

## Appendix D

### REP A – Licensing Authority

Emma Grant  
Licensing Team  
Brighton & Hove City Council  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

Date: 28 April 2024  
Our Ref: 2024/00796/LICPRM/EH  
Phone: 01273 292100  
e-mail: REDACTED

### EG CON ENDS 11.05.2024 VALID PCD and PPN (A)

Dear Emma Grant

#### Licensing Act 2003

**Representation regarding the application for a Variation of Premises Licence  
Chicks, 5 Lewes Road, Brighton, BN2 3HP - 2024/01244/LAPREV**

I refer to the application made by Checkachicken Ltd, for a variation of a Premises Licence for the provision of Late-Night Refreshment at Chicks, 5 Lewes Road, Brighton. The proposed hours on the application form are until 05:00 on Mondays to Saturdays and until 3am on Sundays. The premises are already permitted to provide late night refreshment until midnight on Sundays to Thursdays and until 01:00am on Fridays and Saturdays.

The Licensing Team, in its role as a Responsible Authority, has concerns about this application and therefore I am submitting this representation on the grounds of the Prevention of Crime and Disorder and the Prevention of Public Nuisance. This premises is also situated on Lewes Road, which sits within the Licensing Authority's Special Stress Area (SSA).

As stated in the Council's Statement of Licensing Policy (SoLP) on pages 15-17, the SSA is deemed an area of special concern in terms of the levels of crime and disorder and nuisance experienced within it. 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.

Guidance issued under S182 of the Licensing Act 2003 states that in completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. The guidance goes on to say that 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, SSA and matrix approach to decision making policies), 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.

On looking at the application form, the applicant has referred to the use of CCTV and contracting a third-party security firm but has not referred to the (SoLP) and does not recognise the location of the Premises being in the Special Stress Area. They also have not demonstrated exceptional circumstances to depart from our policy or how the grant of a late-night refreshment licence would not impact on the existing issues of the area.

The Council's SoLP includes a Matrix approach for licensing decisions with provisions for a terminal hour for all classes of licensed premises in a particular area. The Matrix Model recognises the diverse operation and different risks presented by different classes of licensed premises. 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 decision-making Matrix on page 18 of the Council's SoLP clearly shows that late night takeaways in the Special Stress area should have a maximum terminal hour of midnight and the premises are already to provide late night refreshment until that terminal hour on Sundays to Thursdays and until 01:00am on Fridays and Saturdays. This application is asking for 5am on Monday to Saturdays and until 3am on Sundays. In light of these proposed hours, I would expect to see some more positive proposals to show how the application will not add to the problems faced in the area.

On 20 April 2024, I visited the premises and carried out a full licensing inspection. Following this inspection, on 25 April 2024, I emailed the premises licence holder advising of the breaches of the current premises licence found at the time of this inspection. Further to my visit, I note that on 21 April 2024 at 01:15 Sussex Police visited the premises. The premises was open and trading past its permitted hours. A copy of my email is attached as Appendix A.

It is my opinion, granting this application is likely to add to the additional burdens and problems in the Special Stress area. The Licensing Team act as guardians of the Council's SoLP and I make this representation on behalf the Licensing Authority as I believe the application made is contrary to our policy and taking into consideration the breaches witnessed, I therefore invite the panel to refuse the application.

Yours sincerely

**REDACTED**

Donna Lynsdale

Licensing Officer  
Licensing Team

**(REP A – Licensing Authority) Appendix A – Email to PLH outlining Breaches.**

**EG CON ENDS 11.05.2024 VALID PCD and PPN (A)**

**From:** Donna Lynsdale  
**Sent:** Thursday, April 25, 2024 1:40 PM  
**To:** REDACTED  
**Cc:** Brighton.Licensing@sussex.police.uk  
**Subject:** Chicks, 5 Lewes Road, Brighton BN2 3HP - 2024/00910/LICPRM/EH  
**Importance:** High

Dear

**Licensing Act 2003 – Breach of Conditions**  
**Chicks, 5 Lewes Road, Brighton BN2 3HP**  
**Premises Licence Number: 1445/3/2023/00157/LAPREN**

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

On Saturday, 20 April 2024 at 00:23, accompanied by my colleagues from Police Licensing, we visited your premises and carried out a full licensing inspection.

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

**Annex 3 – Conditions attached after a hearing by the licensing authority 7 March 2023:**

**Prevention of Crime and Disorder:**

2. (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrances/exits to the premises as well as any outside space. The system shall be on and recording at all times the premises licence is in operation.
- (b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- (c) CCTV footage will be stored for a minimum of 31 days
- (d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.

