

Appendix C

REP A

Emma Grant

Licensing Team

Brighton & Hove City Council

Bartholomew House

Bartholomew Square

Brighton

BN11JP

Date: 24 June 2024

Our 2024/01334/LICREP/EH

Ref: 01273 292494

Phone:

e-mail: REDACTED

Dear Emma Grant

Licensing Act 2003

Representation regarding the application for a Variation of Premises Licence

Zaf'ron, 99 North Road, Brighton BN1 1YE – 2024/01934/LAPREN

I refer to the application made by Zaf'ron, for a new Premises Licence for the provision of Late-Night Refreshment at Zaf'ron, 99 North Road, Brighton. The proposed hours on the application form are until 03:00 every day.

This representation is made as the Licensing Team have concerns that the application could have a negative impact on the licensing objectives of Prevention of Crime and Disorder and the Prevention of Public Nuisance. I also refer to the Special Policy on Cumulative Impact (SPCI) contained within the Council's Statement of Licensing Policy (SoLP).

This premises falls within the Licensing Authority's Cumulative Impact Area (CIZ), which was adopted to give greater power to control the number of licensed premises within the city's centre. The SPCI was introduced because the Licensing Authority determined that the concentration of licensed premises and the subsequent numbers of people drawn into the city centre is causing exceptional problems of crime and disorder and public nuisance.

The effect of the SPCI is that applications for variations of premises licences, which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. The applicant can rebut this presumption of refusal if they can show that their application will have no negative cumulative impact on licensing objectives, including prevention of crime and disorder and public nuisance.

Guidance issued under S182 of the Licensing Act 2003 (December 2023) states in paragraph 8.41 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 in paragraph 8.43 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, Cumulative Impact Zone (CIZ)), 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, particularly section 16 (licensing objectives), the applicant has not addressed the premises location within the CIZ, has not offered any mitigation or explanation regarding the potential impact might have and has not demonstrated how the application is an exception to our policy.

The Licensing Authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its SPCI in the light of the individual circumstances of the case.

The Council's Statement of Licensing Policy also 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. It 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.

In regard to the Matrix policy, I can again not see any offered exceptional circumstances for departing from the Matrix policy, where it clearly indicates that 'late night refreshment' in the CIZ should not be granted. Again, the Matrix policy can be departed from where exceptional circumstances are demonstrated, but the applicant has failed to address this.

On 17 November 2023 at 23:49, accompanied by Police Licensing we visited the premises. At the time of this visit the premises was open and taking orders via delivery websites without a Late-Night Refreshment Licence. On 23 November 2023 I wrote to the premises and issued them a warning for trading without a Late-Night Refreshment Licence. 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 CIZ. 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 - Supplementary Appendix A – Email sent on 23 November 2023.

From: Donna Lynsdale
Sent: Thursday, November 23, 2023 11:29 AM
To: REDACTED; REDACTED;
Cc: Brighton.Licensing@sussex.police.uk
Subject: Unauthorised Licensable Activities - Zaf'Ron, 99 North Road, Brighton BN1 1YE - 2023/02848/LICENQ/EH
Importance: High

Dear REDACTED and REDACTED

**Licensing Act 2003 - Unauthorised Licensable Activities
Zaf'Ron, 99 North Road, Brighton BN1 1YE**

I am writing to you following a visit to your premises accompanied by Mark Thorogood, Police Licensing on Friday, 17 November 2023 at 23:49.

At the time of our visit, your premises was open and taking orders via delivery websites without a Late-Night Refreshment Licence.

Supply of Late-Night Refreshment is a licensable activity under the Licensing Act 2003. Any hot food or hot drink sold between 11pm and 5am is classed as the licensable activity of supply of Late-Night Refreshment.

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.

If you continue to trade without a Late-Night Refreshment Licence past 11pm, then this may be taken into consideration if you submit any application in the future.

Please note this Authority and Sussex Police have officers monitoring the City both day and night and we will be monitoring the premises. If it is witnessed that your premises is carrying out further unauthorised licensable activities, then enforcement action will be taken.

