

Appendix B

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 Justin BURTENSHAW, Divisional Commander, Brighton and Hove Police on behalf of Chief Constable Jo SHINER

(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 Yelken, 109 St James' Street, Kemptown	
Post town Brighton	Post code (if known) BN2 1TH

Name of premises licence holder or club holding club premises certificate (if known) Ali Algun
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Number of premises licence or club premises certificate (if known) 1445/3/2021/01152/LAPREN

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

Name and address Sussex Police, Brighton & Hove licensing, 1 st floor, police station, John street, Brighton, BN2 OLA
Telephone number (if any) Ext REDACTED
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

Please tick yes

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

If yes please state the date of that application

Please state the ground(s) for review

Sussex Police would like to bring the above premises to review following the Brighton and Hove Police Licensing teams visit to this premises on Sunday 7th August 2022 (during Brighton Pride weekend) followed by numerous breaches of the licence. Sussex Police contend that the actions of the premises licence holder/Designated premises supervisor (PLH/DPS) on the 7th of August undermined all the licensing objectives.

Sunday 7th August – Brighton Pride weekend

At 18:07 Sgt Vince Lam entered Yelken wearing Body Worn Video, to his right facing into the premises was a group of customers who were all vertically drinking. They were holding plastic pint glasses containing an alcoholic beverage and drinking a further alcoholic beverage from shot glasses. Please see photo 1 of Appendix A

These customers then leave the premises holding their pints.

At 18:09 PC Bernascone and Licensing officer Hannah Staplehurst entered Yelken, the premises licence holder and Designated premises supervisor Ali Algun was present and asked if he had his premises licence.

We were presented with Part B of the premises licence, the PLH/DPS did not know where his Part A of the premises licence was. We confirmed there was no Temporary Event licence in place on this date.

Hannah Staplehurst asked if the premises was selling alcohol for off sales, the DPS/PLH stated “no off sales were taking place, they down it and leave the premises”

At 18:10 PC Bernascone had the premises licence on his mobile phone and this is discussed with the premises licence holder/ Designated premises supervisor (PLH/DPS). Hannah Staplehurst explains how Customers must be seated when consuming alcohol which should be ancillary to a main meal. Sgt Lam informed the premises licence holder how this premises should be food led. At that exact time Yelken was undoubtedly a drink led venue. Please see Appendix A with attached photos 2,3, and 4. The PLH/DPS disputed the premises looked to be alcohol led. It was explained that we saw the high volume of alcohol from outside therefore members of the public would too.

At 18:11 both Sgt Vince Lam and L/O Hannah Staplehurst advised the premises licence holder/ Designated Premises supervisor to remove the numerous shot glasses, cans of beer and jugs of cocktails from the tables in the middle of the restaurant and place everything in the kitchen area. The tables and chairs needed to be pulled out to ensure the premises was restaurant led as per the premises licence conditions, therefore allowing customers to enter the premises, be seated at a table and purchase food with an alcoholic drink.

At 18:12 Hannah Staplehurst stated the premises licence needs to be adhered to as it should be on a normal day. The PLH/DPS points outside questioning “this isn’t a normal day”. Hannah Staplehurst reminded the PLH/DPS that despite this weekend being Brighton Pride, this does not allow any licensee to sell alcohol as they want, and they must follow their premises licence conditions, as the premises did not have a Temporary Event Notice.

This is when the PLH/DPS refused to listen to our advice stating the tables were to remain as they were, but customers would sit on random chairs at the back of the premises.

L/O Hannah Staplehurst then clarified with the PLH/DPS that he was not going to move his tables and chairs to adhere to the premises licence.

The PLH/DPS’ response was “No, I am not going to remove this” Referring to the tables of alcohol.

As the PLH/DPS refused to work with us and refused to adhere to the premises licence, decision was made by Police Licensing to leave the premises and call a meeting with the PLH/DPS the following week.

At 21:18 while walking through St James’ Street we noticed Yelken was still open, and we witnessed 2 males and a female leave the premises with drinks in open containers.

PC Hancox and Sgt Lam approached the customers who had left the premises to confirm

what they were consuming.

All 3 customers confirmed they were drinking an alcoholic cocktail which they had purchased at Yelken.

Thursday 11th August 2022

At 13:00 the premises licence holder/ designated premises supervisor attended a meeting at John Street Police Station with Sgt Lam and Hannah Staplehurst.

