

**LICENSING PANEL**

(Licensing Act 2003 Functions)

**Agenda Item 82**

Brighton &amp; Hove City Council

<b>Subject:</b>	<b>Review of a Premises Licence under the Licensing Act 2003</b>		
<b>Applicant:</b>	<b>Sussex Police</b>		
<b>Premises:</b>	<b>Casba2, 8 Western Road, Hove, BN3 1AE</b>		
<b>Licence Holder:</b>	<b>Aris Dema</b>		
<b>Date of Meeting:</b>	<b>25 April 2014</b>		
<b>Report of:</b>	<b>Director of Public Health</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jim Whitelegg</b>	<b>Tel: (01273) 292438</b>
	<b>Email:</b>	<b>jim.whitelegg@brighton-hove.gcsx.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>Brunswick &amp; Adelaide</b>		

**FOR GENERAL RELEASE/****1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 To review a Premises Licence for Casba2 under the Licensing Act 2003.

**2. RECOMMENDATIONS:**

- 2.1 That the Panel review the licence granted to the premises known as **Casba2** under the Licensing Act 2003

**3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION**

- 3.1 Existing licence attached at Appendix A.
- 3.2 Brighton & Hove City Council is both the relevant licensing authority and a responsible authority in respect of any premises, and may in its capacity apply under Section 51 of the Licensing Act 2003 for a review of any premises licence in respect of the premises.
- 3.3 An application was received by the Licensing Authority from Sussex Police, to review the licence granted to the premises known as Casba2, 8 Western Road, Hove, BN3 1AE. A copy of the review application form is attached at Appendix B.
- 3.4 The grounds for the review relates to the following Licensing objectives:
- Prevention of Public Nuisance
  - Crime of Disorder
  - Public Safety

Full details of the grounds for the review and a copy of the supporting evidence are attached in Appendix E

3.5 At this hearing the licensing authority must:

- Consider the application made in accordance with Section 51
- Consider any relevant representations
- Take such steps (if any) as are considered necessary for the promotion of the Licensing objectives. These steps are
  - to modify the conditions of the licence
  - to exclude a licensable activity
  - to remove the designated premises supervisor from the licence
  - to suspend the licence for a period not exceeding 3 months, or
  - to revoke the licence.

And for this purpose the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added. It may provide that the modification or exclusion have effect for a specified period not exceeding 3 months. The determination, if not completed at the hearing, shall be within 5 working days of the hearing. Such determinations do not have effect until after the appeal period or, if an appeal is lodged, until after the appeal is disposed of.

**Representations received**

- 3.6 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:
- 3.7 Four representations have been received from Interested Parties, a Ward Councillor and the Licensing Authority on the grounds of the Prevention of Crime & Disorder, the Prevention of Public Nuisance and Public Safety supporting the application submitted by Sussex Police seeking the revocation of the licence.
- 3.8 Full details of the representations are attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

**4. COMMENTARY ON THE LICENSING POLICY**

- 4.1 The following extracts from Brighton & Hove City Council Statement of Licensing Policy are considered relevant to this application and **are numbered as they appear in the policy**:

**General**

- 1.2 The licensing objectives are:-
- (a) Prevention of Crime and Disorder;
  - (b) Public Safety;
  - (c) Prevention of Public Nuisance;
- 1.3 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its area.

- 1.5 Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.

### **In respect of the prevention of crime and disorder**

- 2.1 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.
- 2.2 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.
- 2.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 2.7.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore supports: mixed use venues encouraging a wider age balance. A "matrix" approach to licensing decisions has been adopted and is set out below.

## Matrix approach for licensing decisions in a Statement of Licensing Policy

	<b>Cumulative Impact Area</b>	<b>Special Stress Area and London Road</b>	<b>Mixed Commercial and Residential Areas (streets containing shopping parades)</b>	<b>Residential Area (mainly residences in street)</b>	<b>Marina</b>
<b>Restaurant</b>	Yes (midnight)	Yes (2am)	Yes	Yes (11.30pm)	Yes
<b>Late Night Takeaways</b>	No	Yes (midnight)	Yes (midnight)	Yes (midnight)	Yes
<b>Night Club</b>	No	No	Yes (3am)	No	Yes
<b>Pub</b>	Yes (11pm)	Yes (11pm)	Yes (3am)	Yes (11pm, midnight Friday and Saturday)	Yes
<b>HVVD (Super pub)</b>	No	No	No	No	Yes
<b>Non-alcohol lead (e.g. Theatre)</b>	Yes (favourable)	Yes (favourable)	Yes (favourable)	Yes	Yes
<b>Off-licence</b>	No	No	No	Yes (8pm)	Local shops only
<b>Members Club</b>	Yes (<100)	Yes (<100)	Yes	Yes (11pm and midnight Friday and Saturday)	Yes

### Notes on matrix

*Subject to the following, the policy, as represented in the matrix, would be strictly adhered to:*

- 1) Each application would be considered on individual merit*
- 2) Departure from policy is expected only in exceptional circumstances*
- 3) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix*
- 4) Exceptional circumstances may include: close consultation with Sussex Police and the Licensing Authority, meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to off set impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts), BCRP membership*
- 5) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties,*

*members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre*

*6) Shatterproof drinking receptacles will normally be required by licence condition in alcohol led establishments in the city centre*

*7) Outdoor events will be supported where arranged through the council's event planning process*

*8) Favourable consideration will be given to residential need*

*9) Favourable consideration will be given to local businesses properly engaged with the local licensing authority and responsible authorities*

**2.7.6 Care, control and supervision of premises:** The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.

2.7.7 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, e.g. type of licence, capacity, operating hours restrictions.

2.7.8 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.

