

Appendix E



Sussex Police
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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 CASBA 11
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 2th February 2014.

I enclose our evidence bundle in support of the application.

Yours faithfully,

pp

Nev Kemp
Chief Superintendent
Divisional Commander
Brighton & Hove Division

Police Station

John Street, Brighton, East Sussex, BN2 0LA

Telephone: 101 | 550828

Email: brighton.licensing@sussex.pnn.police.uk

Sussex Police
Supporting Evidence for Review Application
Casba, 11 Western Road

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-

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

RESTRICTED (not for public use)

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: 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 1st April 2014

Tick if witness evidence 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 is situated in Western Road, Hove and it is open to the public until 03:00hrs in the morning. 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 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. Casba have no conditions upon their licence; however they are not permitted to operate beyond 03:00hrs.

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 Casba. The occurrences in this time period also include eight incidents involving drunken individuals, one of these incidents involved the police being called at 03:18hrs to a late night refreshment establishment on Friday 1st 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, which apply to, 'the end of a night out when further purchases of food and alcohol are made.'

Continuation of statement of

Sussex Police's resourcing during the weekend night-time economy is encompassed by Operation Marble. 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 has been observed serving after hours on five occasions since November despite being warned by both the Environmental Protection and the Police licensing teams. 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.



Signature

Signature witnessed by:

PTO

Evidence relating to
incident dated:
17th May 2013

1 x Letter from BHCC



Planning and Public Protection
Bartholomew House
Bartholomew Square
Brighton BN1 1JP

The Owner/Occupier
Casba
11 Western Road
Hove
BN3 1AE

Date: 21st May 2013
Our Ref: 2013/06926/NOH/EH
Your Ref:
Phone: 01273 292168
Fax: 01273 292196
E-mail: ellen.redford@brighton-hove.gov.uk

Dear Sir/Madam

Environmental Protection Act 1990
Re: Alleged Noise Nuisance at 11Western Road Hove BN3 1AE

I write to inform you that this office has received a complaint alleging the following is coming from your premises and is causing a disturbance to neighbouring residents: banging and loud music, especially during the night.

Whilst I am unable to confirm if this complaint is justified I hope you understand that it is this Department's duty to make enquiries following the receipt of such complaints.

The aim of bringing this problem to your attention is to give you the opportunity to consider the matter and if necessary to take all suitable steps to resolve the issue.

I must advise you that should this Department receive further complaints regarding this matter we are obliged to carry out a formal investigation.

Should you wish to discuss the matter further I am normally available 10.00am to 12.00pm and 2.00pm to 5.00pm.

Enclosed is a leaflet with practical advice on how to reduce the level of disturbance, which may be of assistance to you.

Yours faithfully

Ellen Redford
Environmental Protection

Officer Enc

Evidence relating to
incident dated:
3rd September 2013

1 x Letter from BHCC

FOR COMMITTEE
ONLY

The Company Secretary
Casba Sussex Ltd
109A Dyke Road
Brighton
BN1 3JE

Date: 5 September 2013
Our Ref: JBC/2013/33033/FHI
Contact: Mrs J Burchell-Collins
01273 292444
Phone: 01273 292196
Fax:
Email: jo.burchell-collins@brighton-hove.gcsx.gov.uk

Dear Sir/Madam,

Food Safety Act 1990
Food Hygiene (England) Regulations 2006
Regulation (EC) No. 852/2004
Routine Food Hygiene Inspection
Casba, 11 Western Road, Hove

I refer to my inspection of your take-away carried out on the afternoon of 3 September 2013 and to the discussions held with Aris and Luftim Demo and your employee 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 Safer Food Better Business (SFBB) pack, Onyx Ventilation Cleaning Certificate and some invoices were examined.

