

## Appendix C

### REP A

EG CON ENDS 06/01/2025 VALID PCD, PPN, PCH & CIZ

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#### Safer Communities – Licensing Team

Brighton & Hove City Council  
2<sup>nd</sup> Floor Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

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

Date: 23 December 2024  
Our 2024/03087/LICREP/EH  
Ref: 01273 292494  
Phone: REDACTED  
e-mail:

Dear Emma Grant

#### Licensing Act 2003

**Representation regarding the application for a New Premises Licence for Cardamom Restaurant, 119 St James's Street, Brighton BN2 1TH – 2024/05499/LAPREN**

I refer to the application made by Rafiqul Islam, for a new Premises Licence for the provision of Supply of Alcohol 'on' the premises at Cardamom Restaurant, 119 St James's Street, Brighton BN2 1TH.

This representation is made as the Licensing Team have concerns that the application could have a negative impact on the licensing objective of Prevention of Crime and Disorder, Prevention of Public Nuisance and Protection of Children from Harm. 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 new 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, public nuisance and protection of children from harm.

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.

Following receipt of an invalid Designated Premises Supervisor (DPS) application form and an email from the current Premises Licence Holder (PLH) surrendering the current licence. On 2 October 2023, I sent an email to Mr Islam. A copy of the email sent is attached as Appendix A.

On 24 October 2023, after receiving no response from Mr Islam, a follow up email was sent advising that the premises licence had lapsed. A copy of the email sent, Mr Islam's reply and further response from myself, is attached as Appendix B.

On 14 December 2023, a new application was submitted and the premises licence issued on 12 January 2024.

Following grant of the licence, I provided Mr Islam with Challenge 25 posters, Training Book, Noise Notice, Incident/Refusal Log and Licensing Risk Assessment book.

On 26 March 2024, accompanied by Police Licensing I visited the premises and carried out a full licensing inspection. Following this visit, on 4 April 2024 I emailed Mr Islam details of the breaches found. On 9 April 2024, I also hand delivered a copy of the breaches found. A copy of this email and letter is attached as Appendices C and D.

On 4 December 2024, a follow up licensing visit was carried out. Following this visit, a further email was sent detailing the breaches found. A copy of this email is attached as Appendix E. After this visit, it was noted that the current premises licence holder company had dissolved on Companies House. A letter advising Mr Islam of this was hand delivered by Sussex Police on 6 December 2024. A copy of this letter is attached as Appendix F.

In 1997 an application was submitted to change the use of 119 St James's Street from A1 to A5. Conditions attached to the grant of this application state that the premises shall not be open or in use except between the hours of 09:00 and 23:00 Mondays to Saturdays and between 09:00 and 22:30 on Sundays. I am aware that the planning department have advised the applicant and the agent of these restrictions. However, the agent has confirmed they do not wish for the application to be amended to in accordance with these times. Although Licensing acknowledge that it is a separate regime to Planning, felt the Licensing Panel should be made aware of this application and the decision. A copy of the Planning Decision letter is attached as Appendix G.

On looking at the application form, particularly section 16 (licensing objectives), the applicant has acknowledged that the premises would be located within the CIZ area and offered conditions within the operating schedule. However, the previous application submitted in December 2023, had also offered conditions etc. and these were not complied with.

I make this representation on behalf the Licensing Authority as I have no confidence in the applicant. It is my belief that to grant them another premises licence, would only result in continuous breaches of the conditions and a possible review hearing. I ask the panel to take into consideration the concerns raised and refuse this application.

Yours sincerely

REDACTED

Donna Lynsdale  
Licensing Officer  
Licensing Team

**Appendix A** - Copy of the email sent 2 October 2023

**Appendix B** - Copy of the email sent 24 October 2023

**Appendix C** - Copy of the email sent 4 April 2024

**Appendix D** - Copy of letter hand delivered on 9 April 2024

**Appendix E** - Copy of the email sent 10 December 2024

**Appendix F** - Copy of Planning Decision Letter dated 27 January 1998

**REP A**

**Appendix A - Copy of the email sent 2 October 2023**

**From:** Donna Lynsdale

**Sent:** 02 October 2023 15:19

**To:** REDACTED

**Cc:** REDACTED>; Brighton.Licensing@sussex.police.uk; EHL Licensing <EHL.Licensing@brighton-hove.gov.uk>

**Subject:** Cardamom, 119 St James's Street, Brighton BN2 1TH - 2023/02068/LICPRM/EH (Reply 02.10.23)

**Importance:** High

Good Afternoon

Thank you for your email.

