

# Appendix E



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## Brighton & Hove Licensing Unit

3rd April 2014

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

Dear Sir or Madam,

**RE: APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR CASSA 2. 8  
WESTERN ROAD, HOVE, EAST SUSSEX, BN3 1AE UNDER THE LICENSING ACT 2003.**

Further to the review application in respect of the above premises served by Sussex Police on the 27th February 2014.

I enclose our evidence bundle in support of the application.

Yours faithfully,

pp

Nev Kemp  
Chief Superintendent  
Divisional Commander  
Brighton & Hove Division

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**Police Station**  
John Street, Brighton, East Sussex, BN2 0LA

Telephone: 101 | 550828

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

Sussex Police  
Supporting Evidence for Review Application  
Casba 2, 8 Western Road

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1. Statement from PS Simon Morgan of Sussex Police - Brighton & Hove Licensing Team
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Incident No: 1 (Food Safety Inspection)

2. Letter from Jo Burchell-Collins (BHCC Food Safety Officer) to The Company Secretary of Casba Sussex Ltd (For Committee only)  
This relates to incident on Tuesday 20/08/2013 in Review Application
- 

Incident No: 2 (Formal warning letter)

3. Letter from Sarah-Jane McNaught (BHCC Licensing Officer) to Mr Aris Dema  
This relates to incident on Saturday 07/12/2013 in Review Application
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Incident No: 3 (Police observed breach)

4. Statement from PC Hearth  
This relates to incident on Wednesday 01/01/2014 01:45hrs in Review Application
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Incident No: 4 (Police observed breach)

5. Statement from PC Upton  
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Incident No: 5 (Police observed breach)

6. Statement from PC Upton  
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Incident No: 6 (Police observed breach)

7. Letter from Sarah-Jane McNaught (BHCC Licensing Officer) to Mr Aris Dema  
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- 

Incident No: 7 (Test Purchase Operation)

8. Statement from SC Soderholm  
This relates to incident on Saturday 08/02/2014 03:17hrs in Review Application

9. Statement from PC Upton

This relates to incident on **Saturday 08/02/2014 03:17hrs** in Review Application

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**Incident No: 8 (Phonecall)**

10. Statement from Amy Kitching (BHCC Technical Support Officer)

This relates to incident on **Friday 14/02/2014 10:50hrs** in Review Application

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**Incident No: 9 (Police observed breach)**

11. Statement from PS Morgan

This relates to incident on **Saturday 15/02/2014 01:35hrs** in Review Application

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RESTRICTED (when complete)

**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 58: Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: Simon Morgan

Age if under 18: 0.18

(if over 18 insert 'over 18')

Occupation: Police Sergeant CM614

This statement (consisting of 2 page(s) 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 anything in it, which I know to be false or do not believe to be true.

Signature:


Date 1<sup>st</sup> April 2014

Tick if wi

ence is visually recorded

**D**

(supply witness details on rear)

I am a Licensing Sergeant responsible for managing the Sussex Police Licensing Team in Brighton and Hove. I have held this position since April 2013. Prior to this I was the Licensing Sergeant in West Sussex, a position I held for three years. I have over sixteen years police service with approximately ten years spent policing the front line in Brighton. One of my roles is to ensure that licensed premises are operating within the licensing law and in accordance with both their conditions and their permitted hours of licensing. When there is evidence to show that such premises are in breach of the above or not promoting the licensing objectives, it is my duty to ensure that this is effectively addressed and remedied.

Casba 2 is situated in Western Road, Hove and it is open to the public until 00:00hrs from Thursday to Sunday and until 01:00hrs on Friday and Saturday. As it is a late night refreshment business supplying hot food or drink to members of the public after 23:00hrs, it requires to be licensed.

Casba 2 caters primarily for those taking part in the night time economy and it is essential that the management adhere strictly to both their licensing conditions and their permitted licensing hours. Both the conditions and permitted hours are measures which help stop the licensing objectives becoming undermined.

The premises is situated on an arterial route out from the city and Western Road suffers from a disproportionately high level of alcohol-related crime, disorder and anti social behaviour during the night time economy. The premises is also situated within the Cumulative Impact Zone (CIZ), where it has been evidenced and published within the Statement of Licensing Policy that the concentration of licensed premises in this small area of the city is directly contributing to crime, disorder and nuisance.

It has been recognised by Sussex Police that the existence of a late night refreshment establishment will increase the likelihood of crime, disorder and public nuisance occurring either in the premises or in the vicinity of the premises. Late night refreshment establishments essentially become focal points for individuals leaving the night time economy - some of which are drunk and also aggressive. They can also impede the flow of dispersal from the night time economy.

I have reviewed the last six months of occurrences relating directly to the night-time economy in Western Road after 23:00hrs. There are over twenty incidents in the vicinity of the premises, ten of which involve public place violent crime including a group of five males fighting in the street, a group of people (one with a knife) fighting outside a restaurant, a female head-butted in the street, a male punched on the jaw outside a hot food outlet and a female claiming that she was assaulted by staff in a late night refreshment establishment. The occurrences in this time period also include eight incidents involving drunken individuals requiring police involvement; one of these incidents involved the police being called at 03:18hrs to Casba 2 on Friday 1<sup>st</sup> November 2013 and removing a drunken female from the premises. There have also been three counts of criminal damage to shop windows and vehicles in the vicinity.

In 2.6.16 of the Statement of Licensing Policy, Chief Inspector Simon Nelson states: 'Weekends in the city centre continue to offer a high level of risk.' He further states that new challenges for the police have emerged concerning areas within walking distance of the city centre. These challenges, he says, apply to, 'the end of a night out when further purchases of food and alcohol are made.'