I have copied Police Licensing into this email.

Please acknowledge receipt of this email. When responding please reply to all.

Yours sincerely

Donna Lynsdale | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing),
Safer Communities

Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T 01273 292494 | **REDACTED**

Our customer promise to you

We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect.

REP B

Police Station
John Street
Brighton
BN2 0LA

Tel: 01273018643

Email: brighton.licensing@sussex.police.uk

15th July 2024

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

Dear Emma Grant,

RE: APPLICATION FOR A NEW PREMISES LICENCE FOR ZAF'RON, 99 NEW ROAD, BRIGHTON, BN1 1YE 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 the above application on the grounds that it will undermine the Licensing Objectives of the prevention of crime and disorder and public safety. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy (revised January 2021) and the Revised Guidance issued under section 182 of the Licensing Act 2003 (August 2023).

This is a proposed new premises application in an area of the City which is subject to a Special Policy adopted by Brighton & Hove City Council. The premises lies in the Cumulative Impact Zone (CIZ) (as defined in the BHCC Statement of Licensing Policy) which paragraph 3.1.3 states:

'The licensing authority, after careful consideration, has determined that the concentration of licensed premises in an area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to 'Cumulative Impact' is necessary as part of its statement of licensing policy.'

The application is applying for
Late Night Refreshment.
Every Day 23:00 – 03:00

The 'Cumulative Impact Zone' is covered by special policy and paragraph 3.1.6 provides that:

'The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.'

Paragraph 14.40 of the Secretary of State's Guidance to the Licensing Act 2003 (August 2023) provides:

'In publishing a CIA a licensing authority is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the area described....Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives.'

The applicant did pre consult with Sussex Police prior to the submission of this application and were advised of Police concerns around the lack of confidence we have in the management due to unauthorized Licence activities previously found by Sussex Police and BHCC Licensing officers.

When reviewing an application, consideration is taken regarding the premises location and to establish if this area attracts problems relating to crime and disorder. Sussex Police crime statistics show that in the last 12 months, there was a total of 403 crimes reported in a 0.1 mile radius of this premises address. 153 of these crimes were reported as thefts, 99 were Violence against the person and 52 were Public Order offences. These crimes occur 24 hours a day but 65 crimes were reported between the hours of Midnight to 03:00.

Further to this, Sussex Police have no confidence in the company applying for this premises licence. This premises was found in November 2023 as trading with no authorisation, without a Premises Licence.

A licensing visit saw 4 members of staff serving 2 customers at 23:49 with numerous orders still being received via food delivery platforms.

Police Licensing officers spoke with management, they were told that this was a 'one off' accident as they had been busy, however having checked the food delivery platforms (please see Appendix A) – It is clearly advertised as the premises accepting orders until Midnight.

Also, a close by premises was spoken too and they also confirmed that they had purchased food from this premises after 23:00. A Breach letter was sent to the premises via email on the 21st November 2023. See Appendix B.

The food delivery platforms were checked again on the 5th December 2023 and these clearly show that the times have not been changed. See Appendix C

On the 23rd December, 2 Police Officers visited the premises at 23:05. They have stated lights were on and a number of customers were inside eating. On entry by the officer, lights were turned off and Customers prompted to pay, therefore transactions were made after 23:00.

The application is consequently at risk of undermining the prevention of crime & disorder and public safety Licensing Objectives. Furthermore, Sussex Police have no confidence that this premises will operate responsibly in the CIZ area as defined in the Brighton and Hove statement of licensing policy as they have not made any specific reference to potential cumulative impact issues or how they will mitigate any further risk to the Night time economy within the City Centre.

Therefore, with all reasons listed above Sussex Police invite the Licensing Authority to seriously consider refusing this application.