I was very concerned that there was no water supply to the wash hand basin in the cooking/servery area and that the hot tap to the wash hand basin in the toilet lobby was broken. Mr Demo agreed to carry out the repairs I requested the next day and we agreed on extra hygiene precautions in the meantime. Hands can be washed temporarily at one of the washing up sinks where there was an adequate supply of hot water. You must also provide alcohol hand gel as an extra precaution and ensure that the sink taps and other hand-contact surfaces are frequently disinfected throughout the day. I will revisit on 5 September 2013 to ensure that there is an adequate supply of hot and cold water at both hand basins. If not, legal action may be taken against you.

In addition to the above, there were a number of other matters which require your attention.

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 window sticker and certificate will be sent to the inspected premises.

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

Hygiene issues

- The wash hand basin in the cooking/servery area was not being used by staff to wash their hands.
- There was no soap at the wash hand basin in the servery and no hand drying materials at the wash hand basin in the toilet lobby.
- There was a risk of contamination to ready-to-eat foods from leaving sauces and a green chopping board and knife for salad preparation on the back of the serve-over chiller where juices from raw kebabs could drip onto them.
- It was not clear where salads are prepared/washed and what precautions you are taking to prevent cross-contamination from raw meat preparation.
- High-risk foods were being stored/displayed at temperatures above 8°C.
- There were no independent thermometers to monitor food temperatures.
- There were some uncovered plastic boxes of salads and raw meat in the walk-in chiller and two of the boxes were damaged.
- Uncovered boxes of meat had been left on the floor in the 'kitchen'/washing up area.
- A dirty cloth was seen under the red chopping board used for cutting raw meat.
- There were no waterproof plasters in your first aid box.
- Food handlers were not wearing suitable protective clothing.

Structure/Cleanliness issues

- There was no supply of hot and cold running water to the wash hand basin in the servery.
- The hot tap to the wash hand basin in the toilet lobby was not working.
- There was a build up of dirt and debris in the base of the serve-over chiller where the grilles which should cover the motors were missing.

- The door to the lobby between the toilet and the adjacent cooking/servery area was missing.
- The condensate pipe to the walk-in chiller was missing and water was dripping down from the external cooler.
- There was a hole in the ceiling of the cooking/servery area where a light fitting had been removed.
- There was a gap between the wall and the stainless steel worktop housing the wash hand basin in the cooking/servery area.
- The paintwork to the door frame in the 'kitchen' /washing up area was chipped.
- The wooden support to the shelf on the north wall of the washing up area was damaged.
- There were gaps in the boxed in section behind the toilet.
- The casing to the door of the microwave oven was cracked.
- There was no documentation available to show that waste bones are being taken by a licensed contractor.

Continued/ ...

Hygiene management issues

- There were inadequate procedures in place regarding hand washing, preventing cross-contamination and temperature control of high-risk foods.
- Your staff have not received adequate food hygiene training and there were no records of training on site.
- Amendments were required to your written food safety procedures and your daily records did not include details of all problems which have happened and the action you have taken to deal with them.

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) 2921 61, emailing ehl.food@brighton-hove.gov.uk, visiting 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 where you can also find out about your right to reply and download the relevant forms.

A visit will be made on 5 September 2013 to check the hot water supplies and a further revisit will then be made in approximately 6 weeks to assess progress with the other works listed above. 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 faithfully,

Mrs J Burchell-Collins,
Food Safety Officer.

Enclosures (delivered to premises):-

- FHRS certificate and sticker
- FHRS 'A guide for businesses '
- Customer survey/ Demographic Questionnaire
- Food & Safety News
- Handwashing stickers
- Details of food hygiene courses

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.

c.c. Mr A Demo, Casba, 11 Western Road, Hove, BN3 1AE (by hand)