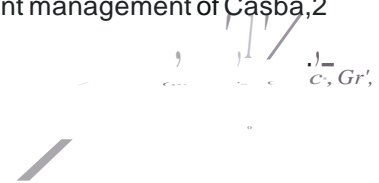
Sussex Police's resourcing during the weekend night-time economy is encompassed by Operation Marble.

Continuation of statement of

The 'foot-print' of Operation Marble had previously been increased solely due to the spread of off licences and late night refreshment premises along Western Road. In turn, the Cumulative Impact Zone extended from the Preston Street border to the Holland Road border to address this proliferation.

It is therefore essential that the hot food outlets in this key location adhere to their hours of licensable activities. By operating beyond these hours, the management are not only acting unlawfully, but they are also wilfully increasing the risk of crime, disorder and public nuisance. Additionally, they are undermining the licensing objectives and furthermore acting in contempt of the processes especially designed by the Statement of Licensing Policy and Sussex Police to reduce problems relating to the night-time economy.

Casba 2 has been observed serving after hours on a number of occasions and have been given both verbal and written warnings regarding these breaches. As such I believe that revocation of the licence is both a proportionate and appropriate measure to ensure that the licensing objectives and the safety and well-being of the public in Brighton and Hove are no longer compromised by the negligent management of Casba,2

  
C. Gr'

Signature

Signature witnessed by:

**PTO**

Evidence relating to  
incident dated:  
20th August 2013

1 x Letter from BHCC

FOR COMMITTEE  
ONLY

Mr A Dema  
Casba 2  
8 Western Road  
Hove  
BN3 1AE

Date: 29 August 2013  
Our Ref: JBC/2013/32464/FHI  
Contact: Mrs J Burchell-Collins  
01273 292444  
Phone: 01273 292196  
Fax:  
Email: jo.burchell-collins@brighton-hove.gcsx.gov.uk

Dear Mr Demo,

Food Safety Act 1990  
Food Hygiene (England) Regulations 2006  
Regulation (EC) No. 853/2004  
Health & Safety at Work etc Act 1974  
Routine Food Hygiene Inspection  
Casba 2, 8 Western Road, Hove

I refer to my inspection of your restaurant /takeaway carried out on the afternoon of 20 August 2013, and to the discussions held with you, your father, Mr Shamoon and Mr Ateia when a note of my key findings was left on site. I would confirm that this inspection covered the whole of the premises and that your Olleco and Forge Farm invoices, other invoices and Rentokil Report dated 10 May 2013 were examined.

I was concerned that there was a large amount of rat droppings in the old toilet in the basement. The drain must be properly capped off as a matter of urgency (see item 12 below). Although these droppings did not appear to be fresh, other important pest control works are also required to prevent the rats coming back so you must deal with these matters straight away.

Schedule A details the work needed to comply with the law. (This work or work considered equally effective must be completed.)

Schedule B lists those matters that, though not legally required, are considered to be good working practice. You should view these recommendations as important guidance for developing safe, hygienic practices.

As a result of my inspection your premises has been awarded a hygiene rating of one out of a possible 5 under the national Food Hygiene Rating Scheme (FHRS). This will be published on our website. See enclosed for your sticker and certificate which you can display on the premises if you wish.

Any sticker or certificate issued under this scheme remains the property of Brighton & Hove City Council. Display of the sticker and certificate is discretionary. Where you choose to display these, upon receiving your new certificate and sticker you should destroy the previous and replace them with the new ones within 14 days of receiving them. Continuation to display the incorrect sticker or certificate after notification may constitute an offence under the Consumer Protection from Unfair Trading Regulations 2008. Only the current rating for the business can be displayed.

**The reasons why you have received a hygiene rating of one are:-**

Hygiene issues

- There was no anti-bacterial spray available to disinfect food-contact and hand-contact surfaces.
- The wash hand basin in the cooking/servery area was not being used by staff to wash their hands.
- There was no provision made for washing hands after raw meat preparation in the basement.
- Flies were seen in the ground floor servery area and uncovered food had been left out.
- Poorly wrapped cheese slices were stored next to a raw burger in the counter chiller in the servery area.
- There was a risk of contamination to ready-to-eat foods from leaving plated salads on the back of the serve-over chiller where juices from raw kebabs could drip onto them.
- High-risk foods were being stored at temperatures above 8°C.
- You had nearly run out of waterproof plasters.
- Food handlers were not wearing suitable protective clothing.
- You were unaware that food handlers must not return to work until 48 hours clear of symptoms if they have had sickness or diarrhoea.

Structure/Cleanliness issues

- There were old rat droppings on the floor in the room which was previously a customer toilet.
- The disconnected drain in this room had been covered with cling film and had not been properly capped off.
- There were holes in the internal structure of the building which could allow rats and mice to spread.
- There was no water in the bowl of the other old toilet in the basement.
- There were gaps in the ceiling in the ground floor servery/washing up area.
- The hot water heater to the wash hand basin in the ground floor toilet was not switched on and also leaked when the tap was turned on.
- The bare brickwork in the ground floor cooking area/servery is not smooth and washable and therefore cannot be adequately cleaned and, where necessary, disinfected.
- The bare bricks supporting the stainless steel table in the servery similarly cannot be effectively cleaned.
- The defective wall by the doner kebab grill did not have a smooth, washable surface.