2.7.12 Enforcement will be achieved by the enforcement policy.

### **3. In respect of Public Safety**

- 3.3 Conditions will be imposed in accordance with operating schedules to protect public safety including where justified:

A) Provision of close circuit television and panic buttons;

B) Use of shatterproof drinking vessels, bottles requiring use of toughened glass or plastic should normally be required unless applicants can show exceptional reasons (recognised by Community Safety Strategy);

C) Use of door supervisors, licensed by the Security Industry Authority (recognised by the Community Safety Strategy);

D) Requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment;

E) Occupant capacity conditions will be applied where appropriate;

F) The provision of designated and suitably trained first aiders

- 3.5 Policy recognises that the numbers of late night revellers can lead to service delivery pinch-points, for example at city centre taxi ranks. Frustration and restlessness in queues can lead to anti-social behaviour and public disorder which can be controlled by , for example, taxi marshalling systems. Operators whose customers contribute to the night-time demand for taxis may wish to consider assisting in the provision of resources for such systems or similar schemes.

### **4. In respect of the prevention of public nuisance**

- 4.7 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours on busy main roads and in the central leisure area. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood. Licensed premises in residential neighbourhoods will normally have a terminal hour no later than 2330. In mixed neighbourhoods they will normally have a terminal hour of no later than 0200 hours to counter noise disturbance to residents as informed by the health impact assessment and requested by Licensing Strategy Group. The Licensing Authority has adopted a matrix approach to licensing decisions (see 2.7.1)

- 4.11 Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

#### **4.12 Health Impact Assessment**

The licensing authority's response to this public consultation exercise is as follows:

- There is no presumption in favour of later terminal hours generally
- Minor variations to licences will be processed expeditiously

- The Cumulative Impact Area (CIA) and Special Stress Areas (SSAs) will include all locations where there are residents in the vicinity of licensed premises when there is an evidential basis to justify
- Low-level impacts and noise levels as a result of alcohol consumption are legitimate considerations for licensing reviews
- Information about the licensing process using leaflets and the Council's website will be available for residents
- The Council will publicise its statement of licensing policy, enforcement policy and information to assist applying for licence reviews and making representations for licence applications
- The local character provided by small local public houses is recognised. Policy supports the need to support small local businesses, providing information and business support to assist successful businesses
- Policy recognises the need to mediate between residents and licensed premises where noise and other nuisance/disturbance occurs late into the night/early morning where appropriate. Enforcement action will have regard to the Council's enforcement policies
- Normally the terminal hour in residential areas will not exceed 2330 hours
- Normally the terminal hour in mixed areas will not exceed 0200 hours
- Normally in city centre leisure areas favourable consideration will be given to later terminal hours.

## **6. Strategic Integration**

- 6.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening.
- 6.8 Other regulatory regimes: This policy avoids duplication with other regulatory regimes wherever possible.
- 6.9 Enforcement – the enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at appendix H of Brighton and Hove City Council's Statement of Licensing Policy. In addition the Licensing Authority will have regard to its publishing Licensing Enforcement Policy in making enforcement decisions (Appendix E) of Brighton and Hove City Council's Statement of Licensing Policy. In order to better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements. Joint Intelligence Meetings are organised and include officers from responsible authorities.

## **8. Reviews**

- 8.1 Reviews represent a key protection for the community. Where the licensing authority considers action necessary under its statutory powers it will take necessary steps to support the licensing objectives. Action following review will be informed by licensing enforcement policy.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 The licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

*Finance Officer Consulted Jeff Coates*

*Date: 08.04.2014*

### Legal Implications:

- 5.2 The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

*Lawyer Consulted: Rebecca Sidell*

*Date: 08.04.2014*

### Equalities Implications:

- 5.3 Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

### Sustainability Implications:

- 5.4 Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.



## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Appendix A – Part A of Premises Licence
2. Appendix B – Review Application
2. Appendix C – Representation
3. Appendix D – Map of area
4. Appendix E – Supplementary Documentation

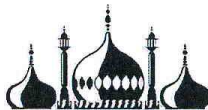
### **Documents in Members' Rooms**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2011, as amended 20 December 2011.

### **Background Documents**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2011, as amended 20 December 2011.

## Appendix A



### Brighton & Hove City Council

#### Schedule 12

#### Part A

Regulation 33, 34

### Premises Licence Brighton and Hove City Council

**Premises Licence Number**

1445/3/2013/05891/LAPRET

#### Part I – Premises Details

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Casba 2  
8 Western Road  
Hove  
BN3 1AE

**Telephone number** 01273 202857

**Licensable activities authorised by the licence**

Late Night Refreshment

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

**Late Night Refreshment**

Sunday - Thursday 23:00 - 00:00  
Friday – Saturday 23:00 – 01:00

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

N/A



**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Aris Dema

**Registered number of holder, for example company number, charity number (where applicable) -**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

N/A

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

N/A



**Annex 1 - Mandatory conditions:**

**S 21; mandatory condition: door supervision**

where a premises licence includes a condition relating to security activity, the licence must include a condition that each individual must be licensed by the Security Industry Authority (there are exemptions re theatre and films and clubs)

