out - phone within one wk with an update



Licensing Act 2003 Inspection Report

Premises Name & Address: Gasba (Taza Mix), S. Western Rd, Hove BN3 1AE shop 202857
 Telephone number: casba2@mail.com mobile 07508173884

Person spoken to & position: Aris Dena (Owner)

Are they a Personal Licence holder? Y/N
 If yes, P/L No. Any changes: N/A

Premises Licence Number: 2011/00510/LAPREN

Part A on site: Y (N) Part B displayed: Y (N)
 NO licences on site or passed over from landlords

DPS: N/A Authority: Written / Verbal / None N/A

Capacity (if applicable): 7 tables (21) CCTV: installed / working
 Not working. To be repaired next week (NEXT WEEK)

Activities taking place

Alcohol On/Off / Both	Live music	Making music	Dance	Plays
LNR	Recorded music	Similar	Boxing	Films

Conditions / matters checked

Lic. Obj	Comments
CD:	SUN-THURS until midnight & Fri-Sat until 1am
PS:	
PN:	MUST have a litter bin by door
CH:	
Hearing:	No CCTV or MSU

Doorstaff: Y/N S.I.A. Reg: Y/N Need MSU

External windows & doors: Open Closed Forecourt / Beer Garden: In use: Y/N Closed: Y/N

Advice given / comments / further action required:
 S.J.M explained if premises licence is to be retained then licence need to transferred. Licence still needs to be transferred, Sarah-Jane Explained urgency & give him form to complete in shop. * MUST have CCTV installed & Mobile Support unit (MSU) as conditions on licence.*

Additional

CI/SSA / Outside	Smoking shelter (area): Y/N Outside front
Date & time	Sarah-Jane McNaught - 29 4431 - phone who have CCTV & MSU - as soon as possible.
Officer/s: STM/SC	Uniform ref. no's:

Licensing Department, Environmental Health & Licensing, Brighton & Hove City Council, Bartholomew House, Bartholomew Square, Brighton BN1 1JP. Tel: 01273 294429, E-mail: ehl.safety@brighton-hove.gov.uk

BRIGHTON & HOVE CITY COUNCIL

WITNESS STATEMENT
(CRIMINAL PROCEDURE RULES, PART 27)

Statement of Witness

(Criminal Procedure Rules, r 27.1(1);
Criminal Justice Act 1967, s 9, Magistrates' Court Act 1980, s.5B)

STATEMENT OF: Sarah Cornell

AGE OF WITNESS: OVER 18

OCCUPATION OF WITNESS: SENIOR TECHNICAL OFFICER

This statement, consisting of three pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed:

Dated the 12th day of March 2014

(being unable to read the above statement, I,
of read it to him/her before he/she signed it.

Dated

-
- 1) I, Sarah Cornell am a Senior Licensing Officer, employed by Brighton & Hove City Council in the Licensing Team of the Regulatory Services. I have worked within Environmental Health and Licensing for over 9 years and I am a Member of the Institute of Licensing and hold the Certificate of Higher Education in Licensing Law. My duties include investigating alleged breaches of Premises Licence conditions and carrying out of unauthorised licensable activities under the Licensing Act 2003.
 - 2) My colleague Mark Savage-Brookes, Technical Officer in the Licensing Team, and I were carrying out visits and monitoring as part of our licensing programme within the City on Friday 6th December 2013 into Saturday 7th December 2013. One of the premises to monitor on our list was Casba 2, 8 Western Road, Hove as a complaint had been received that they were operating beyond the permitted hours on their licence. The premises licence for Casba 2, authorises the licensable activity of Late Night Refreshment from 23:00hrs until 01:00hrs on both a Friday night-Saturday morning and Saturday night-Sunday morning.
 - 3) At approximately 01:40hrs we arrived in Western Road, Hove, we parked on the opposite side of Western Road with a clear vision into Casba 2. It was evident that Casba 2 was open, their double front doors were open, the lights were on and customers and staff were in the premises.

- 4) There were two females and two males in the public side of the premises, a female ordered food, two more customers went in. I witnessed a person ask the staff for something. I could not see food being cooked but could see the kebab meat still turning. There were two members of staff behind the counter and they were wearing blue gloves, one was carving the meat. There were two small metal tables outside the front doors (one either side of the door).
- 5) At one point I saw seven people waiting inside. I saw a staff member hand customer food after putting salad etc from servery in container. Female customer handed money to staff member behind counter. 01:54 I saw staff member ring up something into till and customer hand over some money and then change given, those two customers walked out with two blue carrier bags of food. Left.
- 6) Left vicinity at 01:55. I am satisfied that what I witnessed constituted an unauthorised licensable activity as the premises were trading beyond the hours permitted on their Premises Licence.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed:



Date: 12th March 2014



Aris Dema
19A Brunswick Place
Hove
BN3 1ND

Planning & Public Protection
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Date: 12th December 2013
Our Ref: 2013/11474/LICENQ/EH
Phone: 01273 294431
e-mail: sarah.mcnaught@brighton-hove.gov.uk

Dear Sir

Licensing Act 2003 - Warning
Re: Casba 2, 8 Western Road, Brighton

I am writing to you in your capacity as Premises Licence Holder and for Casba 2, 8 Western Road and following my visit on the evening on the 12th September 2013.

At that visit I advised you regarding transferring premises licence (for your business at 8 Western Road). I also advised you that allegations had been made that you were trading after hours. I ran through both licences of 8 and 11 Western Road, Hove advising you of the hours you are authorised to trade. I then informed you that Council and Police Licensing would be monitoring over the coming weeks. You advised me that it was not you trading late but the other business at 9 Western Road.

At 01:40 7th Dec 2013 (until 01:54) Licensing Officers witnessed trading from this premises with customers being served and money being taken.

Times the licence authorises the carrying out of licensable activities
Late Night Refreshment

Sunday - Thursday	23:00 - 00:00
Friday – Saturday	23:00 – 01:00

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

(1) A Person commits an offence if –

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
- (b) he knowingly allows a licensable activity to be carried on.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

It is our intention to monitor the premises and I would remind you that the Council Licensing and Police Licensing teams have officers monitoring the city both day and night. Should I or any of my colleagues witness a further offence with trading after authorised hours, then further enforcement action will be considered.

If you wish to discuss this, please contact me on the telephone number above.

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

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'SJMc'.

Sarah-Jane McNaught
Licensing Officer
Environmental Health & Licensing

CC'd:
Manager, Casba2, 8 Western Road, Hove, East Sussex. BN3 1AE

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



**Brighton & Hove
City Council**

Aris Dema
19A Brunswick Place
Hove
BN3 1ND

Planning & Public Protection

Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Date: 13th January 2014
Our Ref: 2013/11474/LICENQ/EH
Phone: 01273 294431
e-mail: sarah.mcnaught@brighton-hove.gov.uk

Dear Sir

Licensing Act 2003 - Warning
Re: Casba 2, 8 Western Road, Brighton

I am writing to you in your capacity as Premises Licence Holder and for Casba 2, 8 Western Road and further to a letter dated 12th December 2013 advising you that Licensing Officers witnessed unauthorised trading at Casba 2 at 01:40 on the 7th December 2013 with customers being served and money being taken.

Within that letter (dated 12th December 2013) I also informed you it is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities.

I have now been advised by Sussex Police that they visited your premises on Wednesday 1st January 2014 at 01:45. The premises was operating beyond hours. The Police Officer spoke with the Manager of the premises who admitted that he knew he was trading beyond authorised hours and was advised to close the premises immediately.

A further visit was made at 02:15 on the 1st January 2014 and the premises was still operating. Again the Manager was advised to close immediately.

A final visit was made at 05:00 on the 1st January 2014 where Police Officers again witnessed Casba 2 still operating.

Times the licence authorises the carrying out of licensable activities
Late Night Refreshment

Sunday - Thursday	23:00 - 00:00
Friday - Saturday	23:00 - 01:00

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

(1) A Person commits an offence if –

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
- (b) he knowingly allows a licensable activity to be carried on.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

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

Therefore I now advise you that the Licensing Team are now in contact with the Council's Legal Team whereby further enforcement action is being considered in light of this council's commercial enforcement policy.

Please contact me as a matter of urgency to discuss this matter, on the telephone number above.