- There were gaps around the door frame in the ground floor washing up area.
- Bare wood in the servery area (eg the louvre doors) is absorbent and so cannot be effectively cleaned and, where necessary, disinfected.
- There were greasy and sooty deposits on the wooden door and its frame in the wall behind the chargrill.
- The walls in the basement meat preparation area did not have smooth, washable surfaces.
- Raw meat preparation was being carried out on top of chest freezers in the basement, rather than a proper worksurface which can then be adequately cleaned and disinfected.
- The grease filters and canopy required thorough cleaning.
- A grease filter was missing above the deep fat fryer.
- There is no ventilated lobby between this toilet and the open cooking/servery area nearby.
- Suitable soap and adequate materials for hygienic hand drying must be provided at sinks used for washing hands, along with a bin close by for disposing of used tissue/paper towel.
- The level of lighting to the ground floor washing up area was inadequate.
- There was no documentation available to show that waste bones are being taken by a licensed contractor.

#### Hygiene management issues

- Some of your pest control reports were missing. **Please send me copies of all your reports within 7 days.**
- In addition to your Rentokil contract, you and your staff must carry out monitoring checks for pests every day.
- The rat bait boxes had been moved from the location that your pest control operative had placed them in.
- There were inadequate procedures in place regarding hand washing and disinfection.
- You and your staff have not received adequate food hygiene training and there were no records of training on site.
- There were no documented food hygiene procedures or records of daily food safety checks.

Under the FHRS you have a number of rights which are outlined in the 'Good hygiene is good for your business' leaflet that I have enclosed. Further details of these rights are also contained in our 'Safeguards for Food Businesses' leaflet which can be obtained by telephoning (01273) 292161, emailing [ehl.food@brighton-hove.gov.uk](mailto:ehl.food@brighton-hove.gov.uk), visiting [www.brighton-hove.gov.uk/hygienerating](http://www.brighton-hove.gov.uk/hygienerating) or by writing to me at this address.

Once you have completed the legal requirements, you can request a re-inspection and a rescore under the Food Hygiene Rating Scheme. Details of how to do this are at [www.food.gov.uk/multimedia/pdfs/enforcement/fhrssafeguards.pdf](http://www.food.gov.uk/multimedia/pdfs/enforcement/fhrssafeguards.pdf) where you can also find out about your right to reply and download the relevant forms.

I look forward to receiving copies of your pest control reports. A re-visit will be made in approximately 6 weeks to assess progress with the above works, although I will contact you sooner to check that the drain has been blocked off. However, should you have any queries regarding the contents of this letter, please contact me on the above number.

If you are unhappy with the service you have received, please contact the Food Safety Team Leader, contact number (01273) 292157.

Yours sincerely,

Mrs J Burchell-Collins, Food Safety Officer.

Enclosures:-

- FHRS certificate and sticker
- Food & Safety News
- Details of food hygiene courses and thermometer suppliers

Brighton and Hove City Council may disclose the contents of this letter if requested by a third party, under the provisions of the **Freedom of Information Act 2000**. 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).

## SCHEDULE A - LEGAL REQUIREMENTS

### Hygiene issues

1. There was no anti-bacterial spray available to disinfect food-contact and hand-contact surfaces. The 'Blustuf' that you use is very good for removing grease and dirt but is labelled to say it is not a sanitiser and so it does not kill bacteria. Adequate supplies of food-safe sanitiser or anti-bacterial spray must be kept on site so that surfaces can be disinfected. This is particularly important when raw lamb and chicken have been prepared because raw meat is contaminated with bacteria. Blood was seen on the lids of the chest freezers even though chicken was being cut on chopping boards. If equipment/ surfaces/ utensils have been touched by raw meat/poultry then you must wash, disinfect and dry them to prevent harmful bacteria from spreading. Hand-contact points (such as taps and fridge door handles) must also be regularly disinfected.
2. The wash hand basin in the cooking/servery area was not being used by staff to wash their hands. It was dry, indicating that it had not been used, and yet staff had been on site preparing, cooking and serving food when I arrived. If food handlers wash their hands at the washing up sinks, there is a risk of contaminating clean utensils. Hands must therefore be washed at the basin designated for hand washing only. If your staff cannot easily access the hand basin, the unused fryer must be removed.
3. There was no provision made for washing hands after raw meat preparation in the basement. To prevent the spread of bacteria, it is essential that hands are washed after handling raw meat. Although there is no wash hand basin in the room, there is a sink in the adjacent room which could be designated for washing hands. It will need to be provided with suitable soap and adequate materials for hygienic drying of hands (see Item 28 below).
4. Flies were seen in the ground floor servery area and uncovered food had been left out. Flies carry bacteria and so present a risk of contamination to food. An uncovered tray of cooked rice had been left out on the counter and also because there was no anti-bacterial spray on site, you had no means of adequately disinfecting food-contact surfaces that flies may have landed on. Food must be kept covered, lids must be kept on bins and you must put precautions in place to prevent flies.
5. Poorly wrapped cheese slices were stored next to a raw burger in the counter chiller in the servery area. This may result in cross contamination. Use separate fridges for raw and cooked/ready-to-eat foods. If this is not possible, ensure cooked/ready-to-eat foods are stored separately and above raw foods within the fridge.