Yours sincerely,

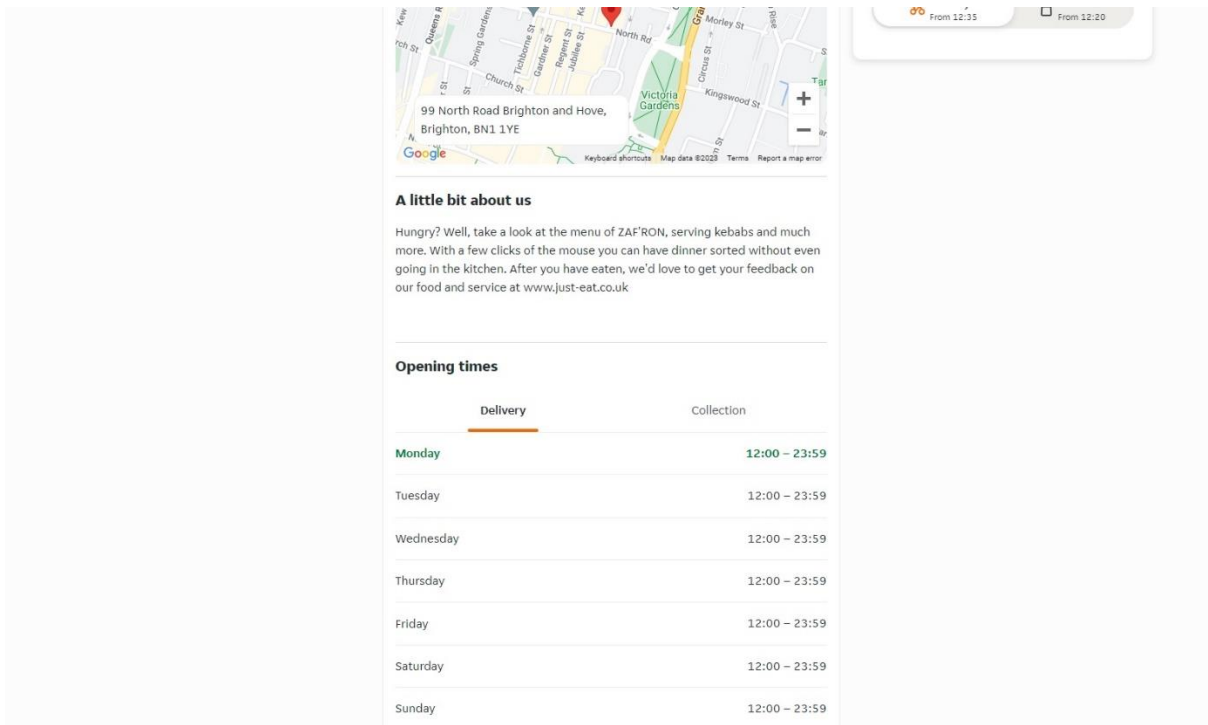
REDACTED

Insp Dan Eagle
Operations (inc. Licensing) Chief Inspector
Brighton & Hove Division
Sussex Police