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

**For the Prevention of Crime and Disorder:** N/A

**For Public Safety:** N/A

**For the Prevention of Public Nuisance:**

1. A litter bin will be installed at the entrance of the premises with a notice directing customers to use the bin.

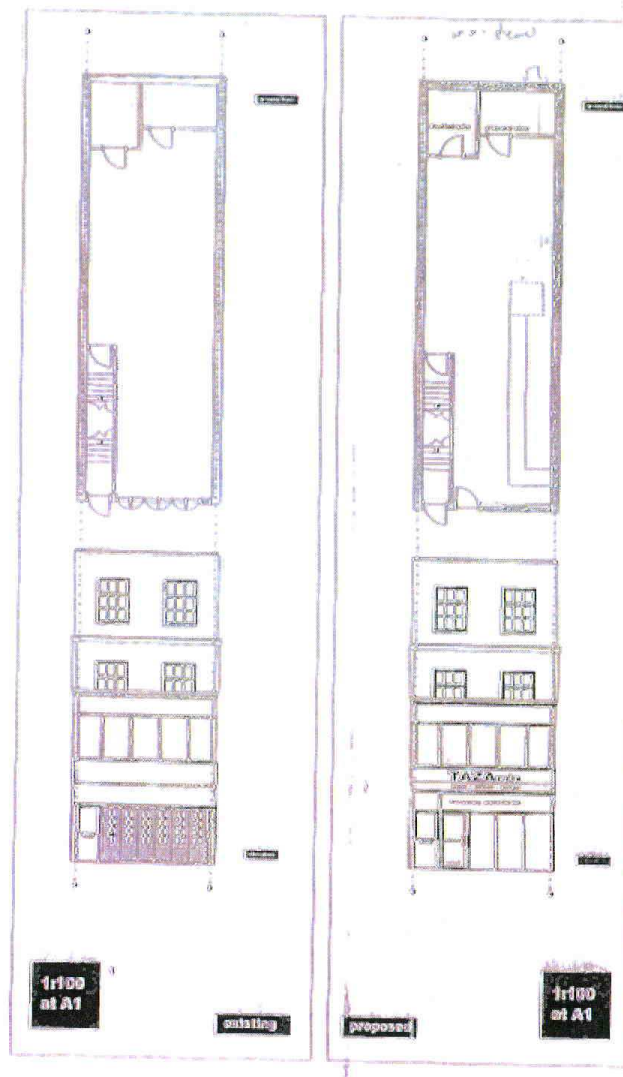
**For the Protection of Children from Harm:** N/A

**Annex 3 - Conditions Attached after a hearing of a Licensing Panel- 23<sup>rd</sup> May 2011.**

1. Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises externally and internally to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and 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. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. 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 for the police without difficulty or delay.

2. The premises will contract for the provision of a recognised mobile support unit which will provide SIA qualified door supervisor back up 24 hours a day.

**Annex 4 - Plans**



## Appendix B

03/03/31/03

Valid PPN & PO JW

### Application for the review of a premises licence under the Licensing Act 2003

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Chief Supt Nev Kemp, Divisional Commander, Brighton and Hove Police on behalf of Temporary Chief Constable Giles York  
(Insert name of applicant)

Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

#### Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>  Casba 2 8 Western Road	
<b>Post town</b>  Hove, East Sussex	<b>Post code (if known)</b>  BN3 1AE
<b>Name of premises licence holder or club holding club premises certificate (if known)</b>  Aris Dema 19A Brunswick Place Hove East Sussex BN3 1AE	
<b>Number of premises licence or club premises certificate (if known)</b>  1445/3/2013/05891/LAPRET	



**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises ☐
  - b) a body representing persons living in the vicinity of the premises ☐
  - c) a person involved in business in the vicinity of the premises ☐
  - d) a body representing persons involved in business in the vicinity of the premises ☐
- 2) a responsible authority (please complete (C) below) ☒
- 3) a member of the club to which this application relates (please complete (A) below) ☐

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

**Please tick**

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title  
(for example, Rev)

**Surname**

**First names**

I am 18 years old or over

**Please tick yes**

☐

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**



**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address
Chief Supt Nev Kemp, Divisional Commander, Brighton and Hove Police c/o Claire Abdelkader Police Licensing Officer Brighton & Hove Licensing Unit 4 <sup>th</sup> Floor, Police Station John Street BRIGHTON BN2 0LA
Telephone number (if any)
101 ext 550828
E-mail address (optional)
brighton.licensing@sussex.pnn.police.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/>            |



**Please state the ground(s) for review (please read guidance note 1)**

Sussex Police contend that the following licensing objectives have been seriously undermined:

- the prevention of crime and disorder
- the prevention of public nuisance

The premises staff have been observed by police officers continually keeping Casba 2 open and trading beyond their hours for licensable activity.

Since January 2014, the premises staff have been observed breaching their permitted hours by police on 6 occasions, with a further breach observed by Licensing Officers from Brighton & Hove City Council in December 2013.

The premises management and staff continue to trade after permitted hours contrary to Section 136 of the Licensing Act 2003, despite being given words of advice by police officers and two formal warning letters from Council Licensing. The management of the premises are continuing to demonstrate a flagrant disregard of the law in relation to the Licensing Act 2003.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

Casba 2 is a late night refreshment premises located at 8 Western Road, and is situated within the Brighton & Hove City Council Cumulative Impact Area (CIA) as defined in the Brighton & Hove City Council Statement of Licensing Policy.

The premises is licensed for late night refreshment seven days a week:

Sunday – Thursday: 23:00 to 00:00

Friday – Saturday: 23:00 to 01:00

The premises operates on a single floor with the servery situated on the right hand wall as you enter through the front door. There are a number of tables and chairs for patrons along the left hand side and across the front of the premises.

The area surrounding Casba 2 is densely populated with licensed premises and late night refreshment venues and suffers from significant crime and disorder and public nuisance. This is proven by Western Road and its locale being within the Local Authorities CIA as set out on pages 28-29 of the Brighton & Hove City Council Statement of Licensing Policy. The area may also be described as mixed use with retail units or offices at ground level and multiple occupation flats above. The roads leading immediately off of Western Road are all high density terraced housing, with many multiple occupation flats and bedsits, and may therefore be described as residential. Casba 2 by continually opening and serving past its permitted hours is adding to the crime and disorder and public nuisance within the area as they are slowing the dispersal of persons away from the area.

Patrons of late night take away premises are usually under the influence of alcohol and such, for example, do not always react rationally to people jumping queues. Noise and associated disorder can then take place.