Yours sincerely,



Sarah-Jane McNaught
Licensing Officer
Environmental Health & Licensing

CC'd:
Manager, Casba2, 8 Western Road, Hove, East Sussex. BN3 1AE

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

2014/00899/LAREV

PCD
PS
PPN

Vanessa Archer

From: [REDACTED]
Sent: 29 March 2014 17:53
To: EHL Safety
Cc: jus.hunting@btinternet.com
Subject: VANESSA 1445/3/2014/00899/larev Casba 2

Below is the LARA representation with reference to Casba 2 j. hunting

Representation to Licensing Application

Name & address of premises subject to application
Casba 2 8 Western Road BN3
Your name and address (residence of business)
Chair, Lansdowne Area Residents' Association, [REDACTED]
[REDACTED]
[REDACTED]

BRIGHTON & HOVE CITY COUNCIL ENVIRONMENTAL HEALTH & LICENSING DATE RECEIVED 31 MAR 2014

Note: Whether or not your representation can be considered depends upon whether your residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on the premises or immediately outside the premises.

Please state the substance of your representation within one (or more) of the following categories (representations outside these categories cannot be considered).

The Prevention of Crime & Disorder
The Association, fully constituted, supports the application by the police for a review. and revocation of the licence. This is in a Cumulative Impact Zone to which the residents responded and welcomed.
The Western Road artery is surrounded by residential properties and where there is late night refreshment available after alcohol drinking this encourages noisy and rowdy behaviour, - these activities spilling over into the side areas. This problem appears regularly as one of the priorities of the local Brunswick and Adelaide ACTION Team LAT.
Public Safety
late night refreshment shops with small seating areas, results in their customers spilling over onto the narrow pavement, making walking along very unsafe. The customers then often use local

31/03/2014

space areas to congregate and make the area unsafe.

Prevention of Public Nuisance

The availability of late night refreshment encourages loitering by customers outside the premises and creating noise and disturbance as they continue through this residential district, of some 6000 - 7000 residents thus causing a public nuisance

The Protection of Children from harm

Sleep patterns of the residents are badly disturbed, particularly those of children of whom there are an increasing number by late night activities.

Signed: J. Hunting Date: ..29 march 2014.....

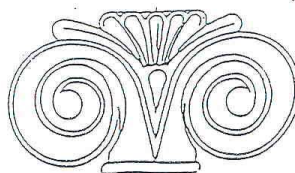
Name: . j. Hunting.....

Please note:

1. Electronically transmitted representations must be confirmed in writing and signed within 5 working days.
2. Representations are in the public domain. Copies are sent to the applicants to allow discussions and with the notice of hearing. They are also included in Licensing Panel papers. Hearings are public.

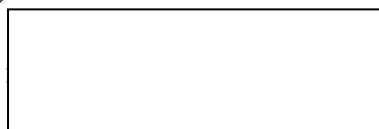
31/03/2014

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENTAL HEALTH & LICENSING
DATE RECEIVED
31 MAR 2014



PCD
PPN

Friends of Brunswick
Square & Terrace



Dear Madam/Sir,

28th.March,2014.

re.The Police Review in respect of the following:-

Casba,11,Western Road 1445/3/2014/00897/LAPEV.

Casbah,8,Western Road. 1445/3/2014/00899/LAPEV.

The Golden Grill,9,Western Road 1445/3/2014/0093/LAPEV.

The Friends of Brunswick Square & Terrace would like to support the Police Review concerning the above food outlets, which we understand seeks to limit the selling of food to 11p.m. at night.We have heard reports of noise and anti-social behaviour at night and in the early hours where these outlets are situated on the Western Road. Also, we have heard complaints that the pavements outside the premises get congested in these late hours, with the result that uninvolved pedestrians are forced into the road to get by,putting themselves in danger.

Yours faithfully,

(Alan Felton - Chair)

To Whom it May Concern,
The Licensing Department,
Bartholomew House,
Bartholomew Square,
Brighton,BN1 1JE.

VALID ✓
CD
PN
CIZ

EHL – please treat as supporting rep to Police application. Thanks, Tim

Tim Nichols
Head of Regulatory Services
Planning & Public Protection
Brighton & Hove City Council
01273292163
New email address: tim.nichols@brighton-hove.gcsx.gov.uk

From: Phelim MacCafferty
Sent: 31 March 2014 16:17
To: Tim Nichols
Cc: Ollie Sykes
Subject: RE: Western Road Hove kebab shops unclassified

Dear Tim

Please find my letter supporting the Police's position below. I can provide the resident's correspondence as an appendix (with their personal details redacted) if necessary.

ATB

Dear Tim

This is a note to advise you that I will be supporting Sussex Police for the revocation of late night refreshment licences for Casba, Casba 2 and Golden Grill.

It is my understanding that Sussex Police are seeking such a revocation for these premises operating beyond their permitted hours.

Through my work on the Local Action Team, anti-social behaviour and fear of it, particularly at night, is regularly reported to our two PCSOs and is a real issue of concern for local residents, which indeed we have raised with Inspector Jon Carter of the West Area Neighbourhood Policing Team.

As you will know from the way in which the Cumulative Impact Zone was welcomed by residents in the ward, there is a commonly-held understanding that the late night economy is putting an acute strain on particular areas of our community- whether that's late night vertical drinking establishments or the late night refreshment economy that accompanies it. Sadly the feedback I have had from residents' correspondence and amenity groups in the ward is that they feel these three licensed premises are adding to public nuisance in this part of our community.

One of the 4 key licensing objectives is prevention of public nuisance. Public nuisance is not defined tightly in the 2001 legislation but retains common law meaning and in the circumstances of this correspondence I wish to articulate how noise nuisance has harmed the amenity of my residents.

I have correspondence from residents 3 years ago (11th August 2011) which asserts that, sadly, there has been a long-term consistent problem- these residents talked about how "...this premises has installed a large stereo system in its serving area, which is used at extremely high volume to play dance music, mainly between 11pm and 4am..."

A letter from an environmental health officer was sent to my resident on 15th August 2011. Residents also talked about how after a visit from the Noise Patrol Officers, noise abated but once again rose. This clearly is outside of the licensed hours of the premises. It is the operation beyond the permitted hours which the Police are using as their evidence today.

Said residents informed me and together we contacted environmental health, noise patrol officers and so on about what was a problem then and what remains a problem that is sadly still affecting residents today. There is an understanding from residents that there has been a persistent, consistent noise nuisance and the amenity groups' response to the Police's call for a revocation supports my understanding of noise nuisance.

Please keep me informed when this panel is in sitting so I can come along. I would also like to speak as a witness as a ward Councillor.

Yours sincerely
Phélim

Phélim Mac Cafferty

Green Party Councillor for Brunswick and Adelaide
Chair of Planning, Brighton and Hove City Council
Member of the Economic Development and Culture Committee, Community Safety Forum and Staff Consultation Forum; Chair of B&H Music Trust; Member of B&H Citizens' Advice Bureau & Arts Commission; Representative on the Coastal West Sussex Strategic Planning Board.