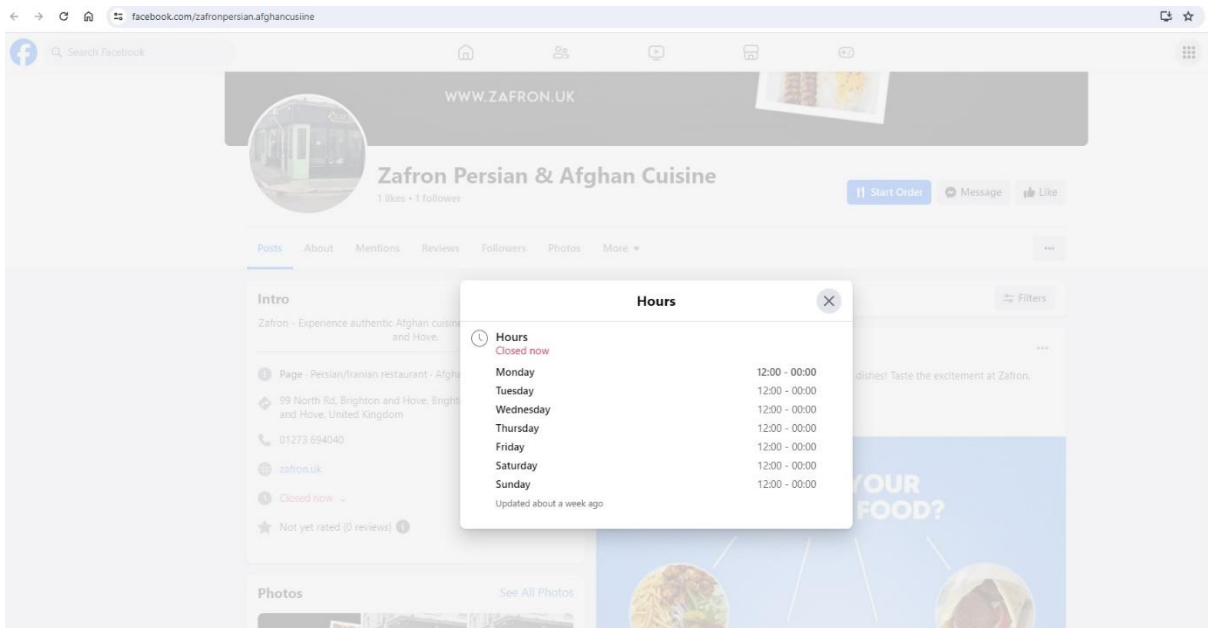
Please address all future correspondence to Brighton & Hove Licensing Unit, Police Station, John Street, Brighton, BN2 0LA.

REP B - Supplementary Appendix A

Just Eat November 2023



Facebook – November 2023



Google – November 2023



zafron north street brighton

Images Maps Videos News Books Flights Finance

All filters Tools

About 85,000 results (0.43 seconds)

Did you mean: **safron** north street brighton

zafron.uk
https://www.zafron.uk

Zafron Persian & Afgan Cuisine - Brighton

Zafron Halal restaurant, Brighton - Best restaurant near to Brighton ... 99 North Rd, Brighton and Hove, Brighton, BN1 1YE. Follow Us. Powered By: Missing: street | Show results with: street

Just Eat
https://www.just-eat.co.uk › BN1 › Kebab

ZAF'RON in Brighton

View the full menu from ZAF'RON in Brighton BN1 1YE and place your order online. Wide selection of Kebab food to have delivered to your door.
★★★★★ Rating: 4.5 · 13 votes

Deliveroo
https://deliveroo.co.uk › menu › zafron-north-road

Zafron - North Road delivery from Brighton Centre

The best local restaurants and takeaways are here to deliver. Order on Deliveroo today!

Just Eat
https://www.just-eat.co.uk › BN1 › Kebab

ZAF'RON restaurant menu in Brighton - Order from Just Eat

... North Road Brighton and Hove, Brighton, BN1 1YE. Delivery from 12:35. I want ... zafron. £17.99. Starters. Mast Khiyar. Greek yoghurt mixed with herbs and ...
★★★★★ Rating: 4.5 · 13 votes

TikTok · zafron
600+ views · 2 months ago

Zafron 99 North road brighton - TikTok



Zafron

Website Directions Save

4.9 ★★★★★ 216 Google reviews

Halal restaurant

ORDER ONLINE

Service options: Dine-in · Takeaway · Delivery

Address: 99 North Rd, Brighton and Hove, Brighton BN1 1YE

Hours: **Monday 12 pm–12 am**
Tuesday 12 pm–12 am
Wednesday 12 pm–12 am
Thursday 12 pm–12 am
Friday 12 pm–12 am
Saturday 12 pm–12 am
Sunday 12 pm–12 am

Suggest new hours

Phone: 01273 694040

Suggest an edit · Own this business?

Questions & answers

REP B – Supplementary Appendix B – Email sent on 21/11/2023

Police Station
John Street
Brighton
BN2 0LA

Tel: 01273 404535 ext. **REDACTED**

Email: brighton.licensing@sussex.police.uk

21st November 2023

REDACTED

Zaf'Ron

99 North Road

Brighton

East Sussex

BN1 1YE

Dear **REDACTED**,

RE: Licensing Act 2003 – Unauthorised licensable activities – Zaf’Ron, 99 North Road, Brighton, BN1 1YE

As you are aware we visited your premises on 17th November 2023 at 23:49 due to you being open and trading without a Late-Night Refreshments licence.

