

Appendix D

REP A

Police Station

John Street

Brighton

BN2 0LA

Tel: 01273 404535 – ext. 550826

Email: brighton.licensing@sussex.police.uk

Date: 25th October 2022 The Licensing Technical Support Officers Environmental Health, Brighton & Hove City Council Bartholomew House, Bartholomew Square Brighton, East Sussex BN1 1JP

EG CON ENDS 09.11.2022 VALID PCD (A) Dear Emma Grant,

RE: PREMISES LICENCE VARIATION APPLICATION FOR PERSIA, 126 CHURCH ROAD, HOVE, EAST SUSSEX, BN3 2EA UNDER THE LICENSING ACT 2003. 1445/3/2022/03560/LAPREV.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the above licence variation application on the grounds of the prevention of crime and disorder. We also refer to the 2021 Brighton & Hove City Council (BHCC) Statement of Licensing Policy and the 2019/20 Public Health Framework for Assessing Alcohol Licensing. This is an application to vary the premises licence at Persia, 126 Church Road, Hove, BN3 2EA. The current licence as we understand it permits the following: Sale of alcohol – On sales

Monday – Saturday 11:00 - 22:30

Sunday 11:00 - 22:00

Opening hours

Monday – Saturday 09:00 - 23:00

Sunday 09:00 - 22:30

The style of operation is under café conditions in that alcohol is only made available to persons seated at tables by waiter/waitress service and substantial food shall be available at all times.

The application is to vary the licence to permit the following:

Late night refreshments – Both indoors and outdoors

Monday – Sunday 23:00 - 00:00

Sale of Alcohol – On Sales

Monday – Sunday 11:00 - 23:30

Opening hours

Monday – Sunday 09:00 - 00:00

The style of operation is as per the current licence café conditions with the wish to remove condition number 5 of Annex 2 which states:

- The premises will become a member of the BCRP, or similar scheme approved by the Licensing Authority that operates with radios and uses the Nightsafe & Yellow Card Scheme or similar reporting scheme.
- There is also the submission of new plans which includes a first floor so increasing capacity.

It's worth noting there is no application to permit any regulated music permissions after 23:00. This also follows an application to vary the current licence which was submitted to us by Council Licensing on 15th Aug 2022. This application was objected to by police and a hearing date set for 10th October 2022. Notification was then received on 07th October 2022 that the application had been withdrawn.

The location of the premises is along Church Road, Hove with several other licensed premises as well as retail and office style units. Residential flats are above several of the outlets as well as heavily populated residential side streets.

The Brighton & Hove City Council Statement of Licensing Policy is produced using data from several agencies including police. The most recent policy was updated in 2021. It's a policy that we fully support and within it, this style of operation is not supported. The premises sits within the Special Stress Area which café style licences are only supported until 22:00hrs unless exceptional circumstances can be demonstrated to go against the policy. We do not believe the applicant has evidenced any exceptional circumstance and nor do they acknowledge the policy within their application.

Section 3.2.2 of the policy states:

- This Special Stress Area (SSA) is of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it. The area will be kept under review.

Reviewing the Public Health Framework report for Assessing Alcohol Licensing Central Hove ward of which this location is within is ranked 5th highest out of 21 wards for Police recorded alcohol related crime and disorder incidents. By granting the extended trading hours and additional capacity we believe could add further to issues currently experienced within the location and so have a negative impact on the surrounding area.

As with any premises that already holds a licence, any requests to alter it often prompts us to conduct a licensing inspection especially if we have not visited recently. We carried out an inspection on 17th August 2022 where several breaches of the current licence were identified which included:

- No incident or refusals log books.
- No membership to BCRP.
- No training records.
- No Challenge 25 signage.

- No leave quietly signage.

Due to drug intel within the local area, we also swabbed the venue and found 3 high readings for cocaine within the toilets.

We have since returned to the premises on 24th October 2022 and we acknowledge they are now complying to their current premises licence conditions however they still have high readings for cocaine within the toilets as well as MDMA. We have asked the premises to provide us with an action plan to deal with this issue.