6. There was a risk of contamination to ready-to-eat foods from leaving plated salads on the back of the serve-over chiller where juices from raw kebabs could drip onto them. You must ensure that raw kebabs do not contaminate plates or salads on the back of the serve-over chiller. Marinade from the kebabs could drip onto the plates/salads when the kebabs are lifted out of the serve-over chiller. You must re-organise the layout so that plates and salads are kept well away from raw kebabs.
7. High-risk foods were being stored at temperatures above 5°C. Cheese in the counter chiller was at 12°C and a tray of cooked rice left out on the counter was 16°C. The surface temperature of some of the salads in the serve-over chiller were above 5°C and the thermometer inside was reading 10°C. High-risk foods must be stored at 5°C or less to prevent the growth of harmful bacteria and the formation of spores/toxins which could lead to food poisoning. Temperatures must be closely monitored and appropriate action taken if high-risk foods get too warm.
8. You had nearly run out of waterproof plasters. You must keep adequate supplies of waterproof (and ideally blue coloured) plasters for food handlers.
9. It was noted that food handlers were not wearing suitable over-clothing. You must ensure that all persons working in food handling areas wear suitable, clean, and where appropriate, protective clothing. When staff prepare raw meat, they must either wear disposable aprons which are then thrown away, or clean material aprons which are then removed when meat preparation has finished. Dirty aprons must be stored away from clean clothing and must be put through a hot wash cycle in a washing machine before being worn again.
10. You were unaware that food handlers must not return to work until 48 hours clear of symptoms if they have had sickness or diarrhoea. Staff should be 'fit for work' at all times. This means that they must not be suffering from, or carrying, an illness or disease that could cause a problem with food safety. People who are not 'fit for work' could spread harmful bacteria to food. Any member of staff who has diarrhoea and/or vomiting should report it to their manager immediately and either stay at home or go home straight away. People suffering from these symptoms often carry harmful bacteria on their hands and can spread them to food or equipment they touch. Staff should not return to work until they have had no symptoms for 48 hours.

#### Structure/Cleanliness issues

11. There were old rat droppings on the floor in the room which was previously a customer toilet in the basement. Droppings must be removed and the floor must be thoroughly cleaned and disinfected. It is important that floors are kept clean so that you can then easily spot any further signs of rats or

other pests. In Rentokil's report dated 10 May 2013, you were told to clear up the droppings.

12. The disconnected drain in this room had been covered with cling film and had not been properly capped off. It must either be capped off or removed and the connection to the drainage system properly blocked off, to prevent further access by rats which live in the sewers. This was also highlighted to you in the Rentokil report.
13. There were holes in the internal structure of the building which could allow rats and mice to spread. The following must be blocked up:-
  - i) The hole in the ceiling of the above-mentioned room must be boarded over.
  - ii) The hole at the base of the wall by the door frame to the other toilet in the basement must be blocked off.
  - iii) The gap in the floor around the waste pipe from the washing up sinks in the ground floor washing up area must be sealed.
14. There was no water in the bowl of the other old toilet in the basement. The toilet must be flushed regularly to maintain water in the bowl (and so prevent access by rats from the sewers) or the toilet must be removed and the drain properly capped off.
15. There were gaps in the ceiling in the ground floor servery/washing up area:-
  - i) The missing hatch above the pizza oven must be replaced or the gap boarded over.
  - ii) There were filters missing from the canopy in the washing up area. If you wish to use the extract ventilation, the filters must be replaced. Otherwise, the gaps could be boarded over if the extract ventilation is not needed.
16. The hot water heater to the wash hand basin in the ground floor toilet was not switched on and also leaked when the tap was turned on. The water heater must be repaired so that it does not leak and you must ensure that it is turned on as soon as staff start work so that there is an adequate supply of hot water for washing hands after using the toilet.
17. The bare brickwork in the ground floor cooking area/servery is not smooth and washable and therefore cannot be adequately cleaned and, where necessary, disinfected. Dust and particles could flake off the brickwork and contaminate food. If food or grease splashes up the walls, you will not be able to clean them properly. A smooth, washable finish is needed for the walls behind food preparation surfaces. As discussed, this could be a stainless steel, UPVC, laminate or ceramic tile 'splashback' (up to the height of the hot cabinet). Above this, the bricks and mortar could be sealed with clear brick sealant or painted with a suitable masonry paint.



18. The bare bricks supporting the stainless steel table in the servery similarly cannot be effectively cleaned. They will pick up dirt and grease when the floor is mopped and will make cleaning the floor around and behind the table difficult. The bricks must be removed and a more suitable base provided for the table, which allows you to easily clean the floor underneath and also to check for signs of pests. You could use stainless steel supports or timber table legs as long as the wood is smooth and has been varnished or painted with washable paint.
19. The defective wall by the doner kebab grill did not have a smooth, washable surface. The redundant cables must be removed and the wall made good, and provided with a smooth, washable surface which is easy to clean (for example stainless steel sheet or UPVC cladding).
20. There were gaps around the door frame in the ground floor washing up area. Gaps must be filled and sealed to provide a wall finish which is easy to clean.
21. Bare wood in the servery area (eg the louvre doors) is absorbent and so cannot be effectively cleaned and, where necessary, disinfected. Bare wood must be varnished or painted with a washable paint so that it is easy to clean.
22. There were greasy and sooty deposits on the wooden door and its frame in the wall behind the chargrill. The door and frame must be thoroughly cleaned on a regular basis.
23. . The walls in the basement meat preparation area did not have smooth, washable surfaces. If you wish to continue using this area for raw meat preparation, the walls will need to be provided with smooth, washable surfaces to a reasonable height (similarly to Item 18 above).
24. Raw meat preparation was being carried out on top of chest freezers in the basement, rather than a proper work surface which can then be adequately cleaned and disinfected. A table or workbench must be provided for raw meat preparation rather than your staff having to put chopping boards on top of the freezers. Whilst the arrangement may be acceptable in your father's smaller shop in the past, the quantities of meat being prepared at 8 Western Road for both businesses mean that you need to make better provision for safe meat preparation here.
25. The grease filters and canopy required thorough cleaning. I was told that the grease filters are jet-washed weekly. I suggest that they need to be cleaned more often or a spare set bought so that they can be used in rotation.
26. A grease filter was missing above the deep fat fryer. An appropriate filter must be installed immediately to reduce nuisance from odours and avoid

grease accumulating in inaccessible parts of the ducting. If grease builds up inside, it can be a fire risk and may also damage the fan and motor.