Following on from your application to change the Designated Premises Supervisor (DPS), and my colleague's response (email attached dated 18 September 2023). The DPS application needs to be completed by the Premises Licence Holder (PLH).

We have now received confirmation from the existing PLH advising that they wish to surrender the premises licence.

Once we have been notified of a Surrender, there is a 28-day period where the premises licence can be transferred. The application to transfer the licence would need to be submitted by 18 October 2023.

Please see below details regarding Transferring a Premises Licence:

**Transferring the premises licence**

You will need to complete a premises licence transfer application.

- [submit a premises licence transfer application online](#)
- [download a paper premises licence transfer application](#)
- the current licence holder will need to complete a [consent transfer of a premises licence](#)

The cost is £23 made payable to Brighton & Hove City Council.

There is a 14-day consultation process where Sussex Police can make any comments on the application.

Once the consultation is complete, a new licence with all the details will be sent to you.

The Transfer Consent form needs to be signed by the current PLH. Please see guidance below:

### **Obtaining the permission of the existing licence holder**

It is important for you to make every effort to obtain consent to the transfer from the existing licence holder before you make your application.

You must take all reasonable steps to obtain it and we can only exempt you from this requirement if you are able to satisfy us that all reasonable steps have been taken, and that if the application were granted that you would be in a position to use the premises for licensable activities.

If for whatever reason it is not possible for you to provide us with the existing licence holders signed consent form with the application, then it will be necessary for you to provide us with copies of (for example) any recorded delivery correspondence you may have sent to the licence holder or any other documentation which shows the steps taken to obtain it.

It may be possible to accept proof via your Solicitor that you have the permission to operate from the premises i.e., a Lease etc.

If you cannot provide such information, then your application will not be accepted.

After the 18 October 2023, the current premises licence will lapse.

Until the above has been submitted, you are not authorised to carry out any licensable activities.

*Please ensure that all sales and supply of alcohol ceases immediately until you have an authorised DPS. You must also remove all alcohol from display. Supply of Late-Night Refreshment is also licensable activity. You must not sale or supply any hot food after 23:00.*

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.

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.

A copy of this email has also been sent to Police Licensing and my colleague Emily Fountain.

Please can you acknowledge receipt of this email, replying to all.

You may also wish to obtain independent legal advice.

Regards

**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 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 A**

#### **Appendix B - Copy of the email sent 24 October 2023**

**From:** Donna Lynsdale  
**Sent:** 24 October 2023 14:41  
**To:** REDACTED  
**Cc:** REDACTED; Brighton.Licensing@sussex.police.uk  
**Subject:** Cardamom, 119 St James's Street, Brighton BN2 1TH - 2023/02068/LICPRM/EH  
**Importance:** High

Good Afternoon

Following on from my previous email sent on 2 October 2023 (below).

To date we have not received a Transfer Application. As of 18 October 2023, the current premises licence is no longer in force.

Therefore, the premises is unable to be used for any licensable activities including the sale of alcohol or late-night refreshment.

A new Premises Licence will need to be applied for and granted before any licensable activities can take place,

I must remind you that 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.

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.

A copy of this email has also been sent to Police Licensing and my colleague Emily Fountain.

Please can you acknowledge receipt of this email, replying to all.

Many thanks

Regards

**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 01273 292494 | REDACTED

**From:** Donna Lynsdale

**Sent:** 02 October 2023 15:19

**To:** REDACTED

**Cc:** REDACTED; Brighton.Licensing@sussex.police.uk; EHL Licensing  
<EHL.Licensing@brighton-hove.gov.uk>

**Subject:** Cardamom, 119 St James's Street, Brighton BN2 1TH - 2023/02068/LICPRM/EH  
(Reply 02.10.23)

**Importance:** High

Good Afternoon

Thank you for your email.

Following on from your application to change the Designated Premises Supervisor (DPS), and my colleague's response (email attached dated 18 September 2023). The DPS application needs to be completed by the Premises Licence Holder (PLH).