Below is a chronology of observed breaches, visits and letters relating to the premises recorded by Sussex Police and Brighton & Hove City Council since August 2013. These constant breaches constitute a flagrant disregard for the Licensing Act 2003. This is despite intervention from both police and Brighton & Hove City Council licensing team and the fact that a crime is being committed under the Licensing Act 2003.

#### **1. Tuesday 20<sup>th</sup> August 2013**

Food Safety at Brighton & Hove City Council completed a routine food inspection at the premises and held discussions with 4 employees including the now Premises Licence Holder, Mr Aris Demir. The result of Food Safety's inspection found a number of hygiene and cleanliness issues, including a 37 point list of details of work that needed to be carried out at the premises to comply with the law. This meant that Casba 2 was awarded a hygiene rating

of one out of a possible five under the Food Hygiene Rating Scheme (FHRS). The premises were informed of the result by letter on 29<sup>th</sup> August 2013 by a Food Safety Officer.

## **2. Thursday 12<sup>th</sup> December 2013**

A formal warning letter was sent by Sarah-Jane McNaught at Brighton & Hove City Council Licensing Department to Mr Aris Dema (the Premises Licence Holder) in relation to breaches of the licence witnessed by Council Licensing Officers on 07/12/2013 at 01:40.

## **3. Wednesday 1<sup>st</sup> January 2014, 01:45hrs**

PS Morgan and PC Hearth of the police licensing team visited Casba 2 following intelligence that the premises was trading past its licensed hours. As it was a Wednesday, the premises should have ceased licensable activity at 00:00. However, the doors were open, all lights were on, food could be seen cooking and two members of staff could be seen to be working. There were also two persons sat at a table eating. PC Hearth spoke to Raphi ALKHALEEL who identified himself as the manager and reminded him that the premises should have ceased serving at 00:00. Other late night refreshment premises had applied for a Temporary Event Notice for New Years morning however, Casba 2 had not. Mr ALKHALEEL replied that he was aware of this but as it was New Years Eve he wanted to make some money. PC Hearth explained that the premises should stop serving hot food and drink but Mr ALKHALEEL flatly refused to stop. PC Hearth went on to explain that he would be reporting the premises to the Council for the breach. Mr ALKHALEEL indicated that he would remain open as he would be in trouble anyway so there was no point in closing. It was firmly explained that he should stop serving hot food, but again this was ignored. Officers left the premises and noted the food was still cooking and the premises remained open.

## **4. Wednesday 1<sup>st</sup> January 2014, 02:15hrs**

PC Upton and SC Garth returned to Casba 2 following the earlier visit at 01:45 where the premises were found to be serving past their hours. PC Upton approached the servery and before he could ask anyone why they were serving he was told by a staff member that they were aware the police have already been in and were going to prosecute so he was going to stay open and serving hot food. He was given further words of advice re breaching his licence.

## **5. Wednesday 1<sup>st</sup> January 2014, 05:00hrs**

PC Upton made a third visit to the Western Road area to check on a number of late night refreshment premises in the area following previous breaches that evening. Casba 2 was seen to still be operating at 05:00 despite being spoken to on two earlier occasions that night. PC Upton entered the premises and confirmed they had been open and trading all night. When PC Upton



asked for CCTV he was informed they had none. This is a breach of one of the two licence conditions imposed on the licence under Annex 3, after a hearing of a Licensing Panel on 23/05/2011 which states the following:

*1. Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises externally and internally to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and 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. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. 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 for the police without difficulty or delay.*

#### **6. Monday 13<sup>th</sup> January 2014**

A formal warning letter was sent by Sarah-Jane McNaught at Brighton & Hove City Council Licensing Department to Mr Aris Dema (the Premises Licence Holder) in relation to previous breaches of the licence and an earlier formal warning letter (dated 12/12/2013).

#### **7. Saturday 8<sup>th</sup> February 2014, 03:17hrs**

As part of a plain clothes Test Purchase operation, a special constable (SC Soderholm) entered Casba 2 at 03:17 observed by PC Upton from the pavement across the road. The front door of the premises was open, the lights were on and there were 2 members of staff behind the counter. On a Friday night (into Saturday morning), the premises is licensed to sell hot food and drink until 01:00. One of the members of staff confirmed to SC Soderholm that they were still open and asked what he could get for him. SC Soderholm ordered a small portion of chips that were cooked while he waited, paid for and were handed to him at 03:23. He then exited the premises before PC Upton himself entered Casba 2 to speak to staff.

On entering the premises and identifying himself as a police officer, PC Upton informed a member of staff, Raphi ALKHALEEL that they had been subject to a test purchase and had failed. Mr ALKHALEEL stated that the premises were just about to close and had not served anyone since 01:00. He offered to let PC Upton check the till roll to confirm. This is significant as when PC Upton had previously requested to see the till roll timings on 05/01/2014 he had been told by staff that there was not one in the till. PC Upton informed the member of staff he would be reporting him to the Council for the breach and left.

#### **8. Friday 14<sup>th</sup> February 2014, 10:50hrs**

A Technical Support Officer in the Council Licensing team received a phone

call from a male at Casba 2 enquiring how to apply for permission to open later that evening (14/02/2014). He was informed that it was too late to do so due to Temporary Event Notice (TEN) timescales and that as he had not submitted a TEN he should only operate within the times specified on the licence of Casba 2 (Friday – Saturday: 23:00 to 01:00).