27. There is no ventilated lobby between this toilet and the open cooking/servery area nearby. Although you assured me that the toilet door is kept closed, it had been left open during my inspection. Because there is no ventilated lobby, there is a risk that airborne viruses from the toilet could contaminate food in the servery area. You must either built a ventilated lobby or otherwise fit an appropriate self-closer to the toilet door and ensure that the fan runs on for 15 minutes after the light is switched off. If you prefer to leave the fan running constantly, you will need to make sure that the light is not accidentally switched off.

Because you may be required to keep this toilet as an accessible one for disabled customers, I advise you to check with the council's Planning Department on 01273 292222 before making any structural alterations.

28. Suitable soap and adequate materials for hygienic hand drying must be provided at sinks used for washing hands, along with a bin close by for disposing of used tissue/paper towel. You need a wall-mounted dispenser above the wash hand basin in the servery for paper tissue. The bin at the opposite end of the servery is too far away for the hygienic disposal of used paper tissue. Soap and disposable paper tissue or paper towels must be provided at the sink in the basement as this is where hands need to be washed after raw meat preparation.
29. . The level of lighting to the ground floor washing up area was inadequate. Only two of the lights were working and the level of lighting was insufficient to allow for adequate cleaning and pest control checks. The light in the disused toilet in the basement was flickering and so the bulb needs to be replaced so that you can easily see to clean and check for pests.
30. There was no documentation available to show that waste bones are being taken by a licensed contractor. Raw meat waste and bones must be collected by someone who has a licence from the Environment Agency. I was told that a man takes away the bones for his security dogs. I need to see a copy of your Waste Transfer Note for the bones or you can give me his licence number. If he is not a licensed contractor, then you will need to arrange a contract with a suitable company.

#### Hygiene management issues

31. . Some of your pest control reports were missing. **Please send me copies of all your reports within 7 days.** It is important that copies of the reports are kept on site and also that you act on any advice that the contractor gives you relating to pest control.
32. In addition to your Rentokil contract, you and your staff must carry out monitoring checks for pests every day. As your contract only covers routine

inspections every month or so, it is important that you and your staff check for signs every day, particularly as there was heavy infestation of rats before you opened the business.

33. The rat bait boxes had been moved from the location that your pest control operative had placed them in. The pest controller had decided on the most appropriate location of these boxes and had secured them with cable ties, which were subsequently removed. Rats are shy of new objects in their territory and so the pest control operative would have put them in the places that he thought would be most effective for them taking the bait. You must ask the pest control operative to put these bait boxes back in the right places and ensure they are not removed again.

34. There were inadequate procedures in place regarding handwashing and disinfection.

- i) You and your employees did not understand the need for handwashing facilities for the basement raw meat preparation area.
- ii) The wash hand basin in the ground floor servery was clearly not being used and no soap or disposable tissue/clean towels had been provided there.
- iii) The hot water heater in the ground floor toilet had not been switched on, indicating that staff using the toilet that day had not washed their hands properly using hot running water.

Good handwashing and providing the necessary materials to do this is essential to prevent the spread of bacteria and it is important that your staff are made aware of this.

35. You and your staff have not received adequate food hygiene training and there were no records of training on site. You must ensure that all food handlers engaged in your food business are supervised, instructed and/or trained in food hygiene matters to a level appropriate to their work activity. It is suggested that staff who prepare open, high-risk foods or handle food and have a supervisory role must have training to a level equivalent to Level 2 Award in Food Safety in Catering within 3 months of starting work.

You must also ensure that your staff are trained in your own food hygiene procedures and in particular, and food safety checks that they are expected to carry out when you are not on site (for example, checking fridge temperatures, monitoring for pests and ensuring that adequate disinfection is carried out). You must keep records of this training. I suggest you fill out the Staff Training Record sheets in the SFBB pack to show you have trained your staff in your food hygiene procedures.

36. There were no documented food hygiene procedures or records of daily food safety checks.



Food hygiene regulations require you to document your food safety procedures and keep records of checks that you carry out to ensure that food is safe.

In order to comply with this requirement, I suggest that you print off and complete a copy of the Food Standards Agency (FSA) in their 'Safer Food Better Business' (SFBB) pack, which will guide you through how to comply and provide the necessary documentation. You can download the pack from [www.food.gov.uk/catering](http://www.food.gov.uk/catering)

### **Health & Safety**

Whilst a full health and safety inspection was not carried out, I would draw your attention to the following item:-

37. The missing handrail to the side of the stairs must be replaced, otherwise there is a danger that staff, visitors or delivery drivers could fall off the side of the stairs.

### **SCHEDULE B - RECOMMENDATIONS**

38. I recommend that redundant equipment in the basement is thrown away, so that it is easier to clean the floor and check for signs of pests.
39. I suggest that you install a fly killing machine in the ground floor servery/washing up area. Flies were seen in the area and as it is not practical to fit flyscreens across the open front to the seating area, a fly machine would be a good secondary measure to deal with flies. The machine should be placed in a dark area and not directly above any areas where open food is handled or stored.
40. I recommend that you carry out temperature checks on chilled and frozen food deliveries, to ensure that all products are received at the correct temperatures. You could ask the delivery driver to write down the van temperature on the invoice/delivery note, or use your probe thermometer to check actual food temperatures.
41. I recommend that you use a probe thermometer for checking temperatures and that you keep a written record of your checks. Probe thermometers can be used to check both hot and cold temperatures and will measure both air and food temperatures. A probe would be particularly useful for monitoring the temperature of foods in the serve-over chiller. I enclose details of thermometer suppliers for your information.
42. It is good practice for food handlers to have regular refresher training in food hygiene, and we recommend that the Level 2 Certificate is renewed every 3 years. I enclose details of organisations offering food hygiene training for your information.