Another part of our process when considering applications is to look at the current crime data for the surrounding area. As already mentioned, the ward is ranked 5th for police recorded crime and disorder incidents. On reviewing a years' worth of

incidents between 01st August 2021 – 31st July 2022 amongst all various types of incidents we dealt with, 260 are recorded as violent crime, 356 of anti-social behaviour and 69 of criminal damage. This is all within a 0.25-mile radius of the premises. Although not all of these are going to be linked to alcohol and drugs, a high number of the incidents occurred between the hours of 19:00 through to 00:00 both midweek and over the weekends. A time when its highly likely people involved would have been consuming alcohol and or drugs.

The night-time economy in Brighton & Hove can at times be challenging for all the emergency services. Within Brighton & Hove we are unique in that we have a high number of licensed venues all of which are in very close proximity to each other. Due to the risks associated with intoxication, the city has several initiatives that support Police and other emergency services in safeguarding the public however none of these stretch out to Hove. Granting this later licence could have a negative impact on emergency service providers. Its for this reason that even if we take the breaches and drug results out of the picture, Sussex Police still would not be able to support this variation.

Taking in to account our comments along with the Statement of Licensing policy and Public Health framework report, Sussex Police are seeking to have this variation refused. We will work with the management to ensure they comply with their current licence conditions going forward and address the issue of the venue being used to consume drugs.

Yours sincerely,

Inspector Michelle Palmer-Harris

Licensing – Brighton & Hove Division

Sussex Police

REP B

From: Redacted

Sent: 04 November 2022 18:49

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Persia Licence Application

EG CON ENDS 09.11.2022 VALID PCD and PPN (B)

Dear EHL Safety Team,

It has been brought to our attention that a premises located near our Redacted, has applied for an altered licence.

We wish to lodge our strong opposition to this licence being issued on the following basis.

Prevention of Crime and Disorder

Redacted. Our Redacted. This area of Hove is predominantly a residential area. We are seeing a gradual increase in the number of cafes and restaurants opening where retail outlets were formerly located, however, it is not an area for 'night life'. There is no precedent for a late-night bar Redacted, and we do not need one. We live in a 'special stress area' and already suffer from late night revellers leaving licenced premises and going home noisily. It is not unusual to hear singing at 11pm at weekends. This is bad enough. It would not be acceptable for this behaviour to occur later in the evening.

Point 3.2.2 of the Statement of Licencing Policy states "New and varied applications for premises and club premises certificates within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas." The applicant has not made any effort to address these points.

We are not in the least surprised that the applicant wants to remove 'condition 5 of annex 2 from his licence, which states

'The premises will become a member of the BCRP, or similar scheme approved by the Licensing Authority that operates with radios and uses the Nightsafe & Yellow Card Scheme or similar reporting scheme'

Sadly, our this reflects our experience of the applicant. We have found him a difficult neighbour. He has been unwilling to work with us or other residents, and only ever wants to do the bare minimum of what is expected of him.

The applicant's lack of positive proposal regarding the SSA and his avoidance of participation in the BCRP or similar scheme sadly reflect our experience of his lack of concern for neighbours and crime prevention.

Furthermore, a late-night licence clearly attracts people who want to drink, not primarily dine. Brighton and other areas in Hove, such as the area around Second Avenue have late night bars – we do not need to turn this area of Hove into a place where nightlife is the primary attraction. Since Persia opened, we have had repeated instances of people using our front garden to take drugs or drink. They have moved on when asked, but late-night revelry will only compound this problem. A bike in our front garden is regularly knocked over by non-residents of our block of flats. There is no reason for any visitor to the building to walk past or knock over the bike. The only reason is when people try and Redacted. The style of Persia is that of a pseudo nightclub, including a DJ deck which we can hear in our property.

The applicant recently withdrew application Licence – 1445/3/2022/02877/LAPREV. We were interested to note the concerns of Sussex Police regarding traces of cocaine found in Persia’s toilets, and the increased levels of crime in the period since this venue’s reopening.