When we spoke to you about this you advised that it had been a busy night and you was not aware of the time and tried to make out this is the first time this has happened. We then pointed out the opening hours on your paper menus and on the Just Eat App which stated you are open until Midnight 7 days a week. We have since also noticed this is the same on Google and Facebook which leads us to believe you have not been totally truthful with us about this being a one off.

If you are conducting hot food sales between the hours of 23:00hrs – 05:00hrs a late-night refreshment licence is required.

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

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.

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 breach constitutes an offence of carrying on licensable activity otherwise than under and in accordance with an authorisation. This letter acts as a **formal warning**.

A record of this will be placed on the premises file and may be considered when Sussex Police consider any future applications or events that may relate to the premises.

Checks will be made to ensure compliance and 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,

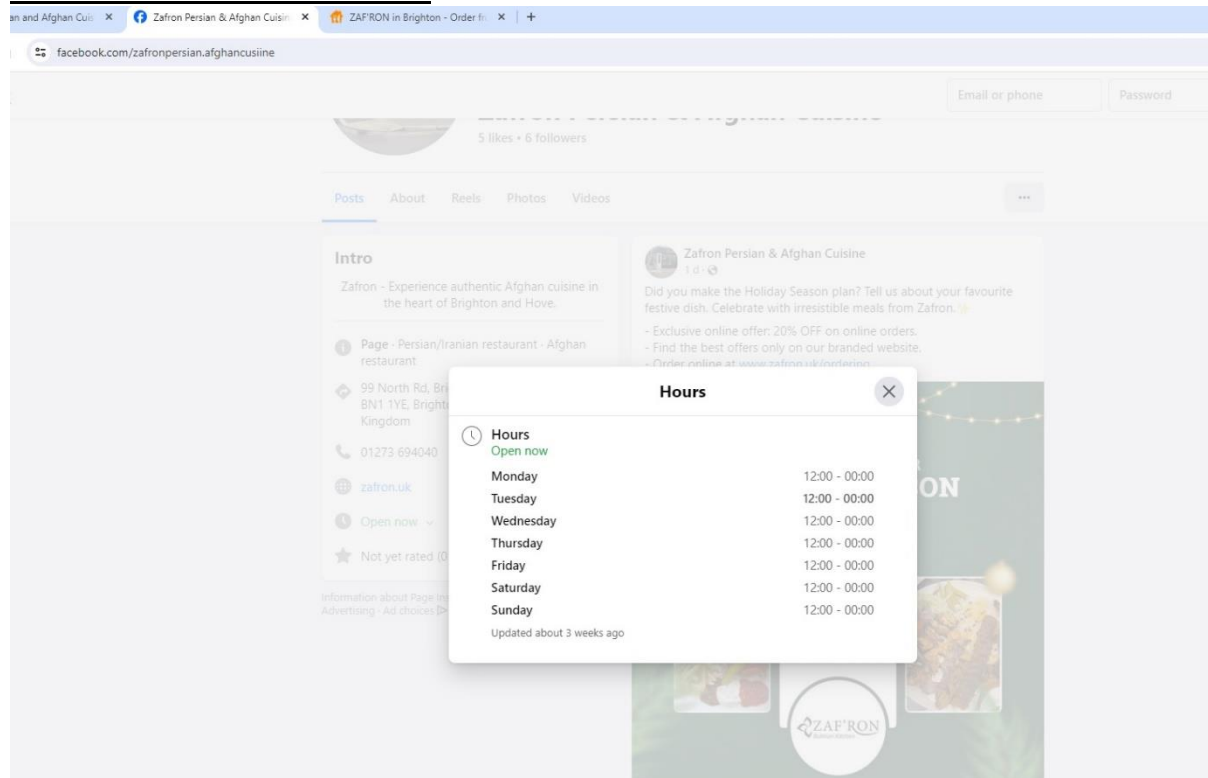
Mark Thorogood

Police Licensing
Local Policing Support Team

c.c Brighton & Hove City Council Licensing Team (via email)