We have now received confirmation from the existing PLH advising that they wish to surrender the premises licence.

Once we have been notified of a Surrender, there is a 28-day period where the premises licence can be transferred. The application to transfer the licence would need to be submitted by 18 October 2023.

Please see below details regarding Transferring a Premises Licence:

### **Transferring the premises licence**

You will need to complete a premises licence transfer application.

- [submit a premises licence transfer application online](#)
- [download a paper premises licence transfer application](#)
- the current licence holder will need to complete a [consent transfer of a premises licence](#)

The cost is £23 made payable to Brighton & Hove City Council.

There is a 14-day consultation process where Sussex Police can make any comments on the application.

Once the consultation is complete, a new licence with all the details will be sent to you.

The Transfer Consent form needs to be signed by the current PLH. Please see guidance below:

### **Obtaining the permission of the existing licence holder**

It is important for you to make every effort to obtain consent to the transfer from the existing licence holder before you make your application.

You must take all reasonable steps to obtain it and we can only exempt you from this requirement if you are able to satisfy us that all reasonable steps have been taken, and that if the application were granted that you would be in a position to use the premises for licensable activities.

If for whatever reason it is not possible for you to provide us with the existing licence holders signed consent form with the application, then it will be necessary for you to provide us with copies of (for example) any recorded delivery correspondence you may have

sent to the licence holder or any other documentation which shows the steps taken to obtain it.

It may be possible to accept proof via your Solicitor that you have the permission to operate from the premises i.e., a Lease etc.

If you cannot provide such information, then your application will not be accepted.

After the 18 October 2023, the current premises licence will lapse.

Until the above has been submitted, you are not authorised to carry out any licensable activities.

*Please ensure that all sales and supply of alcohol ceases immediately until you have an authorised DPS. You must also remove all alcohol from display. Supply of Late-Night Refreshment is also licensable activity. You must not sale or supply any hot food after 23:00.*

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.

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.

A copy of this email has also been sent to Police Licensing and my colleague Emily Fountain.

Please can you acknowledge receipt of this email, replying to all.

You may also wish to obtain independent legal advice.

Regards

**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 01273 292494 | REDACTED



REP A

**Appendix C - Copy of the email sent 4 April 2024**

**From:** Donna Lynsdale  
**Sent:** 04 April 2024 17:54  
**To:** REDACTED  
**Cc:** Brighton.Licensing@sussex.police.uk  
**Subject:** Cardamom Indian Restaurant, 119 St James's Street, Brighton BN2 1TH - 2024/00675/LICPRM/EH  
**Importance:** High

Dear Rafiqul Islam

**Licensing Act 2003**

**Cardamom Indian Restaurant, 119 St James's Street, Brighton BN2 1TH**  
**Premises Licence Number: 1445/3/2023/04964/LAPREN**

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

On Tuesday 26 March 2024 at 15:21, accompanied by my colleague Mark Thorogood 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:

The premises licensable activities and opening times are:

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

**Late Night Refreshment**

Every Day 23:00 - 00:00 (Midnight)

**Sale by Retail of Alcohol**

Every Day 10:00 - 00:00 (Midnight)

**The opening hours of the premises**

Every Day 10:00 - 00:30

*You advised that you sometimes stay open until 01:00. Please note that above times, and ensure you comply with them.*

**Annex 1 - Mandatory conditions**

All licensed premises are issued with a premises licence. This consists of Part A and Part B and sets out all the licensable activities that may take place at these premises.

**Part A and Part B** – Part B only one page was on display.

The holder of the licence must ensure that Part B of the licence, or a certified copy of it, is prominently displayed at the premises. Part A of the licence (with conditions) must be available on request by licensing officers from the council or Sussex Police.

**S 19; mandatory conditions where licence authorises supply of alcohol**

6. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

*At the time of my inspection, you had printed on your drink menu prices for spirits. However, you did not state the measures supplied. Also, the measures you had were not stamped nor specified the measures being supplied. Please ensure this is rectified to comply with the above condition.*

**Annex 2 – Conditions consistent with the Operating Schedule:**

**For the 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 entrance to the premises. 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 Sussex Police) 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. This can be done via email: [brighton.licensing@sussex.police.uk](mailto:brighton.licensing@sussex.police.uk).
- 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.

