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Brighton & Hove Licensing Unit

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APPENDIX B4 **(POLICE REVIEW** **APPENDIX D)**

09/09/2022

Ali Algun

REDACTED

Dear Mr Algun

Licensing Act 2003 – Unauthorised licensable activities.

RE: Yelken, 109 St James Street Brighton BN2 1TH

Our records show that you are the Holder of the Premises Licence and Designated Premise Supervisor I write with reference to the above premises where Police Licensing conducted a visit on 09/09/2022. As part of the licensing check I would like to highlight the following breaches of the licence:

For the Prevention of Crime and Disorder:

- (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover the entrances/exits to the premises and the fridges/shelves where alcohol is stored. The system shall be on and recording at all times the premises licence is in operation.
- (b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- (c) CCTV footage will be stored for a minimum of 31 days

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- (d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
- (e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- (f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police e.g. USB) for the police without difficulty or delay and without charge to Sussex Police.
- (g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
- (h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

In the first instance the CCTV was approximately 20 minutes slow, the CCTV didn't cover the internal seating area in its entirety, and you were unable to show 31 days' worth of CCTV or any previous days.

For the Prevention of Public Nuisance:

Notices will be displayed asking all to leave the premises quietly and to have respect for local residents and other premises.

You had one note which was in a totally inappropriate position- they need to be in a prominent relevant position as discussed.

For the Protection of Children from Harm:

- (a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:
 - * The lawful selling of age restricted products
 - * Refusing the sale of alcohol to a person who is drunk
- (b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 12 weeks, with the date and time of the verbal reinforcement/refresher training documented.
- (c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

There was no documented initial or refresher training, you had received the training manual from the council but had made no effort to utilise it.

- 7. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet

8. feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.
9. Signage advertising the 'Challenge 25' policy will be displayed in prominent locations in the premises.

There was 1 CH25 poster on the side wall partially hidden by a plant- this poster needs to be in a relevant prominent position as discussed.

I remind you that non-compliance with licence permissions and conditions constitutes a breach of the Premises Licence issued under the above legislation. Please ensure that all conditions on the licence are adhered to. It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislation states that: -

(1) A person commits an offence if –

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

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

The highlighted breaches constitute an offence of carrying on licensable activity otherwise than under and in accordance with an authorisation (the premises licence and the attached conditions). Please can you now ensure these breaches are rectified with immediate effect. Police Licensing will conduct a follow up visit within the next few weeks and I must advise you that any further breaches of your licence may mean enforcement action is taken.

Please ensure that both pages of Part B of fully displayed and visible in a prominent position rather than hidden behind a small vase.

You need to ensure that all alcohol is served by waiter/ waitress to persons seated at tables and ancillary to a main table meal only – there should be no service at the bar.

Your incident/refusal log needs to be used and your staff need to be trained in how to use it, it needs to be accessible by staff should you not be there. This book needs to be signed every 4 weeks as per the condition on your licence.

As discussed, you need to make sure you are fully aware of all the conditions on your licence to prevent breaches which can put your licence in jeopardy.

Can you confirm that your home address is that as noted at the top of this letter, I thought you stated your laptop was at home and this was in **REDACTED**

If there are any matters within this letter that you wish to discuss then please do not hesitate to contact us via the email address above.

Yours sincerely,

PC HANCOX DH163
Licensing Police Officer
Brighton & Hove Division