43. Although you have a double sink in the ground floor washing up area, putting utensils through a dishwasher would be a better way of ensuring that they are adequately washed and disinfected. I therefore recommend that the dishwashing machine is put back into working order.

Evidence relating to  
incident dated:  
7<sup>th</sup> December 2013

1 x Letter from BHCC

Aris Demo  
19A Brunswick Place  
Hove  
BN3 1ND

Date: 12th 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 12th 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 7th 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.

Yours sincerely,



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 (0 1273) 291207 or search our website on [www.brighton-hove.gov.uk/foi](http://www.brighton-hove.gov.uk/foi)*

Evidence relating to  
incident dated:  
1st January 2014

3 x Police Statement

1 x BHCC Letter

**RESTRICTED (when complete)****WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and SB: Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: PC Ben HEARTHCH234

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Constable

This statement (consisting of 2 page(s) 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 anything in it, which I know to be false or do not believe to be true.

Signatur



Date 05/03/2014

Tick if witness evidence is visually recorded **D** (supply witness details on rear)

01.1 Wednesday the 1<sup>st</sup> of January 2014 I was on duty in full uniform crewed under callsign JC703 together with PS MORGAN CM614. During the New Years eve shift we dealt with several incidences and throughout the night we completed several premises checks. At 01:45 we attended the CASBA 2 on WESTERN ROAD in HOVE. This premises had been identified for a check, following previous reports of working passed their licensed hours together with being witnessed by police officers on previous occasions. As it was New Years several premises across the city had applied for temporary event notices to extend their hours. We were aware that CASBA 2 had not put a notice in and furthermore as New Years Eve fell on a weekday that they should have closed at midnight. At 01.45 the premises was open with its lights on, doors open and as we walked in we could see meat cooking on skewers. There were 2 attendants behind the counter, though there could have been more in the back area which I could not see. Whilst this is a takeaway there is plenty of seating if someone wanted to eat inside the premises and on this occasion I could see 2 people sat at a table eating, though these were the only customers. I went to the counter and spoke to a male who eventually gave me his details as Rafi ALKHALEE 07/10/1984. I explained the purpose of the visit and that he should have been closed at 00.00. ALKHALEE stated that he knew this and as it was New Years Eve he wanted to make some money. PS MORGAN CM614 asked whether he had a temporary event notice which he confirmed that he did not. With that I explained that he would need to close and he flatly refused. With that I took his details down and explained that he would be reported to the council. His attitude somewhat changed with this and asked that if he closed now would I report him. Itold him that I would need to report him even if he closed to which he explained that he may as well stay open if he was going to be reported anyway. With that I strongly advised him that he should shut the premises rather than further breach his licence. We then left the premises.

These form part of my original notes on the matter, having refreshed my memory using a report I wrote at the





**RESTRICTED (when complete)****WITNESS STATEMENT**

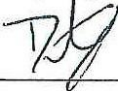
(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 58: Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: David UPTON

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer CU779

This statement (consisting of \_\_\_\_\_ page(s) 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 anything in it, which I know to be false or do not believe to be true.

Signature: 

Date 13/02/2014

Tick if witness evidence is visually recorded **D** (supply witness details on rear)

On the 1st of January 2014 I visited Casba 2, number 8 Western Road Hove at approximately 0215 hours. The reason for the visit was that I was aware that the shop has been trading beyond its licensed hours and that it had no Temporary Event Notice in place for this night, therefore I knew that it had to close at midnight. I walked into the shop at 0215 hours with Special Constable GARTH SC2619. As I entered there was a person being served at the counter. I walked up to the manager, Raphi ALKHAEE L. Before I was able to talk to him he said to me 'I KNOW I KNOW, THE POLICE HAVE JUST BEEN IN AND I AM GOING TO GET PROSECUTED SO I WILL STAY OPEN'.

I asked when they had come in and he said about 15 minutes previously. I said to him that despite him thinking that he may as well keep serving it would be a much better idea to close now to show compliance with the Police request. He refused to close so I left the shop.

I then left the shop with SC GARTH and we carried on our duties for the evening. — L,

YJt



RESTRICTED (when complete)

**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 58; Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: David Upton

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Officer CU779

This statement (consisting of                      page(s) 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 anything in it, which I know to be false or do not believe to be true.

Signature:

-r1 1'

Date 13/02/2014

Tick if witness evidence is visually recorded **D** (supply witness details on rear)

At 0500 hours on the 1st of January 2014 I went back to the Casba 2 which I had visited earlier on in the evening and had found to be trading beyond its licensed hours. It was now 5 hours past his licensed time so once again I went into the shop to discuss this with him. There were no customers in the shop at this time and he said that he was closing now. I requested to look at his CCTV from midnight onwards but he stated to me that he did not have any CCTV, I then requested to look at the till rollof sales for that night and again he said this could not be done. He showed me where the till and there was just an empty' space where the till roll should be housed.

This time the owner was really apologetic, I again gave him words of advice stating that he needs to abide by his licence. I then left the shop. - YJ!



Aris Demo  
19A Brunswick Place  
Hove  
BN3 IND

Date: 13th January 2014  
Our Ref: 2013/1 1474/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 12th December 2013 advising you that Police Licensing Officers witnessed unauthorised trading at Casba 2 at 01:40 on the 7th December 2013 with customers being served and money being taken.

Within that letter (dated 12th 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 1st 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 1st 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 1st 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.

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,



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 Jetter 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)*

Evidence relating to  
incident dated:  
8th February 2014

2 x Police Statement

RESTRICTED (when complete)

**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 58: Criminal Procedure Rules 2005, Rule 27.1


URN

Statement of: Daniel SODERHOLM

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Special Constable 82520

This statement (consisting of ~~3~~ page(s) 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.