***You had no CCTV system installed.***

- 3. a) An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week.

***You had a logbook which I had sent you. However, you had not been signing it off once a week to comply with the above condition.***

### **For the Protection of Children from Harm:**

- 6. a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive 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 8 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.

***I also sent you a training book, which you had not used. Therefore, you had no initial or refresher training records.***

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 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 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**.

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

Please acknowledge receipt of this email. 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 01273 292494 | REDACTED

**REP A**

**Appendix D - Copy of letter hand delivered on 9 April 2024**

Cardamom Indian Restaurant  
119 St James's Street  
Brighton  
BN2 1TH

Date: 9 April 2024  
Our Ref: 2024/00675/LICPRM/EH  
Phone: 01273 292494  
email: REDACTED

Dear REDACTED

**Licensing Act 2003**  
**Cardamom Indian Restaurant, 119 St James's Street, Brighton BN2 1TH**  
**Premises Licence Number: 1445/3/2023/04964/LAPREN**

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

On Tuesday 26 March 2024 at 15:21, accompanied by my colleague Mark Thorogood from Police Licensing, we visited your premises and carried out a full licensing inspection.

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*You advised that you sometimes stay open until 01:00. Please note that above times, and ensure you comply with them.*

**Annex 1 – Mandatory conditions**

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**Part A and Part B** – Part B only one page was on display.

The holder of the licence must ensure that Part B of the licence, or a certified copy of it, is prominently displayed at the premises. Part A of the licence (with conditions) must be available on request by licensing officers from the council or Sussex Police.

**S 19;** mandatory conditions where licence authorises supply of alcohol

6. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

*At the time of my inspection, you had printed on your drink menu prices for spirits. However, you did not state the measures supplied. Also, the measures you had were not stamped nor specified the measures being supplied. Please ensure this is rectified to comply with the above condition.*

## **Annex 2 – Conditions consistent with the Operating Schedule:**

### **For the 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 entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.
  - i) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
  - j) CCTV footage will be stored for a minimum of 31 days.
  - k) 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.
  - l) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
  - m) 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) for the police without difficulty or delay and without charge to Sussex Police.
  - n) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable. This can be done via email: [brighton.licensing@sussex.police.uk](mailto:brighton.licensing@sussex.police.uk).
  - o) 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.

*You had no CCTV system installed.*

3. a) An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week.

*You had a logbook which I had sent you. However, you had not been signing it off once a week to comply with the above condition.*

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  - ❖ The lawful selling of age restricted products
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- b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 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.

*I also sent you a training book, which you had not used. Therefore, you had no initial or refresher training records.*

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 legislation states that:-

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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**.

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

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

Yours sincerely

REDACTED

Donna Lynsdale  
Licensing Officer

**REP A**

**Appendix E - Copy of the email sent 10 December 2024**

**From:** Donna Lynsdale  
**Sent:** 10 December 2024 10:23  
**To:** REDACTED  
**Cc:** Brighton.Licensing@sussex.police.uk  
**Subject:** Cardamom Indian Restaurant, 119 St James's Street, Brighton BN2 1TH - 2024/03044/LICRSK/EH  
**Importance:** High

Dear Rafiqul Islam

**Licensing Act 2003**

**Cardamom Indian Restaurant, 119 St James's Street, Brighton BN2 1TH**  
**Premises Licence Number: 1445/3/2023/04964/LAPREN**

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

On Wednesday, 4 December 2024 at 15:30, accompanied by my colleague Mark Thorogood 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 2 – Conditions consistent with the Operating Schedule:**

**For the 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 entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.
- p) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- q) CCTV footage will be stored for a minimum of 31 days.



- r) 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.
- s) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- t) 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) for the police without difficulty or delay and without charge to Sussex Police.
- u) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable. This can be done via email: [brighton.licensing@sussex.police.uk](mailto:brighton.licensing@sussex.police.uk).
- v) 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.

*The CCTV system you had in place was operate by batteries. At time of our inspection your CCTV was not working as the cameras had run out of charge. It was not recording in accordance with the above condition.*

- 3. a) An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week.