(e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

(f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Police e.g. USB) or provide footage via an online link as initiated by Police, without difficulty or delay and without charge.

(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 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.

*At the time of our visit, we were unable to check the CCTV as the member of staff was unable to operate the system. I note that you have now provided photos of the CCTV.*

3. On Friday and Saturday nights the seating in the shop will be put out of use by midnight to limit time spent in the premises.

*At the time of our visit all the tables and chairs were available to be used. This was demonstrated as a customer was sitting at one of the tables. This is a contravenes the above condition.*

4. All delivery vehicles must use the designated loading bays in the vicinity of the premises and not stop on the Lewes Road in front of the premises.

*On arrival and throughout our visit delivery drivers were parking directly outside the premises on the pavement. Neither of your staff attempted to tell them to use the permitted parking area. This is a contravenes the above condition.*

9. Staff will be appropriately trained to ensure knowledge with the terms and conditions of the licence.

*Your staff were unaware of the need to put the seating out of use condition and not attempting to move delivery drivers parked in correctly which evidence they are not aware of the conditions on the premises licence.*

Further to our visit, I note that on 21 April 2024 at 01:15 officers visited your premises. They advised that the premises was open and preparing food. A delivery rider was inside waiting to pick up an order and another arrived whilst the officers were outside observing.

Your premises licence states:

**Times the licence authorises the carrying out of licensable activities**

**Late Night Refreshment**

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

**The opening hours of the premises**

|                 |               |         |   |
|-----------------|---------------|---------|---|
| Friday-Saturday | 11:00 - 01:00 | Indoors |   |
| Sunday-Thursday | 11:00 - 00:00 | Indoors | - |

I see that you have submitted a variation application to extend your trading hours. Following submitting your application you enquired whether you were allowed to stay open to the proposed opening hours until the application was decided.

The above is very disappointing, as you were told you must continue to operate at your current times until the application had been processed and then only for the times if it is granted. You were reminded there is a consultation period of 28 days where anyone can make a representation.

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

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

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

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

Please be aware that any enforcement action is taken in line with our Licensing Enforcement Policy. You are also reminded that at any stage, following the grant of a premises licence, a responsible authority, such as the Police, Environmental Health, or an interested party such as a resident living in the vicinity of the premises, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

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

I need to advise that as your application is contrary to our Statement of Licensing Policy, I will be submitting a representation. I will also be including the breaches within this representation.

I also attached an invoice for the outstanding annual fee which has been sent to you previously.

Can you email back when payment has been made forwarding a copy of the receipt so we can update our licensing records? Please ensure that you quote the invoice number when you make the payment (payment details can be found on the second page of the invoice).

**Failure to pay the invoice will result in your premises licence being suspended and/or the invoice being referred to a collection agency.**

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

Please acknowledge receipt of this email and advise on actions you will be taking to address the above breaches.

When responding please reply to all in this email.

Yours sincerely

**Donna Lynsdale** | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing),  
Safer Communities  
Brighton & Hove City Council, 2<sup>nd</sup> Floor, Barts House, Barts Square, BN1 1JP  
T REDACTED

**REP B – Police Licensing**

Police Station

John Street

Brighton

BN2 0LA

Email: [brighton.licensing@sussex.police.uk](mailto:brighton.licensing@sussex.police.uk)

Date: 07<sup>th</sup> May 2024

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

EG CON ENDS 11.05.2024 VALID PCD (B)

Dear Emma Grant,

**RE: APPLICATION TO VARY PREMISES LICENCE FOR CHICKS, 5 LEWES ROAD, BRIGHTON, EAST SUSSEX, BN2 3HP UNDER THE LICENSING ACT 2003.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of a variation to the above premises licence on the grounds that it will undermine the Licensing Objectives of the prevention of crime and disorder and public nuisance. We also refer to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy, Public Health Framework for Assessing Alcohol Licensing and the results of a similar application that was submitted on 17<sup>th</sup> January 2023 and heard before a licensing panel on 07<sup>th</sup> March 2023.