#### **9. Saturday 15<sup>th</sup> February 2014, 01:35hrs**

Following information from Council Licensing that Casba 2 had made an enquiry about remaining open later into the morning of Saturday 15<sup>th</sup> February 2014, PS Morgan conducted a licensing check at 01:35, after the premises' permitted serving hours. The door was open, the lights were on and he observed approximately six males inside some of whom had just finished consuming their table meals and left when PS Morgan entered. There was one male customer remaining who was standing at the counter waiting for food with a taxi on standby outside and with money in his hand. The male was being served by Raphi ALKHALEEL who was making the hot food. When Mr ALKHALEEL handed the hot food to the male, he had noticed PS Morgan's presence and stated that the male could have it for free. The male was noticeably surprised. Mr ALKHALEEL then said to PS Morgan 'I know why you are here'. After enquiring whether the premises had a TEN in place to which Mr ALKHALEEL replied 'No', PS Morgan stated that it appeared that Mr ALKHALEEL was serving hot food after his permitted hours. Mr ALKHALEEL stated that that was the only man he had served hot food to after 01:00 and that he was just closing. However, PS Morgan noted that there was both Doner and Chicken on the spike and the kitchen was in full operation. When PS Morgan asked for a print out of the till receipt, Mr ALKHALEEL stated that it had not been working. PS Morgan then stated that he would require CCTV from 01:00, Mr ALKHALEEL made little response. Mr ALKHALEEL then went on to state that all the other late night refreshment premises stay open. PS Morgan left.

Sussex Police contend that the management team of Casba 2 are failing to promote the licensing objectives, specifically the prevention of crime and disorder. They are commit a crime as a premises (Sec 136 of the Licensing Act 2003) by repeatedly remaining open and serving hot food and drink after the hours they are licensed for. Additionally, they are further breaching their licensing condition relating to CCTV by having none available on 01/01/2014, 08/02/2014 and 15/02/2014. The attitude displayed on 1<sup>st</sup> January 2014 when the premises was found to be open and serving on 3 occasions throughout the same evening despite being given words of advice and being asked to close on the first two visits clearly, shows the flagrant disregard that management have for their prescribed hours and promoting the licensing objectives. These police warnings are in addition to two formal warning letters and a verbal reminder of hours from Brighton & Hove Council Licensing Department. There has also been a further formal letter from Food Safety at the local authority which displays additional lack of faith in the management. However, subsequent to these letters and verbal interventions, plain clothes officers were served hot food during the police test purchase carried out on



08/02/2014, after licensable activity should have ceased at Casba 2. They were again observed by PS Morgan on 15/02/2014 after a verbal warning from Council Licensing.

Sussex Police did consider requesting further conditions be added to the licence but as has been shown, the premises staff and management are not complying to the minimal conditions already on the premises licence. Additionally, Sussex Police do not believe that a reduction in hours will address the problem as the premises continually and deliberately trade past the one hour they have Sunday-Thursday and the two hours they have Friday-Saturday by a considerable amount of time.

Sussex Police consider that there is no alternative other than to request the Licensing Committee give serious consideration to revoking the premises licence of this venue. Sussex Police contend that revocation of the premises licence is an appropriate and proportionate response to the repeated disregard to the hours on the existing licence and the additional public nuisance that will have been caused as a result of trading after permitted hours.

**Please tick yes**

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

**If you have made representations before relating to this premises please state what they were and when you made them**

**Please tick yes**


- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature (on behalf of the applicant)

  
pp

Date  
27<sup>th</sup> February 2014

Capacity

pp. Chief Superintendent, Divisional Commander, Brighton & Hove Division

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



## Appendix C



2014/00899/LAREV  
JW

Valid PCD

**Planning & Public Protection**  
Regulatory Services  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

Head of Planning & Public Protection  
Health & Safety and Licensing  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

Date: 13<sup>th</sup> March 2014

Phone: 01273 294431

Fax: 01273 292196

Email: Sarah.mcnaught@brighton-hove.gov.uk

Dear Sirs,

**RE: Licensing Act 2003 - Representation in Support of Review application by  
Sussex Police of Casba 2, 8 Western Road, Hove BN3.**

I refer to the application made by the made by Sussex Police seeking to review the Premises  
Licence for Casba 2, 8 Western Road, Hove.

I write in support of this review on the grounds of the Prevention of Crime and Disorder.

In August 2013 I received a complaint that the business was trading beyond its authorised  
hours.

On the 3<sup>rd</sup> September 2013 when on an evening shift, I visited the premises at approximately  
21:30. I established that the premises had been bought by Aris Dema who also owned Casba  
at 11 Western Road, Hove (two doors along) and that the premises licence needed  
transferring into his name.

I visited again on the 12<sup>th</sup> September 2013 and spoke with Mr. Aris Dema and I carried out  
a Licensing inspection (please see inspection form attached). It was then that I explained that  
there were allegations of the premises trading beyond hours and we ran through all of the  
premises licence confirming what the authorised hours are. Mr. Dema said that they were  
not trading beyond hours but the other takeaway, Golden Grill was.

I passed the details of the complaint to Sussex Police Licensing Unit on the 1<sup>st</sup> November to  
monitor.

My colleagues Sarah Cornell and Mark Savage-Brookes (Council Licensing Officers)  
witnessed the premises trading at unauthorised hours at approximately 01:40am on Saturday  
7<sup>th</sup> December 2013. (Please see Sarah Cornell's statement attached).

On the 12<sup>th</sup> December 2013, I sent a warning letter to the Premises Licence Holder in  
regards to the breach of licensing witnessed in the early hours of the morning of Saturday 7<sup>th</sup>  
December and advising the Premises Licence Holder of the offence that had been  
committed.

Telephone: 01273 290000  
[www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)  
Printed on recycled, chlorine-free paper

On the 5<sup>th</sup> January 2014, I received an email from PC Benjamin Hearth with a number of incidents recorded when the Premises was either trading or appeared to be open.

On the 13<sup>th</sup> January I wrote to the Premises Licence Holder to advise him of the breaches of licensing.

