

EF CON ENDS 24.03.2025 VALID PCD & PPN



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

12/03/2025

Police Station
John Street
Brighton
BN2 0LA
Tel: 01 273 470101
www.sussex.police.uk

Email: brighton.licensing@sussex.police.uk

Dear Emily Fountain,

RE: APPLICATION FOR A NEW PREMISES LICENCE FOR FAISAL'S RESTAURANT, 5-6 WESTERN ROAD, BRIGHTON, EAST SUSSEX, BN3 1AE UNDER THE LICENSING ACT 2003. 1445/3/2025/01068/LAPREN

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 nuisance. 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 (February 2025).

This is a proposed new licence 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:

Late Night Refreshment (Indoors)

Sunday - Thursday: 23:00 – 03:00
Friday – Saturday: 23:00 – 04:00

Opening hours

Everyday: 12:00 – 23:00

Sussex Police have since been advised by BHCC (email dated 10/03/2025) that the opening hours have been amended to be in line with the LNR hours so:

Sunday - Thursday: 23:00 – 03:00
Friday – Saturday: 23:00 – 04:00

Find us on
social media



Paragraph 3.1.3 of the Brighton and Hove City Council 2021 Statement of Licensing Policy states that:

'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.'

While Sussex Police acknowledge that the premises application is not asking for the sale of alcohol, offering hot food and drink into the early hours encourages persons who may be under the influence of alcohol or drugs to remain in the area, which is surrounded by residential flats and properties. This increases the risk of crime and disorder, anti-social behaviour and public nuisance.

The licensing decision matrix on page 18 of the Council Statement of Licensing Policy (SoLP) suggests that new premises or premises licence variations asking for late night refreshment are a 'No' in this area of Western Road (CIZ). Applications of this nature, which are likely to add to existing cumulative impact, should be refused following relevant representations.

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.'

The applicant did not pre consult with Sussex Police nor do they make any mention of the BHCC Special Policy or Statement of Licensing Policy (SoLP) within their application. They also do not address the local concerns or offer any reasons why their application would be an exception to policy or why the SoLP matrix should be departed from.

Paragraph 14.40 of the Secretary of State's Guidance to the Licensing Act 2003 (February 2025) 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 has offered some information under Section 18 of their application, but these are minimal workable conditions which Sussex Police do not believe go far enough to help mitigate any potential risk in this area of the City. The conditions offered fall far short of the current city-wide expected standard and while there is some mention of crime prevention measures such as CCTV, staff training and use of an incident book, these have not been

elaborated on. They also mention under Section 5 that *'I, as the director of the company and the Manager of the restaurant has already submitted an application to be a qualified Security Supervisor attending all the relevant trainings and obtaining the necessary license badge'* however it is not clear whether they are offering SIA coverage as a condition and what the timings or extent of this would look like. This is of particular relevance if the premises is to remain open to walk in customers until 03:00 during the week and 04:00 at the weekends which has not been made clear in the current paperwork.

The applicant has also made the Licensing Authority aware during the consultation period that they have an outside area they wish to use. This does not feature on the submitted plan and no reference, timings or conditions have been offered to cover this within the existing application. Sussex Police cannot make comment on this aspect until the receipt of an updated plan. While what is currently offered can go some way to reduce incidents occurring and being managed within the premises itself, there are no conditions that can address the risks around take away and what happens once customers leave the premises. Sussex Police additionally contend that the carrying on of additional licensable activity and the hours applied for at these premises will add to the existing cumulative issues in this area, particularly if it remains open to the public for walk in and collection.

While we are unable to support this application and are seeking refusal, we have drawn up a list of potential conditions which go beyond what has been offered within the application. Should the panel be minded to grant this application in full or part, we ask you to consider imposing the conditions attached at Appendix 1. These can be added to or amended depending on what clarification the applicant provides.

Additionally, if the panel are minded granting, we ask for following to be considered:

- Eat in only from midnight.

By permitting consumption only within the venue they then take responsibility for the safeguarding of their customers and can have SIA security in place to help manage this. By allowing people to takeaway this safeguarding then falls to other agencies.

- Deliveries can only be made to a private or workplace address.

This would stop consumption in public spaces in the early hours outside of safe controlled spaces.

- Reduction in hours for Late Night Refreshment

Recent Operation Marble crime data (December 2024 and January 2025) has shown that there is a peak risk of violent, sexual and drug offences on a Saturday between 02:00 – 04:00 evidencing the very real risk to the licensing objective of crime & disorder.

An additional condition of:

- The premises will not operate under this licence until all conditions set within it are evidenced to Sussex Police and the Local Authority Licensing Team as being adhered to.

The reason for this being that other recent applications that have been granted have been open and operating prior to adhering to all the conditions set at a hearing, putting the public and their staff at risk.