This is a proposed variation to a licence in an area of the city which is subject to a special policy adopted by Brighton & Hove City Council. The premises lies in the Special Stress Area (SSA) (as defined in the BHCC Statement of Licensing Policy) and seeks the following hours and licensable activities:

Late night refreshment (Indoors):

**Monday – Saturday:** 23:00 – 05:00

**Sunday:** 23:00 – 03:00

Hours open to the public:

**Monday – Saturday:** 11:00 – 05:00

**Sunday:** 11:00 – 03:00

We feel it is worth covering off a similar application that was submitted by the same applicant on 17<sup>th</sup> January 2023. This application was seeking the following:

Late night refreshment (Indoors):

**Sunday – Thursday:** 23:00 – 01:00

**Friday – Saturday:** 23:00 – 05:00

This application went before a licensing committee on 07<sup>th</sup> March 2023 following representations against it received from Brighton & Hove City Council Licensing, Sussex Police, and a local resident. The result of the hearing which was distributed to all involved persons on 15<sup>th</sup> March 2023 determined that the panel was mindful of the location of the premises within the SSA and on the busy stretch of Lewes Road and by granting the times being applied for was likely to impact negatively on the area which suffer from relatively high level of crime and disorder and anti-social behavior. They did though recognise the applicants wish to work with the responsible authorities and so felt it appropriate to grant a licence to permit the following times with several conditions attached:

Late night refreshment (Indoors):

**Sunday – Thursday:** 23:00 – 00:00

**Friday – Saturday:** 23:00 – 01:00

This licence has now been active for just over a year. Sussex Police are submitting this representation as we feel nothing has changed within the local area and our concerns about a late-night venue being open here are the very same as they were in 2023. One of the reasons the panel gave for permitting the hours they did was because of the applicant's willingness to work with responsible authorities. With this in mind, it was very disappointing that during a licensing inspection on 20<sup>th</sup> April 2024 at 00:23 the following breaches of the premises licence, that were put on by the panel, were witnessed:

- CCTV – staff unable to demonstrate it was working and storing for at least 31 days.
- Seating not out of use by midnight on a Friday and Saturday.
- Delivery riders pulling up outside and parking on the red route both on the road and on the actual footpath. No effort by staff to move them on.
- Staff not aware of the conditions within the licence.

Additionally police officers visited the premises on 21<sup>st</sup> April at 01:15 and found it open with delivery riders arriving to collect orders. During a telephone call with the owner when we



made him aware of this, he was reminded of his permitted opening hours, and he responded that it was just a technicality.

Attached with this representation we include a copy of the full determination following the hearing of March 2023 and a copy of our breaches that was sent to the premises following our visits of last month.

Paragraph 3.2.2 of the Brighton and Hove City Council 2021 Statement of Licensing 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.”*

Within the Public Health Framework for Assessing Alcohol Licensing, when the last report was published, this venue sat within the St Peter’s and North Laine Ward and was ranked number 1 for Police recorded alcohol related incidents and criminal damage. This ward was also ranked number 2 for sexual offences and violence, demonstrating the higher risk to the Licensing Objective of the Prevention of Crime and Disorder in this area.

To evidence further incidents within this location, based on data for the last 12 months from the date of this representation and within a 300-meter radius, amongst other incidents, 96 were for violent crime, 61 anti-social behaviour, 23 public order and 23 criminal damage. With these incidents occurring at various times of the day and night.

Whilst we acknowledge the application is not asking for the sale of alcohol, offering late night refreshments into the early hours encourages persons who may be under the influence of alcohol and or drugs and so vulnerable, to remain in the area, which has a high number of residential properties. This increases the risk of crime and disorder, anti-social behaviour and public nuisance in an area that is already evidenced to be problematic.

The decision matrix within the Council Statement of Licensing Policy under section 3.3 states that new premises or premises licence variations asking for these licensable activities and hours is a ‘No’. As we are aware this is not absolute if the applicant can show exceptional circumstances to depart from the policy. On reading the application we see no exceptional circumstances.

Within our representations we have submitted in the past we have often included several conditions should the panel be mindful of granting. We have not done so on this occasion as the applicant has demonstrated they are unable to comply with conditions already on the licence. Due to the breaches referred to above, we have now begun our stepped approach with the aim of gaining compliance of the current licence with enforcement action being taken if this is not successful.

Sussex Police are unable to support this application to extend hours which in turn increases risk and invite the Licensing Authority to seriously consider refusing this application

Yours sincerely,

REDACTED

**Insp Mark Redbourn**

**Operations (inc. Licensing) Chief  
Inspector Brighton & Hove Division**

**Sussex Police**

Please address all future correspondence to Brighton & Hove Licensing Unit, Police Station, John Street, Brighton, BN2 0LA.