Yours sincerely



Sarah-Jane McNaught  
Licensing Officer  
Licensing Team, Environmental Health and Licensing  
Regulatory Services

Enclosed:

- Inspection Report
- Witness Statement – Sarah Cornell
- Letter sent to PLH 12<sup>th</sup> December 2013
- Letter sent to PLH 13<sup>th</sup> January 2014

*If requested by a third party under the provisions of the **Freedom of Information Act 2000** the contents of this letter may be disclosed by Brighton & Hove City Council. For further advice please contact (01273) 291207 or search our website: [www.brighton-hove.gov.uk/foi](http://www.brighton-hove.gov.uk/foi)*

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MUST phone Sarah-Jane when CCTV & MSU installed as current licence is for 1 year - URGENT  
 6 people drinks out - phone within one wk with an update



# Licensing Act 2003 Inspection Report

Premises Name & Address: Gasba (Taza Mix), S. Western Rd, Hove BN3 1AE  
 Telephone number: casba2@mail.com shop 202857 mobile 07508173884

Person spoken to & position: Aris Dena (Owner)

Are they a Personal Licence holder? Y/N  
 If yes, P/L No. Any changes: N/A

Premises Licence Number: 2011/00510/LAPREN

Part A on site: Y (N) Part B displayed: Y (N)  
 NO licences on site or passed over from landlords

DPS: N/A Authority: Written / Verbal / None N/A

Capacity (if applicable): 7 tables (21) CCTV: installed / working  
 Not working. To be repaired next week (NEXT WEEK)

Activities taking place				
Alcohol On/Off / Both	Live music	Making music	Dance	Plays
LNR	Recorded music	Similar	Boxing	Films

Conditions / matters checked	
Lic. Obj	Comments: conditions on licence discussed
CD:	Sun-Thurs until midnight & Fri-Sat until 1am
PS:	
PN:	MUST have a litter bin by door
CH:	
Hearing:	No CCTV or MSU

Doorstaff: Y/N S.I.A. Reg: Y/N Need MSU

External windows & doors: Open Closed Forecourt / Beer Garden: In use: Y/N Closed: Y/N

Advice given / comments / further action required:  
 S.J.M explained if premises licence is to be retained then licence need to transferred. Licence still needs to be transferred, Sarah-Jane explained urgency & give him form to complete in shop. \* MUST have CCTV installed & Mobile Support Unit (MSU) as conditions on licence.\*

Additional: CI/SSA / Outside Smoking shelter (area): Y/N Outside front  
 Date & time: 12/9/13 @ 20.10 \* Sarah-Jane McNaught - 294431 - phone who have CCTV & MSU - as soon as possible.  
 Officer/s: STM/SC Uniform ref. no's:



**BRIGHTON & HOVE CITY COUNCIL**

**WITNESS STATEMENT**  
(CRIMINAL PROCEDURE RULES, PART 27)

**Statement of Witness**

(Criminal Procedure Rules, r 27.1(1);  
Criminal Justice Act 1967, s 9, Magistrates' Court Act 1980, s.5B)

**STATEMENT OF: Sarah Cornell**

**AGE OF WITNESS: OVER 18**

**OCCUPATION OF WITNESS: SENIOR TECHNICAL OFFICER**

This statement, consisting of three pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed:

Dated the 12<sup>th</sup> day of March 2014

( being unable to read the above statement, I,  
of read it to him/her before he/she signed it.

Dated

- 
- 1) I, Sarah Cornell am a Senior Licensing Officer, employed by Brighton & Hove City Council in the Licensing Team of the Regulatory Services. I have worked within Environmental Health and Licensing for over 9 years and I am a Member of the Institute of Licensing and hold the Certificate of Higher Education in Licensing Law. My duties include investigating alleged breaches of Premises Licence conditions and carrying out of unauthorised licensable activities under the Licensing Act 2003.
  - 2) My colleague Mark Savage-Brookes, Technical Officer in the Licensing Team, and I were carrying out visits and monitoring as part of our licensing programme within the City on Friday 6<sup>th</sup> December 2013 into Saturday 7<sup>th</sup> December 2013. One of the premises to monitor on our list was Casba 2, 8 Western Road, Hove as a complaint had been received that they were operating beyond the permitted hours on their licence. The premises licence for Casba 2, authorises the licensable activity of Late Night Refreshment from 23:00hrs until 01:00hrs on both a Friday night-Saturday morning and Saturday night-Sunday morning.
  - 3) At approximately 01:40hrs we arrived in Western Road, Hove, we parked on the opposite side of Western Road with a clear vision into Casba 2. It was evident that Casba 2 was open, their double front doors were open, the lights were on and customers and staff were in the premises.

- 4) There were two females and two males in the public side of the premises, a female ordered food, two more customers went in. I witnessed a person ask the staff for something. I could not see food being cooked but could see the kebab meat still turning. There were two members of staff behind the counter and they were wearing blue gloves, one was carving the meat. There were two small metal tables outside the front doors (one either side of the door).
- 5) At one point I saw seven people waiting inside. I saw a staff member hand customer food after putting salad etc from servery in container. Female customer handed money to staff member behind counter. 01:54 I saw staff member ring up something into till and customer hand over some money and then change given, those two customers walked out with two blue carrier bags of food. Left.
- 6) Left vicinity at 01:55. I am satisfied that what I witnessed constituted an unauthorised licensable activity as the premises were trading beyond the hours permitted on their Premises Licence.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed:



Date: 12<sup>th</sup> March 2014



Aris Dema  
19A Brunswick Place  
Hove  
BN3 1ND

**Planning & Public Protection**  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

Date: 12<sup>th</sup> December 2013  
Our Ref: 2013/11474/LICENQ/EH  
Phone: 01273 294431  
e-mail: sarah.mcnaught@brighton-hove.gov.uk

Dear Sir

**Licensing Act 2003 - Warning**  
**Re: Casba 2, 8 Western Road, Brighton**

I am writing to you in your capacity as Premises Licence Holder and for Casba 2, 8 Western Road and following my visit on the evening on the 12<sup>th</sup> September 2013.