Prevention of Public Nuisance

In addition to public nuisance points listed above, our garden is Redacted. Our Redacted. Noise from Redacted. We have spoken to one of the applicant’s builders, who told us the applicant has carried out (unapproved) works and intends to use the flat roof area as bar terrace. His current planning permission prohibits this (although he has a history of ignoring planning permission!), and the first floor of Persia also does not have planning permission for commercial use. In the event that a licence is granted, and given the licensees’ history of ignoring planning permission, we would like it explicitly stated that the upstairs terrace is not licenced for any hours of operation.

The Applicant

The suitability of the applicant to hold an alcohol license is somewhat questionable given he is a banned company director. “His disqualification is effective from 25 August 2021 and Emad Abdolkhani is banned for 6 years from acting as a director or directly or indirectly becoming involved, without the permission of the court, in the promotion, formation or management of a company”, due to tax evasion. He also has a long and ignominious history of ignoring regulations, including planning a noise breaches. We strongly feel that he is not a suitable person to even hold a licence, let alone have a late-night extension.

[Hove restaurateur banned for tax abuse - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/hove-restaurateur-banned-for-tax-abuse)

Kind regards,

Redacted

REP C

From: Redacted
Sent: 06 November 2022 18:02
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Persia 126 Church Road Hove

EG CON ENDS 09.11.2022 VALID PCD (C)

I should like to strongly object to this application by Emad Abdolkhani to amend his premises licence for the above premises for the following reasons:-

PREVENTION OF CRIME AND DISORDER

My Redacted. The Redacted of 126 Church Road is visible from Redacted and indeed it is still just possible to access Redacted of 126 Church Road as well as Redacted from the stairs leading from Redacted. The owner of 128 Church Road is a Mr Ali Abdolkhani who is the father of the applicant.

All the cafe/bars in the block where these premises are located and in the immediate adjacent blocks on both sides of Church Road have opening hours similar to the current hours of operation of Persia. None of them are open until midnight or later as far as I am aware and yet they are all able to operate successfully within these hours. Any extension of opening hours will inevitably lead to an increase in crime in terms of excessive drinking and drug consumption and dealing. The premises are located in a special stress area but the applicant is already breaching his licensing conditions as evidenced by the visit by Sussex Police earlier this year in addition to the discovery of high levels of cocaine on the premises. This is deeply disturbing for the local residents who for a number of years had to put up with stabbings, glassings, serious sexual assaults crime, frequents flight and drug dealing in the early hours from the premises at Mistys 116 Church Road before the business was closed. This cannot be allowed to happen again in what is still predominantly a residential area.

PREVENTION OF PUBLIC NUISANCE

The applicant does not have planning permission to use the first floor of these premises for A3 use. The first floor is only for residential use and entry to the first floor premises is from an entrance and stairway on Church Road. I am very concerned that the applicant plans to use the first floor outside terrace at the rear of the premises as part of his restaurant business and will have outside dining and drinking with the resultant increase in noise and disturbance to local residents. The first floor outside terrace does not have a suitable means of escape and it is highly unlikely that permission would be given to use it in this way. Nevertheless building work is already going ahead and the builders have already told locals that this is the applicant's intention. Unfortunately this is the normal modus operandi of Emad Abdolkhani in that he carries out all works before he has been granted the relevant permissions by the local council.

THE APPLICANT

I have serious concerns about the character of the applicant Emad Abdolkhani to hold a premises licence based on his previous behaviours at these premises and at Barcode 128 Church Road when he was in charge. He does not interact in any meaningful way with his residential neighbours to mitigate against the disturbance caused by the way he operates his business and has a long and shocking history of non compliance with licensing, planning and environmental health regulations. He was banned from being a director of any company for six years in August 2021 due to under-declaring of taxes relating to his business by the Insolvency Agency.

Redacted

REP D

Mrs Emma Grant

Licensing Authority

Brighton & Hove City Council

Bartholomew House

Bartholomew Square

Brighton

BN1 1JP

Date: 9th November 2022

Our Ref: 2022/03560/LAPREV

Phone: 01273 292143

e-mail: Emily.Fountain@brighton-hove.gov.uk

EG CON ENDS 09.11.2022 VALID PPN & PCD (D)

Dear Emma Grant

Licensing Act 2003 – Licensing Authority representation against the application to vary a Premises Licence 2022/03560/LAPREV for Persia, 126 Church Road Hove BN3 2EA

I refer to the application made by Emad Abdolkhani to vary a Premises Licence for Persia, 126 Church Road Hove BN3 2EA . The application seeks to:

Increase the licensable area to include a first floor dining area of the premises.