**REP B – Police Licensing**

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

**Sent:** Wednesday, March 15, 2023 11:54 AM

**To:** Brighton Licensing <Brighton.Licensing@sussex.police.uk>

**Subject:** Licensing Act 2003 – Licensing Panel Hearing Notification of the Determination of Panel - Chicks, 5 Lewes Road, Brighton BN2 3HP

Dear Sir or Madam:

**RE: Licensing Act 2003 – Licensing Panel Hearing Notification of the Determination of Panel.**

**Licensing panel hearing held virtually via Teams on Tuesday 7<sup>th</sup> March 2023 in respect of the application for a premises licence in respect of premises known as Chicks, 5 Lewes Road, Brighton BN2 3HP.**

The panel has read all the papers and has considered the written representations and all submissions made at the hearing. The panel has also had regard to its Statement of Licensing Policy (SoLP) and the statutory guidance.

The application is within the Special Stress Area (SSA) as defined in the Statement of Licensing Policy which is an area of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced with in it.

The application is for the provision of late-night refreshment both for collection and delivery from 23:00 hours to 01:00 hours Monday to Thursday and from 23:00 hours to 05:00 hours Friday and Saturday.

Relevant representations were received from Sussex Police, the Licensing Authority and on behalf of a local resident. The concerns raised related to the prevention of crime and disorder, prevention of public nuisance and cumulative impact.

The police concerns focus primarily on the location of the premises along a very busy stretch of the Lewes Road with no parking or loading permitted in front of the premises and in close proximity to the Level which has crime and disorder and anti-social behaviour issues. They are concerned that collection and deliveries in these extended hours will have a negative impact upon local residents, hinder dispersal and add to problems in the area. With the licensing authority they raise concerns that the Matrix approach within the SoLP does not support late night takeaways beyond midnight within the SSA and that there are no exceptional circumstances shown. The police asked that the application be refused as conditions would not mitigate risk. On behalf of the local resident there was concern that premises operating into the early hours could become an incident hotspot and hinder dispersal and that the measures proposed were not adequate to deal with the challenges the area presented and which his client had experienced first-hand.

The applicant said that he did pre-consult with the police and the licensing authority. He owned the premises next door, Mama Pollo. He stated that 5 Lewes road had had a late night takeaway licence from 2009 to 2021 and opened until 4am and that there were apparently no issues. He was a long-term resident of Brighton and it was in his interest to ensure that the premises would not cause problems. He maintained that that the violence the police presented related mostly to the Level and not in the immediate vicinity of his premises. His main customers would be students coming from the city going back to the university and would be served quickly. He wanted to work with the police and licensing authority and take any steps required. In answer to a question from the police he would accept a condition only to use the designated loading bays for deliveries. He planned to use his mainly his own drivers.

The panel has considered this application carefully on its merits and is mindful of the location of the premises within the SSA and on this busy stretch of the Lewes Road. the panel considers that granting a licence until 5am on Friday and Saturday and 1 am during the week is likely to impact negatively on the area which does suffer from relatively high levels of crime and disorder and anti-social behaviour as evidenced by the police, our policy and the local resident. However the panel considers that the applicant has made a strong case to enable the grant of a more limited licence. He has shown a willingness to work with the responsible authorities and accept their requirements and this is a small premises, whose customers are likely to be students on their way home. The panel considers it is appropriate to grant a licence for the provision of late-night refreshment from 23:00 hours to midnight Monday to Thursday and from 23:00 hours to 01:00 hours Friday and Saturday. The panel attach the following conditions to the licence:

1. (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrances/exits to the premises as well as any outside space. The system shall be on and recording at all times the premises licence is in operation.
- (b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- (c) CCTV footage will be stored for a minimum of 31 days
- (d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
- (e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- (f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Police e.g. USB) or provide footage via an online link as initiated by Police, without difficulty or delay and without charge.
- (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 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.
2. On Friday and Saturday nights the seating in the shop will be put out of use by midnight to limit time spent in the premises.
3. All delivery vehicles must use the designated loading bays in the vicinity of the premises and not stop on the Lewes Road in front of the premises.
4. The licence holder shall employ the services of a third-party security firm who will be available for call out during the hours of operation.
5. There will be signage on display at the premises to remind customers that there is CCTV and security on call and to respect local residents by not congregating outside the premises and to leave quietly.
6. An incident book or electronic log will be maintained at the premises. It shall be available upon

request to an authorised officer of the Council or police and shall record any crimes or incidents of disorder or anti-social behaviour relating to the premises.

7. No children under 18 shall be admitted to the premises after 23:00 hours unless accompanied by an adult.
8. Staff will be appropriately trained to ensure knowledge with the terms and conditions of the licence.