At that visit I advised you regarding transferring premises licence (for your business at 8 Western Road). I also advised you that allegations had been made that you were trading after hours. I ran through both licences of 8 and 11 Western Road, Hove advising you of the hours you are authorised to trade. I then informed you that Council and Police Licensing would be monitoring over the coming weeks. You advised me that it was not you trading late but the other business at 9 Western Road.

At 01:40 7<sup>th</sup> Dec 2013 (until 01:54) Licensing Officers witnessed trading from this premises with customers being served and money being taken.

**Times the licence authorises the carrying out of licensable activities**  
**Late Night Refreshment**

Sunday - Thursday	23:00 - 00:00
Friday – Saturday	23:00 – 01:00

I now inform you 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 not exceeding £20,000, or to both.

It is our intention to monitor the premises and I would remind you that the Council Licensing and Police Licensing teams have officers monitoring the city both day and night. Should I or any of my colleagues witness a further offence with trading after authorised hours, then further enforcement action will be considered.

If you wish to discuss this, please contact me on the telephone number above.

Telephone: 01273 290000  
[www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'SJMc'.

Sarah-Jane McNaught  
Licensing Officer  
Environmental Health & Licensing

CC'd:  
Manager, Casba2, 8 Western Road, Hove, East Sussex. BN3 1AE

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**Brighton & Hove  
City Council**

Aris Dema  
19A Brunswick Place  
Hove  
BN3 1ND

**Planning & Public Protection**

Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

Date: 13<sup>th</sup> January 2014  
Our Ref: 2013/11474/LICENQ/EH  
Phone: 01273 294431  
e-mail: sarah.mcnaught@brighton-hove.gov.uk

Dear Sir

**Licensing Act 2003 - Warning**  
**Re: Casba 2, 8 Western Road, Brighton**

I am writing to you in your capacity as Premises Licence Holder and for Casba 2, 8 Western Road and further to a letter dated 12<sup>th</sup> December 2013 advising you that Licensing Officers witnessed unauthorised trading at Casba 2 at 01:40 on the 7<sup>th</sup> December 2013 with customers being served and money being taken.

Within that letter (dated 12<sup>th</sup> December 2013) I also informed you it is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities.

I have now been advised by Sussex Police that they visited your premises on Wednesday 1<sup>st</sup> January 2014 at 01:45. The premises was operating beyond hours. The Police Officer spoke with the Manager of the premises who admitted that he knew he was trading beyond authorised hours and was advised to close the premises immediately.

A further visit was made at 02:15 on the 1<sup>st</sup> January 2014 and the premises was still operating. Again the Manager was advised to close immediately.

A final visit was made at 05:00 on the 1<sup>st</sup> January 2014 where Police Officers again witnessed Casba 2 still operating.

**Times the licence authorises the carrying out of licensable activities**  
**Late Night Refreshment**

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

I have previously informed you that 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 not exceeding £20,000, or to both.

Telephone: 01273 290000  
[www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)



Therefore I now advise you that the Licensing Team are now in contact with the Council's Legal Team whereby further enforcement action is being considered in light of this council's commercial enforcement policy.

Please contact me as a matter of urgency to discuss this matter, on the telephone number above.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'SJMc'.

Sarah-Jane McNaught  
Licensing Officer  
Environmental Health & Licensing

CC'd:  
Manager, Casba2, 8 Western Road, Hove, East Sussex. BN3 1AE

*If requested by a third party under the provisions of the **Freedom of Information Act 2000** the contents of this letter may be disclosed by Brighton & Hove City Council. For further advice please contact (01273) 291207 or search our website on [www.brighton-hove.gov.uk/foi](http://www.brighton-hove.gov.uk/foi)*

---

2014/00899/LAREV

PCD  
PS  
PPN

Vanessa Archer

From: [REDACTED]  
Sent: 29 March 2014 17:53  
To: EHL Safety  
Cc: jus.hunting@btinternet.com  
Subject: VANESSA 1445/3/2014/00899/larev Casba 2

Below is the LARA representation with reference to Casba 2 j. hunting

**Representation to Licensing Application**

<b>Name &amp; address of premises subject to application</b>
Casba 2 8 Western Road BN3
<b>Your name and address (residence of business)</b>
Chair, Lansdowne Area Residents' Association, [REDACTED]
[REDACTED]
[REDACTED]

BRIGHTON & HOVE CITY COUNCIL ENVIRONMENTAL HEALTH & LICENSING DATE RECEIVED <b>31 MAR 2014</b>
---

**Note:** Whether or not your representation can be considered depends upon whether your residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on the premises or immediately outside the premises.

**Please state the substance of your representation within one (or more) of the following categories (representations outside these categories cannot be considered).**

<b>The Prevention of Crime &amp; Disorder</b>
<b>The Association, fully constituted, supports the application by the police for a review. and revocation of the licence. This is in a Cumulative Impact Zone to which the residents responded and welcomed.</b>
<b>The Western Road artery is surrounded by residential properties and where there is late night refreshment available after alcohol drinking this encourages noisy and rowdy behaviour, - these activities spilling over into the side areas. This problem appears regularly as one of the priorities of the local Brunswick and Adelaide ACTION Team LAT.</b>
<b>Public Safety</b>
late night refreshment shops with small seating areas, results in their customers spilling over onto the narrow pavement, making walking along very unsafe. The customers then often use local

31/03/2014

space areas to congregate and make the area unsafe.