p: 01273 291357

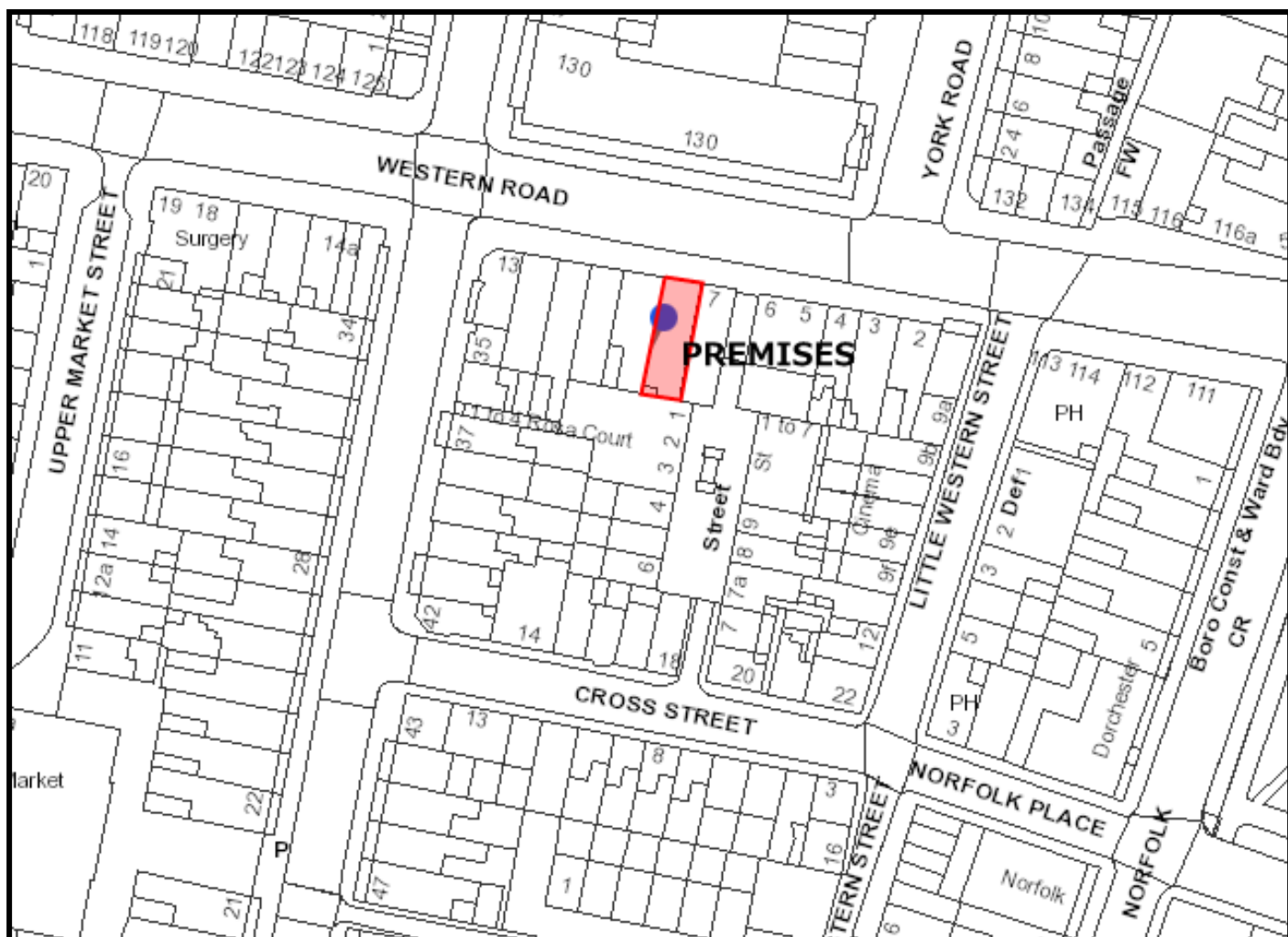
e: phelim.maccafferty@brighton-hove.gov.uk

a: King's House, Grand Avenue, Hove, BN3 2LS

t: @phelimmac

w: <http://www.brighton-hove.gov.uk>

Appendix D



Appendix E



Sussex Police
Serving Sussex

www.sussex.police.uk

Brighton & Hove Licensing Unit

3rd April 2014

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

Dear Sir or Madam,

RE: APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR CASBA 2, 8 WESTERN ROAD, HOVE, EAST SUSSEX, BN3 1AE UNDER THE LICENSING ACT 2003.

Further to the review application in respect of the above premises served by Sussex Police on the 27th February 2014.

I enclose our evidence bundle in support of the application.

Yours faithfully,

PP

Nev Kemp
Chief Superintendent
Divisional Commander
Brighton & Hove Division

Police Station
John Street, Brighton, East Sussex, BN2 0LA

Telephone: 101 | 550828

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

Sussex Police
Supporting Evidence for Review Application
Casba 2, 8 Western Road

Document Index:

1. Statement from PS Simon Morgan of Sussex Police - Brighton & Hove Licensing Team
-

Incident No: 1 (Food Safety Inspection)

2. Letter from Jo Burchell-Collins (BHCC Food Safety Officer) to The Company Secretary of Casba Sussex Ltd (For Committee only)
This relates to incident on **Tuesday 20/08/2013** in Review Application
-

Incident No: 2 (Formal warning letter)

3. Letter from Sarah-Jane McNaught (BHCC Licensing Officer) to Mr Aris Dema
This relates to incident on **Saturday 07/12/2013** in Review Application
-

Incident No: 3 (Police observed breach)

4. Statement from PC Hearth
This relates to incident on **Wednesday 01/01/2014 01:45hrs** in Review Application
-

Incident No: 4 (Police observed breach)

5. Statement from PC Upton
This relates to incident on **Wednesday 01/01/2014 02:15hrs** in Review Application
-

Incident No: 5 (Police observed breach)

6. Statement from PC Upton
This relates to incident on **Wednesday 01/01/2014 05:00hrs** in Review Application
-

Incident No: 6 (Police observed breach)

7. Letter from Sarah-Jane McNaught (BHCC Licensing Officer) to Mr Aris Dema
This relates to incident on **Wednesday 01/01/2014** in Review Application
-

Incident No: 7 (Test Purchase Operation)

8. Statement from SC Soderholm
This relates to incident on **Saturday 08/02/2014 03:17hrs** in Review Application

9. Statement from PC Upton

This relates to incident on **Saturday 08/02/2014 03:17hrs** in Review Application

Incident No: 8 (Phone call)

10. Statement from Amy Kitching (BHCC Technical Support Officer)

This relates to incident on **Friday 14/02/2014 10:50hrs** in Review Application

Incident No: 9 (Police observed breach)

11. Statement from PS Morgan

This relates to incident on **Saturday 15/02/2014 01:35hrs** in Review Application

RESTRICTED (when complete)**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: Simon Morgan

Age if under 18: 0.18

(if over 18 insert 'over 18')

Occupation: Police Sergeant CM614

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:

Date 1st April 2014Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a Licensing Sergeant responsible for managing the Sussex Police Licensing Team in Brighton and Hove. I have held this position since April 2013. Prior to this I was the Licensing Sergeant in West Sussex, a position I held for three years. I have over sixteen years police service with approximately ten years spent policing the front line in Brighton. One of my roles is to ensure that licensed premises are operating within the licensing law and in accordance with both their conditions and their permitted hours of licensing. When there is evidence to show that such premises are in breach of the above or not promoting the licensing objectives, it is my duty to ensure that this is effectively addressed and remedied.

Casba 2 is situated in Western Road, Hove and it is open to the public until 00:00hrs from Thursday to Sunday and until 01:00hrs on Friday and Saturday. As it is a late night refreshment business supplying hot food or drink to members of the public after 23:00hrs, it requires to be licensed.

Casba 2 caters primarily for those taking part in the night time economy and it is essential that the management adhere strictly to both their licensing conditions and their permitted licensing hours. Both the conditions and permitted hours are measures which help stop the licensing objectives becoming undermined.

The premises is situated on an arterial route out from the city and Western Road suffers from a disproportionately high level of alcohol-related crime, disorder and anti social behaviour during the night time economy. The premises is also situated within the Cumulative Impact Zone (CIZ), where it has been evidenced and published within the Statement of Licensing Policy that the concentration of licensed premises in this small area of the city is directly contributing to crime, disorder and nuisance.

It has been recognised by Sussex Police that the existence of a late night refreshment establishment will increase the likelihood of crime, disorder and public nuisance occurring either in the premises or in the vicinity of the premises. Late night refreshment establishments essentially become focal points for individuals leaving the night time economy - some of which are drunk and also aggressive. They can also impede the flow of dispersal from the night time economy.

I have reviewed the last six months of occurrences relating directly to the night-time economy in Western Road after 23:00hrs. There are over twenty incidents in the vicinity of the premises, ten of which involve public place violent crime including a group of five males fighting in the street, a group of people (one with a knife) fighting outside a restaurant, a female head-butted in the street, a male punched on the jaw outside a hot food outlet and a female claiming that she was assaulted by staff in a late night refreshment establishment. The occurrences in this time period also include eight incidents involving drunken individuals requiring police involvement; one of these incidents involved the police being called at 03:18hrs to Casba 2 on Friday 1st November 2013 and removing a drunken female from the premises. There have also been three counts of criminal damage to shop windows and vehicles in the vicinity.