REP B – Supplementary Appendix C

Facebook – 05th December 2023



Google – 5th December 2023

google.com/search?gs_ssp=eJz4tVP1zc0LLZMzzA0Ns41YLR5NagwsTA3tTA1NE41MrG0ME8ztzKosEg2T020MDc0TU6xTDVNSvXir0pMK8rPU0gqyzPKMnPAwCn2hTF&q=zafron+brighton&riz=1C1GCEB_enG8997G8997&coq=z

zafron brighton

ZAFRON restaurant menu in Brighton - Order from Just Eat
View the full menu from ZAFRON in Brighton BN1 1YE and place your order online. Wide ...
zafron. £17.99. Starters. Mast Khyar. Greek yoghurt mixed with herbs ...
★★★★★ Rating: 4.4 · 19 votes

Just Eat
ZAFRON in Brighton
View the full menu from ZAFRON in Brighton BN1 1YE and place your order online. Wide selection of Kebab food to have delivered to your door.
★★★★★ Rating: 4.5 · 16 votes

Deliveroo
Zafron - North Road delivery from Brighton Centre
The best local restaurants and takeaways are here to deliver. Order on Deliveroo today!

Instagram - Zafronbrighton
30+ followers
ZAFRON (@zafronbrighton) • Instagram photos and videos
Come and enjoy the taste of Afghan and Persian cuisine with us here . 99north road, Brighton and Hove Bn11ye. 5 posts; 35 followers; 0 following ...

Restaurant Guru
Zafron in Brighton - Restaurant menu and reviews
22 Nov 2023 — All info on Zafron in Brighton - Call to book a table. View the menu, check prices, find on the map, see photos and ratings.

Guide.in.ua
Zafron brighton specials in Brighton ▶ 1 results found
Zafron is a restaurant and food establishment located at 99 North Rd in Brighton, offering a

Zafron
4.9 ★★★★★ 231 Google reviews
Halal restaurant

Website Directions Save Call

Address: 99 North Rd, Brighton and Hove, Brighton BN1 1YE

Hours: Tuesday 12 pm–12 am
Wednesday 12 pm–12 am
Thursday 12 pm–12 am
Friday 12 pm–12 am
Saturday 12 pm–12 am
Sunday 12 pm–12 am
Monday 12 pm–12 am

Suggest new hours

Phone: 01273 694040
Menu: zafron.uk

Suggest an edit · Own this business?

Reviews
Google reviews Write a review Add a photo

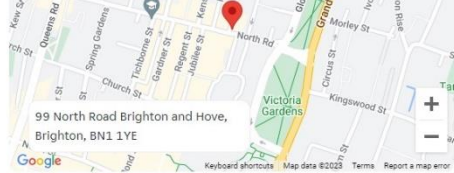
Reviews aren't verified

"Delicious food at a good price, great service and really nice, friendly staff."
★★★★★

"We as a family enjoyed the food, great food lovely people, highly recommended."
★★★★★

"Lamb was nicely marinated, and the chicken was well cooked and not greasy."
★★★★★

Just Eat – 5th December 2023



99 North Road Brighton and Hove, Brighton, BN1 1YE

A little bit about us

Hungry? Well, take a look at the menu of ZAFRON, serving kebabs and much more. With a few clicks of the mouse you can have dinner sorted without even going in the kitchen. After you have eaten, we'd love to get your feedback on our food and service at www.just-eat.co.uk

Opening times

	Delivery	Collection
Monday		12:00 – 23:59
Tuesday		12:00 – 23:59
Wednesday		12:00 – 23:59
Thursday		12:00 – 23:59
Friday		12:00 – 23:59
Saturday		12:00 – 23:59
Sunday		12:00 – 23:59

Go to checkout

Delivery 30-45 mins

Collection 20 mins