Sgt Lam did an introduction and explained the reason why this meeting had been called - following the breaches which were witnessed on Sunday 7th August during the Sunday PVP at pride.

Sgt Lam ran through the breaches including vertical drinking, off sales and alcohol was served without food.

Sgt Lam asked the DPS for his version of events on this date- The PLH/DPS explained that he had had the restaurant for 10 months, his business partner/ friends advised him it would be busy and to sell alcohol. The PLH/DPS "had no idea" he needed another licence (i.e. a TEN)

Sgt Lam explained what we saw - 9 tables of which the majority were filled with alcohol including vodka shots, cans of beer and jugs of cocktails.

Sgt Lam asked the PLH/DPS if he thinks his behaviour was right? It was admitted he didn't think it was right, he thought he could sell alcohol and have it all on display.

The PLH/DPS then asked us, how much alcohol he could have on display.

Hannah explained the restaurant style conditions and how Waiter/ess service was required so no alcohol should be on 'display'

Hannah expanded further and explained the conditions on Yelken's premises licence, but the PLH/DPS failed to engage so Sgt Lam took over and ran through all the conditions on the licence. Please see Appendix B – Premises licence.

During the meeting we were informed:-

Condition 3 – CCTV was all in order.

Condition 4 – Refusals and incident log, Ali stated this was not being adhered to. Hannah organised for Trading Standards to send a BHCC Incident and refusals log to the premises.

Condition 5 – Notices – Currently not on display.

Condition 6 – It was stated all staff were trained and it was documented.

Condition 7 and 8 - Challenge 25 – It was stated no signage was on display but they followed Challenge 25.

The Bodyworn video footage from pride was shown (as detailed above)

Vince asked the PLH/DPS what happened after we left the premises at approximately 18:15– we were informed that his business stopped, and all customers had to sit with a sandwich and no alcohol was sold.

Vince asked the PLH/DPS to be honest with us and asked again what happened following our visit.

Again it was stated all sales of alcohol were as per the premises licence.

The second body worn video was shown timed 21:18 of 3 people leaving the premises with pints of pornstar martini.

The PLH/DPS declared he was not aware of this sale.

Vince gave words of advice to the PLH/DPS to ensure his licence is being adhered to in the future as we will be conducting a premises visit. Hannah Staplehurst organised for training logs, refusal books and challenge 25 signage to be sent to the premises.

A breach letter was issued at the end of the meeting – Please see Appendix C.

Friday 9th September 2022

PC Hancox and Hannah Staplehurst visited the premises to conduct a full licence check.

Initially the DPS was not present, but we waited for them to return and once again PC Hancox had to run through the entire licence explaining all the conditions.

During the visit there were numerous breaches, and a further breach letter has been issued

by PC Hancox. Please see Appendix D.

Sussex Police Licensing have allowed 1 month for the PLH/DPS to contact us to evidence the missing CCTV and provide evidence that these breaches have been rectified.

However, during this time there has been no communication received from the PLH/DPS at all.

This Premises licence was only issued on the 21st of May 2021, the fact that Sussex Police Licensing have witnessed and recorded these breaches in this relatively short period of time is a cause for concern.

Sussex Police have no confidence in the PLH/DPS to operate a licensed premises responsibility and in accordance with their premises licence conditions. We also have no confidence that the PLH/DPS will work with the responsible authorities.

Alongside the breaches at pride and the complete refusal to adhere to the premises licence once it had been explained is a huge cause for concern. Sussex Police contend that all of the licensing objectives have been significantly undermined by the PLH/DPS in their refusal to adhere to the premises licence during the one of the largest events in the Brighton and Hove City Centre and thereafter.

The fact there are continuing numerous breaches of the premises licence, Sussex Police feel that adding any further conditions will not assist the PLH/DPS to adhere to the premises licence and work with a responsible authority. As the DPS is also the PLH, Sussex Police do not feel a change of DPS will be of any benefit as the PLH will have control over the premises licence.

Therefore, the recommendation of Sussex Police would be the revocation of the premises licence.

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

N/A

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)

REDACTED

Insp M.Palmer- Harris

Date 20th October 2022.

Capacity Operations, Planning and Licensing Inspector

Force Licensing & Public Safety Manager on behalf of 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) FAO Insp M.Palmer-Harris/ H. Staplehurst Prevention Licensing Team John Street,	
Post town Brighton	Post Code BN2 0LA
Telephone number (if any) 01273 404 535 Ext REDACTED	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Brighton.licensing@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.