SCHEDULE A - LEGAL REQUIREMENTS

Hygiene issues

1. The wash hand basin in the cooking/servery area was not being used by staff to wash their hands. Whilst I understand Mr L Demo's concern about customers using this wash hand basin because it is close to the deep fat fryer, it is essential that the water supply is reconnected (see Item 12 below) and that food handlers use this basin to wash their hands. There are risks of spreading bacteria if they use the washing up sinks or the basin in the toilet lobby to wash hands after handling raw meat. Hands could also pick up contamination from the taps of the basin in the toilet lobby and so bacteria could spread to ready-to-eat foods when they are prepared. Good hand-washing and regularly cleaning and disinfecting taps and other hand-contact points such as door handles are essential to prevent the spread of bacteria. You could put up a sign to tell customers to use only the hand basin in the toilet lobby. In any case, you must supervise customers walking through the food preparation area to ensure that their clothing or hair does not contaminate food being prepared or cooked.
2. There was no soap at the wash hand basin in the servery and no hand drying materials at the wash hand basin in the toilet lobby. Liquid anti-bacterial soap and disposable tissue/ paper towels or clean hand towels must be provided at both basins. Until the hot water supply is reinstated to both basins, you must also use alcohol hand gel after washing hands as an additional precaution against spreading bacteria.
3. There was a risk of contamination to ready-to-eat foods from leaving sauces and a green chopping board and knife for salad preparation 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 utensils or sauces on the back of the serve-over chiller. Marinade from the kebabs could drip onto the board/knife or sauces when the kebabs are lifted out of the serve-over chiller. Mr A Demo moved the green board and knife over to the salad display side of the serve-over chiller, next to the paper used to wrap foods. You must also re-organise the layout so that sauces are kept well away from raw kebabs.

A similar issue was highlighted in my letter to Mr A Demo dated 28 August 2013, regarding 8 Western Road.

4. It was not clear where salads are prepared/washed and what precautions you are taking to prevent cross-contamination from raw meat preparation. A green chopping board and knife for cutting salad had been left on the back of the serve-over chiller and this was where Mr A Demo thought that salads were prepared. However, Mr L Demo told me that salads were

washed, drained and cut in the 'kitchen'. If this is the case, I am concerned that the same area is used for preparation of raw meat. It is safer to prepare salads in a separate area from raw meat preparation. If this is not possible, then the two tasks must be carried out at different times and food-contact surfaces, hand-contact points (such as taps) and storage containers must be adequately washed and disinfected in between different uses. This is to prevent the spread of food poisoning bacteria from raw meat onto ready-to-eat salads.

5. High-risk foods were being stored/displayed at temperatures above 5°C. Prepared salads in the walk-in chiller were at 13°C and the surface temperature of cooked rice in the serve-over chiller was 26°C. As explained to Mr A Demo in my recent letter regarding S Western Road, 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.

Sauces had been left out at room temperature on the back of the serve-over chiller. Mr A Demo and your employee said that the sauces are changed twice a day and that the first pots put out at 12 noon could still be there at 5pm. Although the tahini and chilli sauce are safe at room temperature, mayonnaise is a high-risk product and so you must limit the time that it is out of refrigeration. Mr L Demo told me that it would only be out for a couple of hours before it is all used up. It is important that all food handlers are aware of your procedures and how long such foods can safely be left out.

There is an exemption from temperature control for food which is on display during service for one period of up to 4 hours, providing that the food is still safe. Due to the heat from the doner kebab grills and the motors to the e-rv.g...G¥@r-Gt:liU@r:j-wGIJd-SG1¥-tt:G1t-4-tiours-cr: a¥-SJJLb-e-to-0_Long toJ.ea_v.e mayonnaise out at ambient temperature. I suggest that you keep a small pot of mayonnaise out during busy service periods and that the rest of the container is kept with the salads in the chilled section of the serve-over chiller.

6. There were no independent thermometers to monitor food temperatures. As the rice was excessively warm, you must buy a new probe thermometer to check the temperature of the rice stored in the serve-over chiller and ensure that it is safe. Care must be taken when using probe thermometers to make sure that they are adequately cleaned and disinfected between uses.
7. There were some uncovered plastic boxes of salads and raw meat in the walk-in chiller and two of the boxes were damaged. Pieces of plastic could break off the cracked boxes and contaminate food. All containers of food

must be kept covered with cling-film, tin foil or lids to protect the food from physical contamination.