The panel appreciates that for Friday and Saturday nights this application falls outside the Matrix but we consider this modest extension in hours and all the conditions attached will mitigate risk and promote the licensing objectives.

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

### **Appeal Rights**

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

1. The applicant may appeal against the decision to impose and modify conditions including reduced hours of operation.
2. A person who has made a relevant representation may appeal against grant of the licence and decision to impose conditions.

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

Yours faithfully

Head of Safer Communities

Police Station

John Street

Brighton

BN2 0LA

Email: [brighton.licensing@sussex.pnn.police.uk](mailto:brighton.licensing@sussex.pnn.police.uk)

### **REP B – Police Licensing**

Police Station

John Street

Brighton

BN2 0LA

Email: [brighton.licensing@sussex.police.uk](mailto:brighton.licensing@sussex.police.uk)

Date: 07<sup>th</sup> May 2024

22nd April 2024

Chicks

5 Lewes Road Brighton

BN2 0LA

Dear RDACTED

RE: Chicks, 5 Lewes Road, Brighton, BN2 3HP – PREMISES LICENCE BREACHES

Our records show that you are the Premises Licence Holder and I write with reference to the above premises where Police conducted a visit with a colleague from Brighton & Hove City Council on 20<sup>th</sup> April 2024 at 00:23. The reason for the visit was to conduct a full licensing inspection.

As part of the licensing check I would like to highlight the following:

Annex 3 – Conditions attached after a hearing by the licensing authority 7 March 2023

2. (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrances/exits to the premises as well as any outside space. The system shall be on and recording at all times the premises licence is in operation.

(b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.

(c) CCTV footage will be stored for a minimum of 31 days

(d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.

(e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

(f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Police e.g. USB) or provide footage via an online link as initiated by Police, without difficulty or delay and without charge.

(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 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.

We were unable to check the CCTV as the person on site was unable to operate it.

3. On Friday and Saturday nights the seating in the shop will be put out of use by midnight to limit time spent in the premises.

The seating was not put out of use. There was male using it while we were present.

4. All delivery vehicles must use the designated loading bays in the vicinity of the premises and not stop on the Lewes Road in front of the premises.

On arrival and during our visit delivery drivers were parking outside on the pavement of road outside the premises with no attempt by your staff to tell them to move them to a permitted parking area.

9. Staff will be appropriately trained to ensure knowledge with the terms and conditions of the licence.

Staff present were unaware of the need to put the seating out of use condition and not attempting to move delivery drivers parked in correctly which evidence they are not aware of the conditions on the premises licence.

The legislations states that: -

*(1) A person commits an offence if –*

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

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

The highlighted breaches above constitute an offence of carrying on licensable activity otherwise than under and in accordance with an authorisation and this letter acts as a **WARNING**.

Following this Police Licensing will conduct a follow up visit and I must advise you that any further breaches may result in enforcement action being taken.

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,

REDACTED

c.c Brighton & Hove City Council Licensing Team – via email

c.c chicksperiperi@hotmail.com – via email

Cc: 'EHL Licensing' <EHL.Licensing@brighton-hove.gov.uk>

**Subject:** RE: Chicks, 5 Lewes Road, Brighton, BN2 3HP – PREMISES LICENCE BREACHES

Dear REDACTED

Further to my email below I have been advised of a further check that was made at the premises on 21<sup>st</sup> April at 01:15. Officers that visited noticed that the venue was open and preparing food. A delivery rider was inside waiting to pick up an order and another arrived while officers were outside observing.

On entry to the premises staff advised officers that they were only conducting takeaway orders. I must advise you that as per your premises licence conditions:

## Times the licence authorises the carrying out of licensable activities

### Late Night Refreshment

Friday-Saturday 23:00 - 01:00 Indoors

Sunday-Thursday 23:00 - 00:00 Indoors

### The opening hours of the premises

Friday-Saturday 11:00 - 01:00 Indoors

Sunday-Thursday 11:00 - 00:00 Indoors -

As you will see from the above timings, you were trading beyond these hours and so in breach of the premises licence.

On top of the breaches we found on Friday night during our visit, we will be submitting this as evidence within our representation against your licence application to extend your hours that you have submitted.

Any further breaches are now highly likely to result in enforcement action being taken which will possibly include calling a review of your premises licence.

Kind Regards

Police Licensing Officer



**Brighton & Hove Licensing Unit : John Street,  
Brighton Telephone: REDACTED**