Signature:  Date: 08/02/2014

Tick if witness evidence is visually recorded

**D**

(supply witness details on rear)

On Saturday, 8<sup>th</sup> February 2014, I was on duty in plain clothes with PC UPTON CU779 and PC FRANKS DF386. We were tasked with conducting a test purchase on a number of late night food vending establishments that were believed to be selling food past their licensed hours.

At 03:17, I entered CASSA 2, at 8 WESTERN ROAD, BRIGHTON, which is authorised to sell late night refreshment until 01:00 on a Friday night. PC UPTON was observing from the pavement across the road. When I entered, the front door was open, the lights were on, and there were two members of staff behind the counter. There were no other customers. The members of staff were both males, in their late 30s or early 40s, with black hair, and of Eastern European or Middle Eastern appearance. The staff were both cleaning up the shop in preparation for closing.

I asked the staff member closest to the front counter, "ARE YOU STILL OPEN?", to which he replied "YES, WHAT CAN I GET FOR YOU". At 03:18, I said, "A SMALL CHIPS PLEASE". I watched as he walked to the deep fat fryers at the back of the kitchen area, opened a bag of frozen chips, and poured a portion into the fryer. At 03:20, whilst the food was cooking, he said "THAT WILL BE ONE POUND FORTY". I handed over a £10 note and watched as he processed it in the till before giving me £8.60 change. He then returned to the fryer. The second male was continuing to clean the back of the shop.

At 03:23, the first staff member took the chips out of the fryer, placed them in a polystyrene box, and asked me, "DO YOU WANT SALT AND VINEGAR?". I replied "YES". He applied the condiments, closed the box, and handed it to me.

I took the box to PC UPTON, and showed it to him to confirm that hot food had been received. PC UPTON then entered the shop to speak to the staff.

This statement forms my original notes and was completed at 04:05 the same day.

Signature:



Signature witnessed by:



MG115/2007 -

RESTRICTED (when complete)

RESTRICTED (when complete)

**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 58: Criminal Procedure Rules 2005, Rule 27.1)

URN 

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Statement of: David UPTON

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer CU779

This statement (consisting of                      page(s) 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 anything in it, which I know to be false or do not believe to be true.

Signature:



Date 09/02/2014

Tick if witness evidence is visually recorded **D** (supply witness details on rear)

On Saturday the 8th of February 2014 I was on duty in plain clothes with my colleagues PC FRANKS DF386 and SC SODERHOLM 82520. I work in the police licensing department and as part of our responsibilities we check that fast food outlets with a late night refreshment licence are abiding by their conditions.

Over the last few months we have been having particular trouble with 3 Kebab shops in Hove. These are Casba 2, 8 Western Road Hove. The Golden Grill, 9 Western Road Hove and Casba, 11 western road Hove. My colleagues and I have attended these premises numerous times in the recent months and they have always been serving customers long past their permitted hours. Every time I have seen this I have gone into the shop and asked them why they are serving, what their hours are and where their licence is. At no time have any of the shops been able to produce their licence. Not one of them has had the Part B of the licence on display and not one of them would tell me what time they should be shutting despite me knowing this before attending. They generally come out with a range of excuses which include 'THE OTHERS DO IT SO I HAVE TO DO IT OR I WILL LOSE OUT' often it will just be complete denial that they were doing anything at all even though I have witnessed it.

On the 8<sup>th</sup> of February we were carrying out a test purchase operation. This involves an officer in plain clothes entering the Kebab shop and attempting to buy hot food or drink. Another officer in plain clothes stands in the area and watches the transaction take place. Once the first officer comes out of the shop they show the food to the second and confirm that they paid for it then the second officer goes into the Kebab shop to identify themselves inform them that they have failed the test purchase and that the Council will be informed.

At 0315 hours on the 8th of February I went to Western Road with my two colleagues. PC FRANKS was going to **j** the first of the three kebab shops and attempt to buy food while I observed from across the

**T**



Continuation of statement of


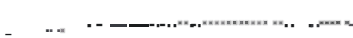
road. At 0312 hours I observed PC FRANKS enter the Golden Grill Kebab shop. At 0315 hours I observed PC FRANKS exchange money for a plastic container with hot chips in. She had been in the premises for 3 minutes and was not the only person buying food at that time. Once she had paid for the items she walked back across the road and went and sat in the unmarked police car that we had brought with us. The Golden Grill is not licensed to sell any hot food after 0230 hours so was in breach of its licence.

While PC FRANKS waited in the car SC SODERHOLM entered the second Kebab shop, Casba 2. He entered at 0317 hours and I saw him ask for some food. When he went into the shop there was no one else in there, I saw the staff member tip some chips into a fryer and then take money from SC SODERHOLM. He was then handed chips at 0323 hours and he left the shop. Casba 2 is not licensed to sell food past 0100 hours at the weekend so was in breach as well. I walked with SC SODERHOLM back to the car and checked that both his and PC FRANKS items were hot.

Due to the fact that all three Kebab shops are next to each other we decided to do the final test purchase before I went into each of the shops to inform them that they had failed the test purchase. At 0325 hours PC FRANKS entered the 3<sup>rd</sup> of the Kebab shops, Casba and I witnessed her purchase a Kebab. She came out a few minutes later and showed me the Kebab and said she had paid for it. Casba is not licensed to sell food past 0300 hours at the weekend.

After this had happened I then went into the Casba 2 and identified myself as a policeman. I showed them my warrant card and explained to them that they had been subject to a test Purchase which they had failed. I explained to them that as they were well aware they were supposed to stop serving at 0100 however it was now 0330 hours and they were still serving food. I spoke with Raphi ALKHALEEL who stated to me that they had not served since 0100 hours and they were just about to close when the plain clothes officer had entered the shop. He stated that I could check the till roll if I wanted to and it would show the last sale at 0100 hours. I pointed out to the manager that the last time I had been in the shop at this time in the morning I asked to see the till roll and there was not one in the till so therefore I believed that he only used it when it suited him. At this point he started crying so I left him to stating that I would be reporting him to the council.