To amend opening & licensable activity hours –

Opening hours

09:00 – 00:00 Monday to Sunday

Sale by retail of alcohol

11:00 – 23:30 Monday to Sunday

Add late night refreshments – Both indoors and outdoors

23:00 – 00:00 Monday to Sunday

To remove condition 5 of annex 2: ‘The premises will become a member of the BCRP or similar scheme approved by the Licensing Authority that operates with radios and uses the Nightsafe & Yellow Card Scheme or similar reporting scheme’.

The premises licence already in force at this site (2019/03974/LAPRMV) permits the following;

Opening hours

09:00 – 23:00 Monday-Saturday

09:00 – 22:30 Sunday

Sale by retail of alcohol

11:00 – 22.30 Monday-Saturday

11:00 – 22:00 Sunday

I have concerns about this application and make a representation on the grounds of the prevention of crime and disorder and the prevention of public nuisance. This application is contrary to our Statement of Licensing Policy (SoLP) and falls within the special stress area.

The Council's SoLP includes a Matrix approach for licensing decisions. The SoLP provides a vision of what the Licensing Authority would like to see within its area and gives an indication of likelihood of success or otherwise to investors and local businesses making applications. Each application is still considered on its individual merit and there is discretion to depart from the Matrix approach policy in exceptional circumstances.

The premises sits within the Special Stress Area (SSA) which as stated in our SoLP page 15 is deemed an area of special concern in terms of the levels of crime and disorder and nuisance experienced. 3.2.3 of our SOLP states that new and variation applications for premises within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. This is also echoed in guidance issued under Section 182 of the Licensing Act 2003 by the Home Office, paragraphs 8.33 and 8.35. 8.35 says applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a matrix-decision making policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application, any measures they will take to mitigate the impact, and why they consider the application should be an exception to the policy.

The decision-making Matrix on page 18 and 19 of the Council's SoLP states that in the Special Stress Area a café style of operation with café conditions a Premises Licence can be granted, but only with a terminal hour of up to 22.00, this premises already has 22:00 on Sundays and 22:30 the rest of the week. This variation seeks a terminal hour for alcohol sales of 23:30 Monday to Sunday.

This premises sits in the electoral ward of Central Hove. The Public Health Framework for Assessing Alcohol Licensing, ranks this ward 5th out of 21 wards under the Crime and Disorder data for police recorded alcohol related incidents.

An application to vary this licence was submitted in August a representation to that application on behalf of the Licensing Authority was made and the application was due to go to before a Licensing Panel on the 10th October, but the applicant withdrew on the 7th October.

I have looked carefully at this new application and the supporting documentation supplied and would comment that the applicant has still not demonstrated exceptional circumstances that would result in a deviation from the Matrix policy to achieve a terminal hour past their existing hours. The application indicates a restaurant style operation, but has not considered the SoLP in particular page 20 at 3.3.3, that suggests restaurant conditions that may be considered favourably by the licensing authority.

In addition under Prevention of Public Nuisance in the SoLP at 6.1.1 it states that: in determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (eg in order to smoke). In the proposed plan to extend by a whole floor there is additional seating for up to an additional 29 people. The applicant has offered up no additional conditions to mitigate this impact.

As stated above, where specific policies apply in the area (for example, SSA and matrix approach to decision making policies), applicants are expected to demonstrate an understanding of how the policy impacts on their application, any measures they will take to mitigate the impact, and why they consider the application should be an exception to the policy.

I do not believe that the applicant has demonstrated that there are exceptional circumstances to justify departing from the Policy. The applicant has failed to demonstrate how they will not add to the existing 'stress' of the area. The hours requested are contrary to policy. I therefore request this application is refused in line with our Statement of Licensing Policy and the Matrix approach.

Yours sincerely,

Redacted

Emily Fountain

Licensing Officer

Licensing Team

Safer Communities