In 2.6.16 of the Statement of Licensing Policy, Chief Inspector Simon Nelson states: 'Weekends in the city centre continue to offer a high level of risk.' He further states that new challenges for the police have emerged concerning areas within walking distance of the city centre. These challenges, he says, apply to, 'the end of a night out when further purchases of food and alcohol are made.'


Sussex Police's resourcing during the weekend night-time economy is encompassed by Operation Marble.

Continuation of statement of

The 'foot-print' of Operation Marble had previously been increased solely due to the spread of off licences and late night refreshment premises along Western Road. In turn, the Cumulative Impact Zone extended from the Preston Street border to the Holland Road border to address this proliferation.

It is therefore essential that the hot food outlets in this key location adhere to their hours of licensable activities. By operating beyond these hours, the management are not only acting unlawfully, but they are also wilfully increasing the risk of crime, disorder and public nuisance. Additionally, they are undermining the licensing objectives and furthermore acting in contempt of the processes especially designed by the Statement of Licensing Policy and Sussex Police to reduce problems relating to the night-time economy.

Casba 2 has been observed serving after hours on a number of occasions and have been given both verbal and written warnings regarding these breaches. As such I believe that revocation of the licence is both a proportionate and appropriate measure to ensure that the licensing objectives and the safety and well-being of the public in Brighton and Hove are no longer compromised by the negligent management of Casba 2.



Signature

Signature witnessed by:

PTO

Evidence relating to
incident dated:
20th August 2013

1 x Letter from BHCC

FOR COMMITTEE
ONLY

Mr A Dema
Casba 2
8 Western Road
Hove
BN3 1AE

Date: 29 August 2013
Our Ref: JBC/2013/32464/FHI
Contact: Mrs J Burchell-Collins
: 01273 292444
Phone: 01273 292196
Fax:
Email: jo.burchell-collins@brighton-hove.gcsx.gov.uk

Dear Mr Dema,

**Food Safety Act 1990
Food Hygiene (England) Regulations 2006
Regulation (EC) No. 852/2004
Health & Safety at Work etc Act 1974
Routine Food Hygiene Inspection
Casba 2, 8 Western Road, Hove**

I refer to my inspection of your restaurant/takeaway carried out on the afternoon of 20 August 2013, and to the discussions held with you, your father, Mr Shamoon and Mr Ateia when a note of my key findings was left on site. I would confirm that this inspection covered the whole of the premises and that your Olleco and Forge Farm invoices, other invoices and Rentokil Report dated 10 May 2013 were examined.

I was concerned that there was a large amount of rat droppings in the old toilet in the basement. The drain must be properly capped off as a matter of urgency (see Item 12 below). Although these droppings did not appear to be fresh, other important pest control works are also required to prevent the rats coming back so you must deal with these matters straight away.

Schedule A details the work needed to comply with the law. (This work or work considered equally effective must be completed.)

Schedule B lists those matters that, though not legally required, are considered to be good working practice. You should view these recommendations as important guidance for developing safe, hygienic practices.

As a result of my inspection your premises has been awarded a hygiene rating of one out of a possible 5 under the national Food Hygiene Rating Scheme (FHRS). This will be published on our website. See enclosed for your sticker and certificate which you can display on the premises if you wish.

Any sticker or certificate issued under this scheme remains the property of Brighton & Hove City Council. Display of the sticker and certificate is discretionary. Where you choose to display these, upon receiving your new certificate and sticker you should destroy the previous and replace them with the new ones within 14 days of receiving them. Continuation to display the incorrect sticker or certificate after notification may constitute an offence under the Consumer Protection from Unfair Trading Regulations 2008. Only the current rating for the business can be displayed.

The reasons why you have received a hygiene rating of one are:-

Hygiene issues

- There was no anti-bacterial spray available to disinfect food-contact and hand-contact surfaces.
- The wash hand basin in the cooking/servery area was not being used by staff to wash their hands.
- There was no provision made for washing hands after raw meat preparation in the basement.
- Flies were seen in the ground floor servery area and uncovered food had been left out.
- Poorly wrapped cheese slices were stored next to a raw burger in the counter chiller in the servery area.
- There was a risk of contamination to ready-to-eat foods from leaving plated salads on the back of the serve-over chiller where juices from raw kebabs could drip onto them.
- High-risk foods were being stored at temperatures above 8°C.
- You had nearly run out of waterproof plasters.
- Food handlers were not wearing suitable protective clothing.
- You were unaware that food handlers must not return to work until 48 hours clear of symptoms if they have had sickness or diarrhoea.

Structure/Cleanliness issues

- There were old rat droppings on the floor in the room which was previously a customer toilet.
- The disconnected drain in this room had been covered with cling film and had not been properly capped off.
- There were holes in the internal structure of the building which could allow rats and mice to spread.
- There was no water in the bowl of the other old toilet in the basement.
- There were gaps in the ceiling in the ground floor servery/washing up area.
- The hot water heater to the wash hand basin in the ground floor toilet was not switched on and also leaked when the tap was turned on.
- The bare brickwork in the ground floor cooking area/servery is not smooth and washable and therefore cannot be adequately cleaned and, where necessary, disinfected.
- The bare bricks supporting the stainless steel table in the servery similarly cannot be effectively cleaned.
- The defective wall by the doner kebab grill did not have a smooth, washable surface.

- There were gaps around the door frame in the ground floor washing up area.
- Bare wood in the servery area (eg the louvre doors) is absorbent and so cannot be effectively cleaned and, where necessary, disinfected.
- There were greasy and sooty deposits on the wooden door and its frame in the wall behind the chargrill.
- The walls in the basement meat preparation area did not have smooth, washable surfaces.
- Raw meat preparation was being carried out on top of chest freezers in the basement, rather than a proper worksurface which can then be adequately cleaned and disinfected.
- The grease filters and canopy required thorough cleaning.
- A grease filter was missing above the deep fat fryer.
- There is no ventilated lobby between this toilet and the open cooking/servery area nearby.
- Suitable soap and adequate materials for hygienic hand drying must be provided at sinks used for washing hands, along with a bin close by for disposing of used tissue/paper towel.
- The level of lighting to the ground floor washing up area was inadequate.
- There was no documentation available to show that waste bones are being taken by a licensed contractor.

Hygiene management issues

- Some of your pest control reports were missing. **Please send me copies of all your reports within 7 days.**
- In addition to your Rentokil contract, you and your staff must carry out monitoring checks for pests every day.
- The rat bait boxes had been moved from the location that your pest control operative had placed them in.
- There were inadequate procedures in place regarding hand washing and disinfection.
- You and your staff have not received adequate food hygiene training and there were no records of training on site.
- There were no documented food hygiene procedures or records of daily food safety checks.

Under the FHRS you have a number of rights which are outlined in the 'Good hygiene is good for your business' leaflet that I have enclosed. Further details of these rights are also contained in our 'Safeguards for Food Businesses' leaflet which can be obtained by telephoning (01273) 292161, emailing ehl.food@brighton-hove.gov.uk, visiting www.brighton-hove.gov.uk/hygienerating or by writing to me at this address.

Once you have completed the legal requirements, you can request a re-inspection and a rescore under the Food Hygiene Rating Scheme. Details of how to do this are at www.food.gov.uk/multimedia/pdfs/enforcement/fhrssafeguards.pdf where you can also find out about your right to reply and download the relevant forms.

I look forward to receiving copies of your pest control reports. A re-visit will be made in approximately 6 weeks to assess progress with the above works, although I will contact you sooner to check that the drain has been blocked off. However, should you have any queries regarding the contents of this letter, please contact me on the above number.

If you are unhappy with the service you have received, please contact the Food Safety Team Leader, contact number (01273) 292157.

Yours sincerely,



Mrs J Burchell-Collins, Food Safety Officer.