As mentioned previously, there is a presumption of refusal in this area, so it is for the applicant to show what their exceptional circumstances are and to evidence that their application will have no negative cumulative impact. We do not believe the applicant has done this and what is offered does not evidence an exception to Policy or that special attention has been paid to mitigate cumulative impact when drawing up an operating schedule. Therefore, Sussex Police invite the Licensing Authority to seriously consider refusing this application in light of the Police concerns, local issues and Local Authority special policy.

Yours sincerely,

REDACTED

A/Insp Mark Redbourn
Operations (inc. Licensing)
Inspector Brighton & Hove
Division
Sussex Police

Attachments:

- Appendix 1 – potential conditions

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

REP A – Appendix 1 – Police Proposed Conditions

Faisal's Restaurant, 5-6 Western Road, Brighton – Proposed Conditions

General

1. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.

Prevention of crime & disorder

2. Subject to GDPR guidance and legislation:
 - (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 if CCTV footage is required to prevent and detect suspected or alleged crime; CCTV footage will be available to be viewed immediately and any CCTV footage that is required to be downloaded will be made available within 24 hours of an incident.
 - (e) 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, within 24hrs and without charge.
 - (f) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable - brighton.licensing@sussex.police.uk.
 - (g) 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.
3. There will be a minimum of 1 SIA licensed door staff at all times the premises opens past 23:00. The door staff will be on duty from 23:00 until close ensuring that all customers have left the vicinity of the premises.
4. SIA licensed door supervisors shall be employed on any other occasions when a requirement is identified by the licence holder's written risk assessment or requested

by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Events e.g. Football, Pride, Music Events. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.

5. At all times the premises is open to the public, the management will contract the back up services of an approved mobile support unit (MSU) that operates at all times the premises is open to the public, with a minimum of 2 SIA registered Door Supervisors operating from it. A copy of the MSU contract will be retained at the premises and made available for immediate inspection upon request by Sussex Police or Council Officials. The MSU will be accredited by the Brighton Crime Reduction Partnership (BCRP) or other similar organisation approved by Sussex Police should the BCRP not be in existence.
6. The premises will become a member of the Brighton Crime Reduction Partnership or similar scheme approved by the Licensing Authority. The scheme must operate, subject to local coverage, radios and additionally an exclusion/banning scheme of named individuals within both the day and nighttime economy.
7. An incident log shall be kept at the premises and must be completed within 24 hours of the incident. It can be in paper or electronic form and will record the following:
 - a) all crimes reported to the venue
 - b) all ejections of patrons
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder
 - e) all seizures of drugs or offensive weapons
 - f) any visit by a relevant authority or emergency service.
8. The incident log will:
 - a) be inspected and signed off by a manager at least once a month.
 - b) 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 or as listed in condition 7 above.
 - c) be used to give feedback to staff to ensure that the log is used on each occasion that an ejection or incident occurs at the premises and to identify any patterns or trends.
 - d) be kept for a minimum of twenty four (24) months.

Public safety

-

Prevention of public nuisance

9. The management will ensure that delivery vehicles waiting or arriving to collect orders will be parked/waiting legally and not causing a public nuisance by way of obstructing the highway or footpaths.
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

Protection of children from harm

11. All staff will be trained in:

- Identifying persons who are vulnerable for reasons which could include, but are not limited to: their age, intoxication and / or drugs, as well as identifying potential perpetrators.
- Conflict management.

The operator will have a policy in place assisting staff in how to deal with such situations.

All 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.

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 12 weeks, with the date and time of the verbal reinforcement/refresher training documented.

REP B

EF CON ENDS 24.03.2025 VALID PCD & PPN



Regulatory Services
Bartholomew House
Bartholomew Square
Brighton

Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Date: 13th March 2025
Our Ref: ELG/2025/00473/LICREP/EH
Phone: REDACTED
e-mail: REDACTED

Dear Emily

Licensing Act 2003
Faisal's Restaurant, 5-6 Western Road, Hove.

I wish to make a representation against a new application for a premises licence Faisal's Restaurant, 5-6 Western Road, Hove. The application is for a premises licence for late night refreshment from 23:00 - 03:00 Sunday -Friday. and 23:00 - 04:00 Friday and Saturday. The premises does not propose to sell alcohol.

The grounds for the representation are that it is contrary to the Council's Statement of Licensing Policy (SoLP) as the premises falls within the cumulative impact area and may undermine the Licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

The Licensing Authority's Cumulative Impact area (CIZ) was adopted to give greater power to control the number of licensed premises within the city centre. The special policy was set up 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 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.

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. 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.

The Matrix Model states no to new late night refreshment applications that fall within the CIZ.

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, CIZ 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. The applicant has not made reference to the SoLP or the CIZ.

The policy does state that each application is still considered on its individual merit and there is discretion to depart from the policy where justified. However, departure from the Matrix Model is only expected in exceptional circumstances.

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 therefore invite the panel to refuse the application.

Yours sincerely,

Emma Grant,
Licensing Officer