*You had a logbook which I had sent you. However, you had not been signing it off once a week to comply with the above condition.*

#### **For the Protection of Children from Harm:**

- 6. a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive 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 8 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.

*I also sent you a training book, which you had not been used. You had no initial or refresher training records for your staff.*

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.

It was very disappointing that despite providing you with all the relevant documentation to assist, you still continue to breach the premises licence conditions.

I note that your premises licence has now lapsed and have submitted an application for a new one.

Despite all the support we have provided, you have made no attempt to comply with the premises licence you had. Unfortunately, I have no confidence that if a new premises licence is granted you will comply with any condition attached to it. I will be submitting a representation against your application.

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

Please acknowledge receipt of this email. 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 01273 292494 | REDACTED

**REP A**

**Appendix F - Copy of letter hand delivered on 6 December 2024**

Cardamom Indian Restaurant  
119 St James's Street  
Brighton  
BN2 1TH

Date: 6 December 2024  
Our Ref: 2024/03029/LICCON/EH  
Phone: 01273 292494  
e-mail: REDACTED

Dear REDACTED

**Section 27 & Section 50 Licensing Act 2003**  
**Cardamom Indian Restaurant, 119 St James's Street, Brighton BN2 1TH**  
**Premises Licence Number: 2023/04964/LAPREN**

I am writing following information we have received that the Premises Licence Holder company 'Cardamom James's Street Limited' has dissolved and therefore inform you that Premises licence for the above premises has lapsed.

'Cardamom James's Street Limited', Company Number: 14610955, was dissolved on 24 June 2024. Once dissolved there is a 28-day period for a Transfer to take place (into another company or persons name), if this is not done within 28 days then the licence lapses.

As this has not been done, the licence is no longer in force and the premises is unable to be used for any licensable activities including the sale of alcohol. A new Premises Licence will need to be applied for and granted before alcohol can be sold.

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 -

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

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.

Should you wish to discuss this further, please do contact me via email or seek independent legal advice.

Yours sincerely

REDACTED

Donna Lynsdale

Fair Trading and Licensing Officer

Trading Standards and Licensing Team

c.c. Police Licensing Unit via email to [brighton.licensing@sussex.police.uk](mailto:brighton.licensing@sussex.police.uk)

**REP A**



**Brighton & Hove**

ENVIRONMENTAL SERVICES

Brighton & Hove Council  
Bartholomew House  
Bartholomew Square  
Brighton BN1 1JP

**Application No: BH1997/00918/FP**

Axia Architects  
The Old Stable  
84 Clarence Road  
Wood Green  
London N22 4PW

## **BRIGHTON AND HOVE COUNCIL**

**Town and Country Planning Act 1990**

### **PERMISSION TO DEVELOP LAND**

**IN PURSUANCE** of their powers under the above-mentioned Act, the Council hereby notify you that they **PERMIT** the following development:

**Situation:** 119 St James Street (Ground & Basement Only) Brighton

**Description:** Change of use of ground floor and basement from shop (class A1) to restaurant (class A3).

**In accordance with the application and plans (as modified by any undermentioned conditions) submitted to the Council on 10 July 1997 and SUBJECT to compliance with any condition(s) specified hereunder:**

- 1 The development for which permission is hereby granted must be commenced within five years from the date hereof.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 Detailed plans of any proposed works which affect the elevational appearance of the building shall be submitted to and approved by the Local Planning Authority before the use is commenced.

Reason: This permission refers to a change of use only and to no physical alterations whatsoever.

- 3 The premises shall be used as a cafe/restaurant only and not as a public house within Use Class A3 of the Scheme to the Town and Country Planning (Use Classes) Order 1987, or on any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order.

Reason: To protect the amenities of the occupiers of nearby residential properties.

- 4 The premises shall not be open or in use except between the hours of 0900 and 2300 Mondays to Saturdays and between 0900 and 2230 on Sundays.

Reason: To protect the amenities of the occupiers of nearby residential properties.

Telephone 01 273 290000 Fax 01 273 292250 Minicom 01 273 292210

Director of Environmental Services: Alan McCarthy

1

- 5 Before any works commence a scheme shall be submitted to and approved by the Local Planning Authority indicating proposals for the satisfactory storage of refuse in accordance with BS.5906. Such proposals as shall be agreed shall be implemented and thereafter maintained.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse.