Enclosures:-

- FHRS certificate and sticker
- Food & Safety News
- Details of food hygiene courses and thermometer suppliers

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

SCHEDULE A - LEGAL REQUIREMENTS

Hygiene issues

1. There was no anti-bacterial spray available to disinfect food-contact and hand-contact surfaces. The 'Blustuf' that you use is very good for removing grease and dirt but is labelled to say it is not a sanitiser and so it does not kill bacteria. Adequate supplies of food-safe sanitiser or anti-bacterial spray must be kept on site so that surfaces can be disinfected. This is particularly important when raw lamb and chicken have been prepared because raw meat is contaminated with bacteria. Blood was seen on the lids of the chest freezers even though chicken was being cut on chopping boards. If equipment/surfaces/ utensils have been touched by raw meat/poultry then you must wash, disinfect and dry them to prevent harmful bacteria from spreading. Hand-contact points (such as taps and fridge door handles) must also be regularly disinfected.
2. The wash hand basin in the cooking/servery area was not being used by staff to wash their hands. It was dry, indicating that it had not been used, and yet staff had been on site preparing, cooking and serving food when I arrived. If food handlers wash their hands at the washing up sinks, there is a risk of contaminating clean utensils. Hands must therefore be washed at the basin designated for hand washing only. If your staff cannot easily access the hand basin, the unused fryer must be removed.
3. There was no provision made for washing hands after raw meat preparation in the basement. To prevent the spread of bacteria, it is essential that hands are washed after handling raw meat. Although there is no wash hand basin in the room, there is a sink in the adjacent room which could be designated for washing hands. It will need to be provided with suitable soap and adequate materials for hygienic drying of hands (see Item 28 below).
4. Flies were seen in the ground floor servery area and uncovered food had been left out. Flies carry bacteria and so present a risk of contamination to food. An uncovered tray of cooked rice had been left out on the counter and also because there was no anti-bacterial spray on site, you had no means of adequately disinfecting food-contact surfaces that flies may have landed on. Food must be kept covered, lids must be kept on bins and you must put precautions in place to prevent flies.
5. Poorly wrapped cheese slices were stored next to a raw burger in the counter chiller in the servery area. This may result in cross contamination. Use separate fridges for raw and cooked/ready-to-eat foods. If this is not possible, ensure cooked/ready-to-eat foods are stored separately and above raw foods within the fridge.

6. There was a risk of contamination to ready-to-eat foods from leaving plated salads on the back of the serve-over chiller where juices from raw kebabs could drip onto them. You must ensure that raw kebabs do not contaminate plates or salads on the back of the serve-over chiller. Marinade from the kebabs could drip onto the plates/salads when the kebabs are lifted out of the serve-over chiller. You must re-organise the layout so that plates and salads are kept well away from raw kebabs.
7. High-risk foods were being stored at temperatures above 8°C. Cheese in the counter chiller was at 12°C and a tray of cooked rice left out on the counter was 16°C. The surface temperature of some of the salads in the serve-over chiller were above 8°C and the thermometer inside was reading 10°C. High-risk foods must be stored at 8°C or less to prevent the growth of harmful bacteria and the formation of spores/toxins which could lead to food poisoning. Temperatures must be closely monitored and appropriate action taken if high-risk foods get too warm.
8. You had nearly run out of waterproof plasters. You must keep adequate supplies of waterproof (and ideally blue coloured) plasters for food handlers.
9. It was noted that food handlers were not wearing suitable over-clothing. You must ensure that all persons working in food handling areas wear suitable, clean, and where appropriate, protective clothing. When staff prepare raw meat, they must either wear disposable aprons which are then thrown away, or clean material aprons which are then removed when meat preparation has finished. Dirty aprons must be stored away from clean clothing and must be put through a hot wash cycle in a washing machine before being worn again.
10. You were unaware that food handlers must not return to work until 48 hours clear of symptoms if they have had sickness or diarrhoea. Staff should be 'fit for work' at all times. This means that they must not be suffering from, or carrying, an illness or disease that could cause a problem with food safety. People who are not 'fit for work' could spread harmful bacteria to food. Any member of staff who has diarrhoea and/or vomiting should report it to their manager immediately and either stay at home or go home straight away. People suffering from these symptoms often carry harmful bacteria on their hands and can spread them to food or equipment they touch. Staff should not return to work until they have had no symptoms for 48 hours.

Structure/Cleanliness issues

11. There were old rat droppings on the floor in the room which was previously a customer toilet in the basement. Droppings must be removed and the floor must be thoroughly cleaned and disinfected. It is important that floors are kept clean so that you can then easily spot any further signs of rats or

other pests. In Rentokil's report dated 10 May 2013, you were told to clear up the droppings.

12. The disconnected drain in this room had been covered with cling film and had not been properly capped off. It must either be capped off or removed and the connection to the drainage system properly blocked off, to prevent further access by rats which live in the sewers. This was also highlighted to you in the Rentokil report.
13. There were holes in the internal structure of the building which could allow rats and mice to spread. The following must be blocked up:-
 - i) The hole in the ceiling of the above-mentioned room must be boarded over.
 - ii) The hole at the base of the wall by the door frame to the other toilet in the basement must be blocked off.
 - iii) The gap in the floor around the waste pipe from the washing up sinks in the ground floor washing up area must be sealed.
14. There was no water in the bowl of the other old toilet in the basement. The toilet must be flushed regularly to maintain water in the bowl (and so prevent access by rats from the sewers) or the toilet must be removed and the drain properly capped off.
15. There were gaps in the ceiling in the ground floor servery/washing up area:-
 - i) The missing hatch above the pizza oven must be replaced or the gap boarded over.
 - ii) There were filters missing from the canopy in the washing up area. If you wish to use the extract ventilation, the filters must be replaced. Otherwise, the gaps could be boarded over if the extract ventilation is not needed.
16. The hot water heater to the wash hand basin in the ground floor toilet was not switched on and also leaked when the tap was turned on. The water heater must be repaired so that it does not leak and you must ensure that it is turned on as soon as staff start work so that there is an adequate supply of hot water for washing hands after using the toilet.
17. The bare brickwork in the ground floor cooking area/servery is not smooth and washable and therefore cannot be adequately cleaned and, where necessary, disinfected. Dust and particles could flake off the brickwork and contaminate food. If food or grease splashes up the walls, you will not be able to clean them properly. A smooth, washable finish is needed for the walls behind food preparation surfaces. As discussed, this could be a stainless steel, UPVC, laminate or ceramic tile 'splashback' (up to the height of the hot cabinet). Above this, the bricks and mortar could be sealed with clear brick sealant or painted with a suitable masonry paint.

18. The bare bricks supporting the stainless steel table in the servery similarly cannot be effectively cleaned. They will pick up dirt and grease when the floor is mopped and will make cleaning the floor around and behind the table difficult. The bricks must be removed and a more suitable base provided for the table, which allows you to easily clean the floor underneath and also to check for signs of pests. You could use stainless steel supports or timber table legs as long as the wood is smooth and has been varnished or painted with washable paint.
19. The defective wall by the doner kebab grill did not have a smooth, washable surface. The redundant cables must be removed and the wall made good, and provided with a smooth, washable surface which is easy to clean (for example stainless steel sheet or UPVC cladding).
20. There were gaps around the door frame in the ground floor washing up area. Gaps must be filled and sealed to provide a wall finish which is easy to clean.
21. Bare wood in the servery area (eg the louvre doors) is absorbent and so cannot be effectively cleaned and, where necessary, disinfected. Bare wood must be varnished or painted with a washable paint so that it is easy to clean.
22. There were greasy and sooty deposits on the wooden door and its frame in the wall behind the chargrill. The door and frame must be thoroughly cleaned on a regular basis.
23. The walls in the basement meat preparation area did not have smooth, washable surfaces. If you wish to continue using this area for raw meat preparation, the walls will need to be provided with smooth, washable surfaces to a reasonable height (similarly to Item 18 above).
24. Raw meat preparation was being carried out on top of chest freezers in the basement, rather than a proper worksurface which can then be adequately cleaned and disinfected. A table or workbench must be provided for raw meat preparation rather than your staff having to put chopping boards on top of the freezers. Whilst the arrangement may be acceptable in your father's smaller shop in the past, the quantities of meat being prepared at 8 Western Road for both businesses mean that you need to make better provision for safe meat preparation here.
25. The grease filters and canopy required thorough cleaning. I was told that the grease filters are jet-washed weekly. I suggest that they need to be cleaned more often or a spare set bought so that they can be used in rotation.
26. A grease filter was missing above the deep fat fryer. An appropriate filter must be installed immediately to reduce nuisance from odours and avoid

grease accumulating in inaccessible parts of the ducting. If grease builds up inside, it can be a fire risk and may also damage the fan and motor.