8. Uncovered boxes of meat had been left on the floor in the 'kitchen' /washing up area, where the food was at risk of contamination. Food must be stored in covered containers and boxes of food must not be left on the floor in this area.
9. A dirty cloth was seen under the red chopping board used for cutting raw meat. Dirty cloths could spread bacteria if used to wipe down other surfaces, particularly if they have been close by raw meat. If you need to stop chopping boards slipping, use a washable rubber mat, such as 'Duck Grip Liner' which you can buy from Robert Dyas.
10. There were no waterproof plasters in your first aid box. You must keep adequate supplies of waterproof (and ideally blue coloured) plasters for food handlers.
11. It was noted that food handlers were not wearing suitable over-clothing. It was told that Mrs Demo had taken aprons home for washing. 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. You must buy some disposable aprons or keep adequate supplies of clean aprons on site. If you prefer for staff to wear clean T-shirts instead, the same rules apply about changing T-shirts after raw meat preparation and before going on to other food handling tasks.

Structure/Cleanliness issues

12. There was no supply of hot and cold running water to the wash hand basin in the servery. The pipes to this basin must be reconnected straight away so that food handlers can wash their hands at this basin.
13. The hot tap to the wash hand basin in the toilet lobby was not working and must be repaired immediately, to provide a constant supply of hot water for hygienic hand washing.
14. There was a build up of dirt and debris in the base of the serve-over chiller where the grilles which should cover the motors were missing. These areas must be thoroughly cleaned and missing grilles replaced to prevent further debris building up.
15. The door to the lobby between the toilet and the adjacent cooking/servery area was missing. Because there is no door to the lobby, there is a risk that

airborne viruses from the toilet could contaminate food in the servery area. You must fit a door to the lobby to separate it from the cooking/servery area and ensure that the fan in the toilet runs on for 15 minutes after the light is switched off. Because of the lack of space, the door can be a sliding door or concertina type door, as long as it closes tightly with no gaps.

16. The condensate pipe to the walk-in chiller was missing and water was dripping down from the external cooler. Although a metal container had been put on the floor below it, water was splashing down the outer wall of the walk-in chiller and onto the floor. Mr L Demo found the missing pipe which must be refitted so that water can drain directly into a container. You must also make sure that the cooler is working properly because water should only drain down the pipe and not drip from other places.
17. There was a hole in the ceiling of the cooking/servery area where a light fitting had been removed. This must be blocked off and any board used to cover it must be painted with washable paint.
18. There was a gap between the wall and the stainless steel worktop housing the wash hand basin in the cooking/servery area. To prevent food debris and liquids splashing down the gap, it must be blocked off with silicon sealant.
19. The paintwork to the door frame in the 'kitchen'/washing up area was chipped. It must be repainted to provide a surface which is non-absorbent and easy to clean. You may wish to consider fitting a metal corner protector to prevent further damage to the door frame.
20. The wooden support to the shelf on the north wall of the washing up area was damaged. It must be made smooth and repainted.
21. There were gaps in the boxed-in section behind the toilet. To remove a possible hiding place for pests, the gaps must be closed off.
22. The casing to the door of the microwave oven was cracked. This means that the door is not easy to clean properly and could also be leaking dangerous microwaves. The faulty microwave oven must be replaced.
23. There was no documentation available to show that waste bones are being taken by a licensed contractor. As mentioned in my recent letter to Mr A Demo regarding 8 Western Road, 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

24. There were inadequate procedures in place regarding hand washing, preventing cross-contamination and temperature control of high-risk foods (see above). You must consider all the potential food safety hazards in your business and then put suitable controls and monitoring in place to minimise the danger from these hazards. Following the guidance in the Safe Method sheets in the pack will help you to ensure you are serving safe food.

Good handwashing, adequate disinfection and temperature control of high-risk foods are all essential to prevent the spread and growth of bacteria and it is important that your staff are made aware of this.

25. Your staff have not received adequate food hygiene training and there were no records of training on site. Mr A Demo has not had any formal food hygiene training and yet the records in your Diary show that he has been in charge of food preparation at the premises sometimes.

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. Please find enclosed details of organisations offering food hygiene courses for your information.