- 6 A scheme for the fitting of odour control equipment to the building shall be submitted to the Local Planning Authority and no development shall commence until a scheme is approved by the Local Planning Authority. The use of the premises shall not commence until all odour control equipment works have been carried out to the satisfaction of the Local Planning Authority. The odour control equipment shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties.

- 7 A scheme for the sound insulation of odour control equipment referred to in the condition set out above shall be submitted to the Local Planning Authority and no development shall commence until all sound insulation works have been carried out to the satisfaction of the Local Planning Authority. The sound insulation works shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties.

- 8 No open storage shall take place within the curtilage of the site without the prior permission of the Local Planning Authority.

Reason: To safeguard the visual amenities of the area.

- 9 Amplified music or other entertainment noise from within the premises shall not be audible at any adjacent residential premises.

Reason: To safeguard the amenities of the occupiers of adjacent residential premises.

- Informative: The applicant is reminded that facilities for the disabled will be required under the Building Regulations.

Dated this REDACTED

REDACTED

Director of Environmental Services

REP B

EG CON ENDS 06/01/2025 VALID PCD, PCH & CIZ



## Brighton & Hove Licensing Unit

Police Station  
John Street  
Brighton  
BN2 0LA

Date: 24<sup>th</sup> December 2024

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

**RE: Application for a new premises licence for Cardamom Restaurant, 119 St James Street, Brighton, BN2 1TH.**

Dear Emma Grant,

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the new premises licence application for the above on the grounds that it will undermine the Licensing Objectives of the prevention of crime and disorder and protection of children from harm.

This is a proposed 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) and seeks the following hours and licensable activities:

On premises supply of alcohol – 10:00 – 00:00 (Midnight) 7 Days a week.  
Late night refreshments – 23:00 – 00:00 (Midnight) 7 Days a week.  
Hours premises open to the public – 10:00 – 00:30 7 Days a week.

The applicant was granted a premises licence for this location on 12<sup>th</sup> January 2024. This has since lapsed due to the Premises Licence Holder, Cardamom James's Street Limited being dissolved on 25<sup>th</sup> June 2024. The licence was not transferred to a new holder within the required time restrictions.

Sussex Police Licensing have had many dealings with this restaurant since it opened towards the end of 2022 as Cardamom. Although Mr. Islam was not listed as an owner in the early days, we do believe he was involved in the day-to-day operation.

03<sup>rd</sup> November 2022 – Following a visit by us and colleagues from Brighton & Hove City Council Licensing, premises was found to be operating without a valid Designated Premises Supervisor appointed. They were advised to stop conducting licensable activities until this issue is rectified.

22<sup>nd</sup> December 2022 – Application to transfer the licence over to Cardamom Brighton Ltd and appoint a Designated Premises Supervisor was received and processed.

05<sup>th</sup> August 2023 – Inspection of the premises was made during that years Pride Village Party. The premises was open and operating outside of its licence permission. It was trading as a bar rather than a restaurant. All the tables and chairs had been put to the side, conducting sales of alcohol without food and off sales. The then Designated Premises Supervisor was contacted, and he responded to advise he had left the venue on 02<sup>nd</sup> March 2023. So the venue had been operating licensable activities for several months without a valid Designated Premises Supervisor. The venue was advised it had to stop all licensable activities until the issue was rectified.

02<sup>nd</sup> October 2023 – Venue was written to as they still had not applied to have a Designated Premises Supervisor in place, yet we had evidence they were carrying on with licensable activities. On this day they were also advised that the Premises Licence Holder at the time had now surrendered the licence. The council sent Mr. Islam information on how to transfer the licence over to himself and advised he had 28 days in which to do this before the licence lapses.

24<sup>th</sup> October 2023 – No transfer received by Mr. Islam, and he was advised that the licence had lapsed, and he would need to apply for a new one.

17<sup>th</sup> November 2023 – Inspection to ensure no licensable activities taking place. Venue still displayed on each table drinks menus with 95% of it being alcoholic drinks. Although no alcohol on display it was all just under the counter and the beer pump still connected.