27. There is no ventilated lobby between this toilet and the open cooking/servery area nearby. Although you assured me that the toilet door is kept closed, it had been left open during my inspection. Because there is no ventilated lobby, there is a risk that airborne viruses from the toilet could contaminate food in the servery area. You must either build a ventilated lobby or otherwise fit an appropriate self-closer to the toilet door and ensure that the fan runs on for 15 minutes after the light is switched off. If you prefer to leave the fan running constantly, you will need to make sure that the light is not accidentally switched off.

Because you may be required to keep this toilet as an accessible one for disabled customers, I advise you to check with the council's Planning Department on 01273 292222 before making any structural alterations.

28. Suitable soap and adequate materials for hygienic hand drying must be provided at sinks used for washing hands, along with a bin close by for disposing of used tissue/paper towel. You need a wall-mounted dispenser above the wash hand basin in the servery for paper tissue. The bin at the opposite end of the servery is too far away for the hygienic disposal of used paper tissue. Soap and disposable paper tissue or paper towels must be provided at the sink in the basement as this is where hands need to be washed after raw meat preparation.
29. The level of lighting to the ground floor washing up area was inadequate. Only two of the lights were working and the level of lighting was insufficient to allow for adequate cleaning and pest control checks. The light in the disused toilet in the basement was flickering and so the bulb needs to be replaced so that you can easily see to clean and check for pests.
30. There was no documentation available to show that waste bones are being taken by a licensed contractor. Raw meat waste and bones must be collected by someone who has a licence from the Environment Agency. I was told that a man takes away the bones for his security dogs. I need to see a copy of your Waste Transfer Note for the bones or you can give me his licence number. If he is not a licensed contractor, then you will need to arrange a contract with a suitable company.

Hygiene management issues

31. Some of your pest control reports were missing. **Please send me copies of all your reports within 7 days.** It is important that copies of the reports are kept on site and also that you act on any advice that the contractor gives you relating to pest control.
32. In addition to your Rentokil contract, you and your staff must carry out monitoring checks for pests every day. As your contract only covers routine

inspections every month or so, it is important that you and your staff check for signs every day, particularly as there was heavy infestation of rats before you opened the business.

33. The rat bait boxes had been moved from the location that your pest control operative had placed them in. The pest controller had decided on the most appropriate location of these boxes and had secured them with cable ties, which were subsequently removed. Rats are shy of new objects in their territory and so the pest control operative would have put them in the places that he thought would be most effective for them taking the bait. You must ask the pest control operative to put these bait boxes back in the right places and ensure they are not removed again.

34. There were inadequate procedures in place regarding hand washing and disinfection.

- i) You and your employees did not understand the need for handwashing facilities for the basement raw meat preparation area.
- ii) The wash hand basin in the ground floor servery was clearly not being used and no soap or disposable tissue/clean towels had been provided there.
- iii) The hot water heater in the ground floor toilet had not been switched on, indicating that staff using the toilet that day had not washed their hands properly using hot running water.

Good handwashing and providing the necessary materials to do this is essential to prevent the spread of bacteria and it is important that your staff are made aware of this.

35. You and your staff have not received adequate food hygiene training and there were no records of training on site. You must ensure that all food handlers engaged in your food business are supervised, instructed and/or trained in food hygiene matters to a level appropriate to their work activity. It is suggested that staff who prepare open, high-risk foods or handle food and have a supervisory role must have training to a level equivalent to Level 2 Award in Food Safety in Catering within 3 months of starting work.

You must also ensure that your staff are trained in your own food hygiene procedures and in particular, and food safety checks that they are expected to carry out when you are not on site (for example, checking fridge temperatures, monitoring for pests and ensuring that adequate disinfection is carried out). You must keep records of this training. I suggest you fill out the Staff Training Record sheets in the SFBB pack to show you have trained your staff in your food hygiene procedures.

36. There were no documented food hygiene procedures or records of daily food safety checks.

Food hygiene regulations require you to document your food safety procedures and keep records of checks that you carry out to ensure that food is safe.

In order to comply with this requirement, I suggest that you print off and complete a copy of the Food Standards Agency (FSA) in their 'Safer Food Better Business' (SFBB) pack, which will guide you through how to comply and provide the necessary documentation. You can download the pack from www.food.gov.uk/catering

Health & Safety

Whilst a full health and safety inspection was not carried out, I would draw your attention to the following item:-

37. The missing handrail to the side of the stairs must be replaced, otherwise there is a danger that staff, visitors or delivery drivers could fall off the side of the stairs.

SCHEDULE B – RECOMMENDATIONS

38. I recommend that redundant equipment in the basement is thrown away, so that it is easier to clean the floor and check for signs of pests.
39. I suggest that you install a fly killing machine in the ground floor servery/washing up area. Flies were seen in the area and as it is not practical to fit flyscreens across the open front to the seating area, a fly machine would be a good secondary measure to deal with flies. The machine should be placed in a dark area and not directly above any areas where open food is handled or stored.
40. I recommend that you carry out temperature checks on chilled and frozen food deliveries, to ensure that all products are received at the correct temperatures. You could ask the delivery driver to write down the van temperature on the invoice/delivery note, or use your probe thermometer to check actual food temperatures.
41. I recommend that you use a probe thermometer for checking temperatures and that you keep a written record of your checks. Probe thermometers can be used to check both hot and cold temperatures and will measure both air and food temperatures. A probe would be particularly useful for monitoring the temperature of foods in the serve-over chiller. I enclose details of thermometer suppliers for your information.
42. It is good practice for food handlers to have regular refresher training in food hygiene, and we recommend that the Level 2 Certificate is renewed every 3 years. I enclose details of organisations offering food hygiene training for your information.

43. Although you have a double sink in the ground floor washing up area, putting utensils through a dishwasher would be a better way of ensuring that they are adequately washed and disinfected. I therefore recommend that the dishwashing machine is put back into working order.

Evidence relating to
incident dated:
7th December 2013

1 x Letter from BHCC

Aris Dema
19A Brunswick Place
Hove
BN3 1ND

Date: 12th December 2013
Our Ref: 2013/11474/LICENQ/EH
Phone: 01273 294431
e-mail: sarah.mcnaught@brighton-hove.gov.uk

Dear Sir

Licensing Act 2003 - Warning
Re: Casba 2, 8 Western Road, Brighton

I am writing to you in your capacity as Premises Licence Holder and for Casba 2, 8 Western Road and following my visit on the evening on the 12th September 2013.

At that visit I advised you regarding transferring premises licence (for your business at 8 Western Road). I also advised you that allegations had been made that you were trading after hours. I ran through both licences of 8 and 11 Western Road, Hove advising you of the hours you are authorised to trade. I then informed you that Council and Police Licensing would be monitoring over the coming weeks. You advised me that it was not you trading late but the other business at 9 Western Road.

At 01:40 7th Dec 2013 (until 01:54) Licensing Officers witnessed trading from this premises with customers being served and money being taken.

Times the licence authorises the carrying out of licensable activities
Late Night Refreshment

Sunday - Thursday	23:00 - 00:00
Friday - Saturday	23:00 - 01:00

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

(1) A Person commits an offence if –

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

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

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

It is our intention to monitor the premises and I would remind you that the Council Licensing and Police Licensing teams have officers monitoring the city both day and night.

Should I or any of my colleagues witness a further offence with trading after authorised hours, then further enforcement action will be considered.

If you wish to discuss this, please contact me on the telephone number above.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'SJM' followed by a period.