I then went into the Golden Grill and spoke to the owner whom had served PC FRANKS, his name was Mikkah MEHRDAD. I explained to him he had been test purchased and had failed. I asked him if he was aware of his hours and the law. He said that he was but that the Casba 2 next door traded after hours which meant that he lost business so he wasn't going to start shutting on time until they did. I stated to him that he should ignore what they did and shut his shop on time. I asked him if he knew what time he had to shut and

Signature  Signature witnessed by: 

PTO



Continuation of statement of

he stated 0230, I then asked him what the time was now and he just stated that next door were open so why shouldn't he be. I informed him he would be reported to the council and I left.

Finally I went into Casba and spoke to Aris DEMA. As soon as I identified myself as a police officer he said that he had not served anyone since 0300 hours. I said that he had and he replied 'NO, NO, NO, NO, NO I HAVE NOT' I then informed him that a plain clothes officer had been served at 0325 hours and I had watched the whole transaction. I also pointed out that there was a person stood at the till right now being served but he was in complete denial. I asked him where Part B of his licence was, the part I had asked him to put on display before Christmas, on new years eve and a few weeks ago. By now he had lapsed into silence and did not want to speak to me. I told him he would be reported to the council and I left.

I walked to the car and we started the engine to leave the area.

As we drove off more people were entering the Golden Grill and Casba, the staff were showing no signs of turning them away.

Signature



Signature witnessed by:

PTO

Evidence relating to  
incident dated:  
14th February 2014

1 x BHCC Statement

BRIGHTON & HOVE CITY COUNCIL

STATEMENT OF WITNESS

(CJ Act 1967, s9; MC Act 1980, ssSA(1)(a) and SB; MC Rules 1981 r.70)

STATEMENT OF (*name of witness*) Amy Kitching

AGE OF WITNESS: Over 18  
(*if over 18 insert "over 18"*)

THE STATEMENT (CONSISTING OF ONE PAGE(S) 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.

SIGNATURE

DATED THE 18TH DAY OF FEBRUARY 2014

I, AMY KITCHING, am a Technical Support Officer, employed by Brighton & Hove City Council in the Health & Safety and Licensing Team.

- 1) I have worked within the Health & Safety and Licensing Team for 13 months. My duties include administration of the regime imposed by Licensing Act 2003, including processing applications and providing guidance to applicants and licence holders.
- 2) At 10.50 hours on Friday 14th February 2014 I took a phone call from a gentleman from Casba 2. He asked how to apply for permission to open later that night. I informed him that it was too late to do so. I explained to him that he would need to apply for a TEN at least a week in advance and that as he had not been granted an extension for that evening he should only operate within the times specified on the licence.
- 3) Having knowledge that the Police Licensing team were investigating the premises for operating beyond their permitted hours, I emailed Police Licensing to inform them of the conversation.

Statement of Truth

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

Signed:   
Date: 18th February 2014

Evidence relating to  
incident dated:  
15th February 2014

1 x Police Statement

**RESTRICTED (when complete)****WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 58: Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: Simon Morgan

Age if under 18: 0.18

(if over 18 insert 'over 18')

Occupation: Licensing Sergeant

This statement (consisting of 2 page(s) 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 anything in it, which I know to be false or do not believe to be true.

Signature:

Date 25<sup>th</sup> March 2014Tick ☒ this evidence is visually recorded **D** (supply witness details on rear)

I currently supervise the Brighton Police Licensing Team. I have had this position since April 2013. Prior to this I was the Licensing Sergeant in West Sussex, a position I held for three years. I have over sixteen years police service with approximately ten years spent policing the front line in Brighton. One of my current roles involves ensuring that visits are conducted at licensed premises and licensing conditions are being met. I also check that the hours of licensing activity are being adhered to and the four licensing objectives are being promoted.

At 01:35hrs on Saturday 15th February 2014, I conducted a licensing visit at Casba 2, a late night refreshment establishment located at 8 Western Road, Hove. I was aware that licensable activities at Casba 2 terminated at 01:00hrs and that there were no seasonal variations or temporary event notices in effect to allow them to conduct licensable activities after 01:00hrs. The front door was open and there were lights on inside the premises. I noted approximately half a dozen males sitting down, having just finished their meals. They all stood up and left when I entered. I saw that one male customer was standing at the counter. He was clearly waiting for his food to be cooked and had money in his hand. I noted that a taxi was waiting outside the shop and deduced that he had been dropped off in order to purchase late night refreshment. I saw one male serving behind the counter, who I later established was Rafi Alkhaleel. I observed Alkhaleel prepare a chicken kebab, which was hot, and serve it to the customer. He then said, 'take it, it's free.' The customer seemed surprised and elated; he left the shop and entered the taxi waiting outside. Alkhaleel then turned to me and said, 'I know why you are here.' I asked him if he had a temporary event notice, as it appeared that he was conducting licensable activities after his permitted hours. Alkhaleel replied that he did not and stated that the man at the counter was the only individual he had served after 01:00hrs. I observed that the kitchen seemed to be in full operation, the lights were on, the appliances were on and there were both doner meat and chicken meat on the rotisserie. I asked the receipt to be made

Continuation of statement of

available to me and he stated that the till had not been working. Before I left the premises, Alkhaleel began to remonstrate, saying that he was staying open because all the other kebab shops were doing so. I left the premises at approximately 01:50hrs.

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i', , v; /

Signature

Signature witnessed by:

**PTO**