14<sup>th</sup> December 2023 – Applicant for a new premises licence submitted and granted on 12<sup>th</sup> January 2024. Consideration was given to submit a representation against this due to previous dealings with Mr. Islam and not providing us with much confidence in him. We did however allow it to go through unchallenged in the hope that assistance given to him via a licensing consultant and advice from ourselves and the local authority meant things would improve going forwards.

26<sup>th</sup> March 2024 – Joint inspection carried out with Brighton & Hove City Council Licensing with the following breaches evidenced:

- Trading beyond permitted hours.
- Part B of the premises licence not fully on display.
- No CCTV system installed.
- Not signing off the incident log book each week.
- No initial staff trainer nor refresher training.

04<sup>th</sup> December 2024 – Joint inspection carried out with Brighton & Hove City Council Licensing with the following breaches evidenced:

- CCTV in operation is reliant on batteries rather than mains power. At time of visit the cameras had run out of charge and so not recording.
- Not signing off the incident log book each week.
- No refresher staff training.

06<sup>th</sup> December 2024 – It was established that the Premises Licence Holder, Cardamon James's Street Limited had dissolved on 24<sup>th</sup> June 2024. Mr. Islam being the sole director. Police Licensing visited the venue to advise that he must stop all licensable activities. He was surprised

to hear that his company was no longer trading, which we found concerning that he did not know this.

09<sup>th</sup> December 2024 – Application received for a new premises licence.

Because of our interactions with the venue since it opened under the Cardamom name and with Mr. Islam, we have little confidence in him as an operator. His understanding of administrative issues is very limited. This has resulted in him breaching his premises licence, his company being dissolved without him realising it thus resulting in him trading for several months without a valid premises licence.

Conditions are on a licence to assist in promoting the licensing objectives. If operators agree to these conditions during a licence application process and then go on to not adhere to them, this raises concerns over public safety.

If licence conditions are not being adhered to, what other processes and regulations are being ignored.

We have recently been made aware that the planning permissions on this premises permit trading until 23:00 Monday to Saturday and 22:30 on a Sunday. When asked if the applicant is looking to alter his application to adhere to this planning restriction, we have been advised he would not. Although this is a separate process, it further shows a wish to not comply with official requirements.

Within the application form in section M it states that:

*This application is, in effect, to reinstate a Premises Licence for a restaurant that has hitherto been run in a compliant and safe manner. The error in not changing the Premises Licence Holder is acknowledged as a mistake, with no ulterior or malicious motive. The restaurant has been run well under Mr Islam's stewardship and is compliant in terms of promoting the licensing objectives to the extent that, until the issue of the lapsed licence was discovered, no regulatory problems had been caused.*

Evidence above clearly shows this statement not to be correct. Following our last visit on 04<sup>th</sup> December 2024 we made it very clear to Mr. Islam that he was on his final warning as we could no longer assist him in being compliant with his licence. Finding out his company had lapsed several months previous and him not being aware has meant he really has lost our trust in him running a licensed venue within the city and the responsibility that comes with. Had the licence not lapsed and further checks made in early 2025 with breaches witnessed, we would have been calling a review of the premises. And this is still the case now if the panel are minded granting as this new application. A new licence does not wipe the slate clean as it is the same named and involved individual.

Therefore, Sussex Police invite the Licensing Authority to seriously consider refusing this application.

We attach a copies of our correspondence with Mr. Islam.

Yours sincerely,

REDACTED

**Insp Daniel Eagle**  
**Ops Planning and Events (inc. Licensing) Inspector**  
**Brighton & Hove Division**  
**Sussex Police**



REP B

Cardamom Breach



**Sussex Police**  
Serving Sussex

[www.sussex.police.uk](http://www.sussex.police.uk)

## Brighton & Hove Licensing Unit

Police Station  
John Street  
Brighton  
BN2 0LA

04<sup>th</sup> April 2024

Rafiqul Islam  
Cardamom Indian Restaurant  
119 St James Street  
Brighton  
East Sussex  
BN2 1TH

Dear Rafiqul,

### **RE: PREMISES LICENCE BREACHES**

Our records show that you are the Designated Premise Supervisor and the sole director of the premises licence holding company, Cardamom James's Street Ltd and I write with reference to the above premises where Police conducted a visit with a colleague from Brighton & Hove City Council on 26<sup>th</sup> March 2024 at 15:21. The reason for the visit was to conduct a full licensing inspection to ensure compliance with all the conditions set within the licence that was granted in January 2024.