Sarah-Jane McNaught
Licensing Officer
Environmental Health & Licensing

CC'd:
Manager, Casba2, 8 Western Road, Hove, East Sussex. BN3 1AE

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

Evidence relating to
incident dated:
1st January 2014

3 x Police Statement

1 x BHCC Letter

RESTRICTED (when complete)**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1)

URN

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Statement of: PC Ben HEARTH CH234

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Constable

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:



Date 05/03/2014

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

On Wednesday the 1st of January 2014 I was on duty in full uniform crewed under callsign JC703 together with PS MORGAN CM614. During the New Years eve shift we dealt with several incidences and throughout the night we completed several premises checks. At 01:45 we attended the CASBA 2 on WESTERN ROAD in HOVE. This premises had been identified for a check, following previous reports of working passed their licensed hours together with being witnessed by police officers on previous occasions. As it was New Years several premises across the city had applied for temporary event notices to extend their hours. We were aware that CASBA 2 had not put a notice in and furthermore as New Years Eve fell on a weekday that they should have closed at midnight. At 01.45 the premises was open with its lights on, doors open and as we walked in we could see meat cooking on skewers. There were 2 attendants behind the counter, though there could have been more in the back area which I could not see. Whilst this is a takeaway there is plenty of seating if someone wanted to eat inside the premises and on this occasion I could see 2 people sat at a table eating, though these were the only customers. I went to the counter and spoke to a male who eventually gave me his details as Rafi ALKHALEE 07/10/1984. I explained the purpose of the visit and that he should have been closed at 00.00. ALKHALEE stated that he knew this and as it was New Years Eve he wanted to make some money. PS MORGAN CM614 asked whether he had a temporary event notice which he confirmed that he did not. With that I explained that he would need to close and he flatly refused. With that I took his details down and explained that he would be reported to the council. His attitude somewhat changed with this and asked that if he closed now would I report him. I told him that I would need to report him even if he closed to which he explained that he may as well stay open if he was going to be reported anyway. With that I strongly advised him that he should shut the premises rather than further breach his licence. We then left the premises.

These form part of my original notes on the matter, having refreshed my memory using a report I wrote at the



RESTRICTED (when complete)**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)

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Statement of: David UPTON

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer CU779

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:



Date 13/02/2014

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

On the 1st of January 2014 I visited Casba 2, number 8 Western Road Hove at approximately 0215 hours. The reason for the visit was that I was aware that the shop has been trading beyond it's licensed hours and that it had no Temporary Event Notice in place for this night, therefore I knew that it had to close at midnight. I walked into the shop at 0215 hours with Special Constable GARTH SC2619. As I entered there was a person being served at the counter. I walked up to the manager, Raphi ALKHAEEL. Before I was able to talk to him he said to me 'I KNOW I KNOW, THE POLICE HAVE JUST BEEN IN AND I AM GOING TO GET PROSECUTED SO I WILL STAY OPEN'.

I asked when they had come in and he said about 15 minutes previously. I said to him that despite him thinking that he may as well keep serving it would be a much better idea to close now to show compliance with the Police request. He refused to close so I left the shop.

I then left the shop with SC GARTH and we carried on our duties for the evening.



RESTRICTED (when complete)**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1)

URN

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Statement of: David Upton

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Officer CU779

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:



Date 13/02/2014

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

At 0500 hours on the 1st of January 2014 I went back to the Casba 2 which I had visited earlier on in the evening and had found to be trading beyond its licensed hours. It was now 5 hours past his licensed time so once again I went into the shop to discuss this with him. There were no customers in the shop at this time and he said that he was closing now. I requested to look at his CCTV from midnight onwards but he stated to me that he did not have any CCTV, I then requested to look at the till roll of sales for that night and again he said this could not be done. He showed me where the till and there was just an empty space where the till roll should be housed.

This time the owner was really apologetic, I again gave him words of advice stating that he needs to abide by his licence. I then left the shop.



Aris Dema
19A Brunswick Place
Hove
BN3 1ND

Date: 13th January 2014
Our Ref: 2013/11474/LICENQ/EH
Phone: 01273 294431
e-mail: sarah.mcnaught@brighton-hove.gov.uk

Dear Sir

Licensing Act 2003 - Warning
Re: Casba 2, 8 Western Road, Brighton

I am writing to you in your capacity as Premises Licence Holder and for Casba 2, 8 Western Road and further to a letter dated 12th December 2013 advising you that Police Licensing Officers witnessed unauthorised trading at Casba 2 at 01:40 on the 7th December 2013 with customers being served and money being taken.

Within that letter (dated 12th December 2013) I also informed you it is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities.

I have now been advised by Sussex Police that they visited your premises on Wednesday 1st January 2014 at 01:45. The premises was operating beyond hours. The Police Officer spoke with the Manager of the premises who admitted that he knew he was trading beyond authorised hours and was advised to close the premises immediately.

A further visit was made at 02:15 on the 1st January 2014 and the premises was still operating. Again the Manager was advised to close immediately.

A final visit was made at 05:00 on the 1st January 2014 where Police Officers again witnessed Casba 2 still operating.

Times the licence authorises the carrying out of licensable activities
Late Night Refreshment

Sunday - Thursday	23:00 - 00:00
Friday - Saturday	23:00 - 01:00

I have previously informed you that 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 –

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

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

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

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

Therefore I now advise you that the Licensing Team are now in contact with the Council's Legal Team whereby further enforcement action is being considered in light of this council's commercial enforcement policy.

Please contact me as a matter of urgency to discuss this matter, on the telephone number above.

Yours sincerely,



Sarah-Jane McNaught
Licensing Officer
Environmental Health & Licensing

CC'd:
Manager, Casba2, 8 Western Road, Hove, East Sussex. BN3 1AE

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

Evidence relating to
incident dated:
8th February 2014

2 x Police Statement

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: Daniel SODERHOLMAge if under 18: Over 18 (if over 18 insert 'over 18')Occupation: Special Constable S2520

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature: _____

Date 08/02/2014Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

On Saturday, 8th February 2014, I was on duty in plain clothes with PC UPTON CU779 and PC FRANKS DF386. We were tasked with conducting a test purchase on a number of late night food vending establishments that were believed to be selling food past their licensed hours.

At 03:17, I entered CASBA 2, at 8 WESTERN ROAD, BRIGHTON, which is authorised to sell late night refreshment until 01:00 on a Friday night. PC UPTON was observing from the pavement across the road. When I entered, the front door was open, the lights were on, and there were two members of staff behind the counter. There were no other customers. The members of staff were both males, in their late 30s or early 40s, with black hair, and of Eastern European or Middle Eastern appearance. The staff were both cleaning up the shop in preparation for closing.

I asked the staff member closest to the front counter, "ARE YOU STILL OPEN?", to which he replied "YES, WHAT CAN I GET FOR YOU". At 03:18, I said, "A SMALL CHIPS PLEASE". I watched as he walked to the deep fat fryers at the back of the kitchen area, opened a bag of frozen chips, and poured a portion into the fryer. At 03:20, whilst the food was cooking, he said "THAT WILL BE ONE POUND FORTY". I handed over a £10 note and watched as he processed it in the till before giving me £8.60 change. He then returned to the fryer. The second male was continuing to clean the back of the shop.

At 03:23, the first staff member took the chips out of the fryer, placed them in a polystyrene box, and asked me, "DO YOU WANT SALT AND VINEGAR?". I replied "YES". He applied the condiments, closed the box, and handed it to me.

I took the box to PC UPTON, and showed it to him to confirm that hot food had been received. PC UPTON then entered the shop to speak to the staff.

This statement forms my original notes and was completed at 04:05 the same day.

Signature: _____

Signature witnessed by: _____

MG11 5/2007

RESTRICTED (when complete)

RESTRICTED (when complete)**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1)

URN

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Statement of: David UPTON

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Officer CU779

This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:



Date 09/02/2014

 Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

On Saturday the 8th of February 2014 I was on duty in plain clothes with my colleagues PC FRANKS DF386 and SC SODERHOLM S2520. I work in the police licensing department and as part of our responsibilities we check that fast food outlets with a late night refreshment licence are abiding by their conditions.

Over the last few months we have been having particular trouble with 3 Kebab shops in Hove. These are Casba 2, 8 Western Road Hove. The Golden Grill, 9 Western Road Hove and Casba, 11 western road Hove. My colleagues and I have attended these premises numerous times in the recent months and they have always been serving customers long past their permitted hours. Every time I have seen this I have gone into the shop and asked them why they are serving, what their hours are and where their licence is. At no time have any of the shops been able to produce their licence. Not one of them has had the Part B of the licence on display and not one of them would tell me what time they should be shutting despite me knowing this before attending. They generally come out with a range of excuses which include 'THE OTHERS DO IT SO I HAVE TO DO IT OR I WILL LOSE OUT' often it will just be complete denial that they were doing anything at all even though I have witnessed it.