**Prevention of Public Nuisance**

The availability of late night refreshment encourages loitering by customers outside the premises and creating noise and disturbance as they continue through this residential district, of some 6000 - 7000 residents thus causing a public nuisance

**The Protection of Children from harm**

Sleep patterns of the residents are badly disturbed, particularly those of children of whom there are an increasing number by late night activities.

**Signed: J. Hunting ..... Date: ..29 march 2014.....**

**Name: . j. Hunting.....**

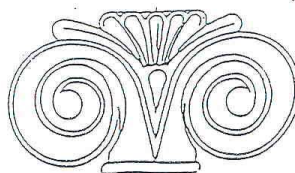
Please note:

1. Electronically transmitted representations must be confirmed in writing and signed within 5 working days.
2. Representations are in the public domain. Copies are sent to the applicants to allow discussions and with the notice of hearing. They are also included in Licensing Panel papers. Hearings are public.

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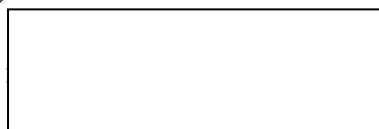
31/03/2014

BRIGHTON & HOVE CITY COUNCIL  
ENVIRONMENTAL HEALTH & LICENSING  
DATE RECEIVED  
31 MAR 2014



PCD  
PPN

Friends of Brunswick  
Square & Terrace



Dear Madam/Sir,

28th.March,2014.

re.The Police Review in respect of the following:-

Casba,11,Western Road 1445/3/2014/00897/LAPEV.

Casbah,8,Western Road. 1445/3/2014/00899/LAPEV.

The Golden Grill,9,Western Road 1445/3/2014/0093/LAPEV.

The Friends of Brunswick Square & Terrace would like to support the Police Review concerning the above food outlets, which we understand seeks to limit the selling of food to 11p.m. at night.We have heard reports of noise and anti-social behaviour at night and in the early hours where these outlets are situated on the Western Road. Also, we have heard complaints that the pavements outside the premises get congested in these late hours, with the result that uninvolved pedestrians are forced into the road to get by,putting themselves in danger.

Yours faithfully,

(Alan Felton - Chair)

To Whom it May Concern,  
The Licensing Department,  
Bartholomew House,  
Bartholomew Square,  
Brighton,BN1 1JE.

VALID ✓  
CD  
PN  
CIZ

EHL – please treat as supporting rep to Police application. Thanks, Tim

Tim Nichols  
Head of Regulatory Services  
Planning & Public Protection  
Brighton & Hove City Council  
01273292163  
New email address: [tim.nichols@brighton-hove.gcsx.gov.uk](mailto:tim.nichols@brighton-hove.gcsx.gov.uk)

---

**From:** Phelim MacCafferty  
**Sent:** 31 March 2014 16:17  
**To:** Tim Nichols  
**Cc:** Ollie Sykes  
**Subject:** RE: Western Road Hove kebab shops unclassified

Dear Tim

Please find my letter supporting the Police's position below. I can provide the resident's correspondence as an appendix (with their personal details redacted) if necessary.

ATB

Dear Tim

This is a note to advise you that I will be supporting Sussex Police for the revocation of late night refreshment licences for Casba, Casba 2 and Golden Grill.

It is my understanding that Sussex Police are seeking such a revocation for these premises operating beyond their permitted hours.

Through my work on the Local Action Team, anti-social behaviour and fear of it, particularly at night, is regularly reported to our two PCSOs and is a real issue of concern for local residents, which indeed we have raised with Inspector Jon Carter of the West Area Neighbourhood Policing Team.

As you will know from the way in which the Cumulative Impact Zone was welcomed by residents in the ward, there is a commonly-held understanding that the late night economy is putting an acute strain on particular areas of our community- whether that's late night vertical drinking establishments or the late night refreshment economy that accompanies it. Sadly the feedback I have had from residents' correspondence and amenity groups in the ward is that they feel these three licensed premises are adding to public nuisance in this part of our community.

One of the 4 key licensing objectives is prevention of public nuisance. Public nuisance is not defined tightly in the 2001 legislation but retains common law meaning and in the circumstances of this correspondence I wish to articulate how noise nuisance has harmed the amenity of my residents.

I have correspondence from residents 3 years ago (11th August 2011) which asserts that, sadly, there has been a long-term consistent problem- these residents talked about how "...this premises has installed a large stereo system in its serving area, which is used at extremely high volume to play dance music, mainly between 11pm and 4am..."



A letter from an environmental health officer was sent to my resident on 15th August 2011. Residents also talked about how after a visit from the Noise Patrol Officers, noise abated but once again rose. This clearly is outside of the licensed hours of the premises. It is the operation beyond the permitted hours which the Police are using as their evidence today.

Said residents informed me and together we contacted environmental health, noise patrol officers and so on about what was a problem then and what remains a problem that is sadly still affecting residents today. There is an understanding from residents that there has been a persistent, consistent noise nuisance and the amenity groups' response to the Police's call for a revocation supports my understanding of noise nuisance.

Please keep me informed when this panel is in sitting so I can come along. I would also like to speak as a witness as a ward Councillor.

Yours sincerely  
Phélim

**Phélim Mac Cafferty**

Green Party Councillor for Brunswick and Adelaide  
Chair of Planning, Brighton and Hove City Council  
Member of the Economic Development and Culture Committee, Community Safety Forum and Staff Consultation Forum; Chair of B&H Music Trust; Member of B&H Citizens' Advice Bureau & Arts Commission; Representative on the Coastal West Sussex Strategic Planning Board.

p: 01273 291357

e: [phelim.maccafferty@brighton-hove.gov.uk](mailto:phelim.maccafferty@brighton-hove.gov.uk)

a: King's House, Grand Avenue, Hove, BN3 2LS

t: @phelimmac

w: <http://www.brighton-hove.gov.uk>

## Appendix D