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

You advised us that sometimes the premises is open until 01:00. Your premises licence permits the following:

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

##### **Late Night Refreshment**

Every Day 23:00 - 00:00 (Midnight)

##### **Sale by Retail of Alcohol**

Every Day 10:00 - 00:00 (Midnight)

### **The opening hours of the premises**

Every Day                                      10:00 - 00:30

This means you are required to end all sales of alcohol and hot food by midnight including food deliveries. And all customers left the premises no later than 00:30.

### **Part B of your premises licence**

Only page one of your Part B of your premises licence was on display. It's a requirement under the Licensing Act to have the full Part B displaying so that it can be clearly seen by anyone wishing to read it.

### **Annex 2 – Conditions consistent with the Operating Schedule**

#### **For the 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 entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.
- w) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- x) CCTV footage will be stored for a minimum of 31 days.
- y) 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.
- z) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- aa) 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) for the police without difficulty or delay and without charge to Sussex Police.
- bb) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable. This can be done via email: [brighton.licensing@sussex.police.uk](mailto:brighton.licensing@sussex.police.uk) .
- cc) 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.

**You had no CCTV system installed.**

3. a) An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week.

Although you had a log book, you have not been signing it off once a week.

#### For the Protection of Children from Harm:

6. a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive 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 8 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.

You had no initial or refresher training records.

It was a disappointing visit after all the work we had put in to assist you during 2023 with applying for a new licence.

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 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**.

Police and Council Licensing will conduct follow up visits and I must advise you that any further breaches may result in enforcement action being taken. This could include an application to the council to have your premises licence revoked.

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  
Licensing Officer  
Brighton & Hove Division

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

**REP B**

**Licensing Inspection – Final Warning**

**From:** Brighton Licensing  
**Sent:** Thursday, December 5, 2024 12:02 PM  
**To:** REDACTED ' < REDACTED >  
**Cc:** EHL Licensing <EHL.Licensing@brighton-hove.gov.uk>; Donna Lynsdale < REDACTED >  
**Subject:** Licensing Inspection - Final Warning

Dear Rafiqul,

c.c Brighton & Hove City Council / Donna Lynsdale – Licensing

Our records show that you are the Designated Premises Supervisor of the above premises and I write with reference to an inspection carried out by ourselves along with a colleague from Brighton & Hove City Council Licensing on 04<sup>th</sup> December 2024 at 15:30. The reason for the visit was to ensure previous breaches of the licence conditions that had been witnessed in April 2024 had been rectified.

Following this inspection I would like to highlight the following breaches:

**For the 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 entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.
- dd) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- ee) CCTV footage will be stored for a minimum of 31 days.
- ff) 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.
- gg) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

- hh) 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) for the police without difficulty or delay and without charge to Sussex Police.
- ii) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable. This can be done via email: [brighton.licensing@sussex.police.uk](mailto:brighton.licensing@sussex.police.uk) .
- jj) 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.

The cameras in operation are running off of batteries. On checking you found it was not recording and this was because the camera had run out of charge. This style of camera is not acceptable and they should be ones that run of mains power.

- 3. a) An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week.
- b) The logbook should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.
- c) Any refusals made for alcohol service e.g., underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty-four (24) months.

The log book is not being signed off by yourself or a person with delegated authority at least once a week.

#### **For the Protection of Children from Harm:**

- 6. a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive 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 8 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.

Staff are not receiving refresher training and having this documented every 8 weeks.

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 –*

- (c) 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*
- (d) 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.

As you will be aware we have been working with you for a long time now to assist you in complying with the conditions within your licence and general legislation. It is for this reason it is very disappointing to see you are still breaching your premises licence.

We are now issuing you with a **final warning**. If when we conduct further checks we find breaches, this is highly likely to result in us calling for a review of your premises licence.

If there are any matters within this letter that you wish to discuss, then please do not hesitate to contact us.

Yours sincerely,

Mark Thorogood



**Mark Thorogood**  
Police Licensing Officer

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