On the 8th of February we were carrying out a test purchase operation. This involves an officer in plain clothes entering the Kebab shop and attempting to buy hot food or drink. Another officer in plain clothes stands in the area and watches the transaction take place. Once the first officer comes out of the shop they show the food to the second and confirm that they paid for it then the second officer goes into the Kebab shop to identify themselves inform them that they have failed the test purchase and that the Council will be informed.

At 0315 hours on the 8th of February I went to Western Road with my two colleagues. PC FRANKS was going to enter the first of the three kebab shops and attempt to buy food while I observed from across the



Continuation of statement of

road. At 0312 hours I observed PC FRANKS enter the Golden Grill Kebab shop. At 0315 hours I observed PC FRANKS exchange money for a plastic container with hot chips in. She had been in the premises for 3 minutes and was not the only person buying food at that time. Once she had paid for the items she walked back across the road and went and sat in the unmarked police car that we had brought with us. The Golden Grill is not licensed to sell any hot food after 0230 hours so was in breach of its licence.

While PC FRANKS waited in the car SC SODERHOLM entered the second Kebab shop, Casba 2. He entered at 0317 hours and I saw him ask for some food. When he went into the shop there was no one else in there, I saw the staff member tip some chips into a fryer and then take money from SC SODERHOLM. He was then handed chips at 0323 hours and he left the shop. Casba 2 is not licensed to sell food past 0100 hours at the weekend so was in breach as well. I walked with SC SODERHOLM back to the car and checked that both his and PC FRANKS items were hot.

Due to the fact that all three Kebab shops are next to each other we decided to do the final test purchase before I went into each of the shops to inform them that they had failed the test purchase. At 0325 hours PC FRANKS entered the 3rd of the Kebab shops, Casba and I witnessed her purchase a Kebab. She came out a few minutes later and showed me the Kebab and said she had paid for it. Casba is not licensed to sell food past 0300 hours at the weekend.

After this had happened I then went into the Casba 2 and identified myself as a policeman. I showed them my warrant card and explained to them that they had been subject to a test Purchase which they had failed. I explained to them that as they were well aware they were supposed to stop serving at 0100 however it was now 0330 hours and they were still serving food. I spoke with Raphi ALKHALEEL who stated to me that they had not served since 0100 hours and they were just about to close when the plain clothes officer had entered the shop. He stated that I could check the till roll if I wanted to and it would show the last sale at 0100 hours. I pointed out to the manager that the last time I had been in the shop at this time in the morning I asked to see the till roll and there was not one in the till so therefore I believed that he only used it when it suited him. At this point he started crying so I left him to stating that I would be reporting him to the council.

I then went into the Golden Grill and spoke to the owner whom had served PC FRANKS, his name was Mikkah MEHRDAD. I explained to him he had been test purchased and had failed. I asked him if he was aware of his hours and the law. He said that he was but that the Casba 2 next door traded after hours which meant that he lost business so he wasn't going to start shutting on time until they did. I stated to him that he should ignore what they did and shut his shop on time. I asked him if he knew what time he had to shut and

Signature



Signature witnessed by:

PTO

Continuation of statement of

he stated 0230, I then asked him what the time was now and he just stated that next door were open so why shouldn't he be. I informed him he would be reported to the council and I left.

Finally I went into Casba and spoke to Aris DEMA. As soon as I identified myself as a police officer he said that he had not served anyone since 0300 hours. I said that he had and he replied 'NO, NO, NO, NO, NO I HAVE NOT' I then informed him that a plain clothes officer had been served at 0325 hours and I had watched the whole transaction. I also pointed out that there was a person stood at the till right now being served but he was in complete denial. I asked him where Part B of his licence was, the part I had asked him to put on display before Christmas, on new years eve and a few weeks ago. By now he had lapsed into silence and did not want to speak to me. I told him he would be reported to the council and I left.

I walked to the car and we started the engine to leave the area.

As we drove off more people were entering the Golden Grill and Casba, the staff were showing no signs of turning them away.



Signature



Signature witnessed by:

PTO

Evidence relating to
incident dated:
14th February 2014

1 x BHCC Statement

BRIGHTON & HOVE CITY COUNCIL

STATEMENT OF WITNESS

(CJ Act 1967, s9; MC Act 1980, ss5A(3)(a) and 5B; MC Rules 1981 r.70)

STATEMENT OF (name of witness) Amy Kitching

AGE OF WITNESS: **Over 18**
(if over 18 insert "over 18")

THIS STATEMENT (CONSISTING OF ONE PAGE(S) EACH SIGNED BY ME) IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND I MAKE IT KNOWING THAT, IF IT IS TENDERED IN EVIDENCE, I SHALL BE LIABLE TO PROSECUTION IF I HAVE WILFULLY STATED IN IT ANYTHING WHICH I KNOW TO BE FALSE OR DO NOT BELIEVE TO BE TRUE.

SIGNATURE

DATED THE 18TH DAY OF FEBRUARY 2014

I, AMY KITCHING, am a Technical Support Officer, employed by Brighton & Hove City Council in the Health & Safety and Licensing Team.

- 1) I have worked within the Health & Safety and Licensing Team for 13 months. My duties include administration of the regime imposed by Licensing Act 2003, including processing applications and providing guidance to applicants and licence holders.
- 2) At 10.50 hours on Friday 14th February 2014 I took a phone call from a gentleman from Casba 2. He asked how to apply for permission to open later that night. I informed him that it was too late to do so. I explained to him that he would need to apply for a TEN at least a week in advance and that as he had not been granted an extension for that evening he should only operate within the times specified on the licence.
- 3) Having knowledge that the Police Licensing team were investigating the premises for operating beyond their permitted hours, I emailed Police Licensing to inform them of the conversation.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed:

A. Kitching

Date: 18th February 2014

Evidence relating to
incident dated:
15th February 2014

1 x Police Statement

RESTRICTED (when complete)**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1)

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Statement of: Simon Morgan

Age if under 18: 0.18

(if over 18 insert 'over 18')

Occupation: Licensing Sergeant

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:

Date 25th March 2014Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

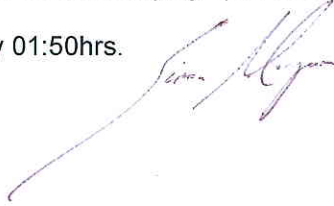
I currently supervise the Brighton Police Licensing Team. I have had this position since April 2013. Prior to this I was the Licensing Sergeant in West Sussex, a position I held for three years. I have over sixteen years police service with approximately ten years spent policing the front line in Brighton. One of my current roles involves ensuring that visits are conducted at licensed premises and licensing conditions are being met. I also check that the hours of licensing activity are being adhered to and the four licensing objectives are being promoted.

At 01:35hrs on Saturday 15th February 2014, I conducted a licensing visit at Casba 2, a late night refreshment establishment located at 8 Western Road, Hove. I was aware that licensable activities at Casba 2 terminated at 01:00hrs and that there were no seasonal variations or temporary event notices in effect to allow them to conduct licensable activities after 01:00hrs. The front door was open and there were lights on inside the premises. I noted approximately half a dozen males sitting down, having just finished their meals. They all stood up and left when I entered. I saw that one male customer was standing at the counter. He was clearly waiting for his food to be cooked and had money in his hand. I noted that a taxi was waiting outside the shop and deduced that he had been dropped off in order to purchase late night refreshment. I saw one male serving behind the counter, who I later established was Rafi Alkhaleel. I observed Alkhaleel prepare a chicken kebab, which was hot, and serve it to the customer. He then said, 'take it, it's free.' The customer seemed surprised and elated; he left the shop and entered the taxi waiting outside. Alkhaleel then turned to me and said, 'I know why you are here.' I asked him if he had a temporary event notice, as it appeared that he was conducting licensable activities after his permitted hours. Alkhaleel replied that he did not and stated that the man at the counter was the only individual he had served after 01:00hrs. I observed that the kitchen seemed to be in full operation, the lights were on, the appliances were on and there were both doner meat and chicken meat on the rotisserie. I asked for the till receipt to be made



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Continuation of statement of
available to me and he stated that the till had not been working. Before I left the premises, Alkhaleel began
to remonstrate, saying that he was staying open because all the other kebab shops were doing so. I left the
premises at approximately 01:50hrs.



Signature

Signature witnessed by:

PTO