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 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.

26. Amendments were required to your written food safety procedures and your daily records did not include details of all problems which have happened and the action you have taken to deal with them.
- i) Your Suppliers List needs to be updated.
 - ii) The 'Extra Checks' sheet needs to be fully completed, including details of deep cleaning such as how often the extract ventilation system is cleaned.
 - iii) There was no mention in your Diary of the disconnection of the water supply to the basin in the cooking/servery area or the broken tap to the basin in the toilet lobby. If the Opening & Closing Checks were being carried out properly, someone should have made a note of the broken tap and then repairs carried out as necessary. It is important that you recognise the need for adequate handwashing facilities and that daily checks are effective in identifying problems so that

- appropriate remedial action can be taken. You must also keep a written record of what action you have taken when there is a problem.
- iv) You must keep the SFBB pack up to date in future, when there are any changes to suppliers, food hygiene practices or if new equipment is put into use.

SCHEDULE B - RECOMMENDATIONS

27. . I suggest that you install a fly killing machine in the cooking/servery area . A fly was seen on the front door and as it is not practical to fit a flyscreen, 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.
28. 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.
29. 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.
30. I suggest that a wall-mounted dispenser for the blue roll is fitted above the wash hand basin in the cooking/servery area. This is to avoid water dripping from hands onto surfaces as staff move over to the worktop to get blue roll to dry their hands.

Evidence relating to
incident dated:
30¹_h November 2013

1 x Police Statement

1 x Letter from BHCC

RESTRICTED (when complete)

WITNESS STATEMENT

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

URN

Statement of: PC Teresa WHITE DW777

Age if under 18: 0.18

(if over 18 insert 'over 18')

Occupation: Police Officer

This statement (consisting of 1 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:

Y JQ

J)1,,J,1

Date 1st December 2013

Tick if witness evidence is visually recorded

D

(supply witness details on rear)

At approximately 02:50 hours on Saturday 30th November 2013 I was on duty in full uniform in a marked police vehicle, accompanied by PC HEARTH CH234. I was using the callsign JC702. At this time I drove along Western Road, Hove heading west. I passed a parade of shops on the south side of the road that includes the 'Casba 2' kebab shop at number 8 Western Road which was closed. Adjacent to this is the 'Golden Grill' at number 9 Western Road which did not have any customers present but still appeared to open. Then at number 11 Western Road is the 'Casba' kebab shop which I know has a late night refreshment licence to operate until 03:00 each day. At the time of passing, Casba had its lights on and I could see two members of staff behind the counter. There were no customers present. I continued to drive into Hove for a short while before returning back along Western Road again passed the same parade of shops. It was approximately 03:10 when we approached Casba and as I drew close to it I could clearly see a large group of people gathered outside the premises and queuing in the open doorway. The lights were still on in the premises and its tables and chairs were still set up on the pavement outside. I parked the police car directly opposite the Casba on the northern side of Western Road and observed the premises. I would say there were about 10-15 people both inside and outside of the premises and around 5/6 directly in front of the serving counter looking like they were waiting to be served their food. I moved the police car back about 1 foot so that I had a better view of the counter and the till. There were two members of staff working behind the counter. I would describe Male 1 as being aged between 20-25, having olive skin, approximately 5' 8" tall with short dark spiky hair and wearing a white t-shirt. Male 2 also had olive skin, he was aged between 25-30, approximately 6 feet tall. He had dark hair in a ponytail and was wearing a fitted white t-shirt.

Both males were seen preparing food and passing it to customers. I saw them both taking orders from customers and at 03:15 I saw Male 2 accept a £10 note from a customer, ring it up on the till and issue the customer with change. Shortly after this the customer received their order. At 03:22 Male 1 came out from behind the counter and closed the front door to the premises. There were around 8 people inside at this point, the lights remained on and service continued. At 03:24 I saw another exchange of money take place and a food order being put through the till. At 03:25 the exterior lights that illuminate the front of the premises were switched off and at 03:31 the last customer left. As the shop emptied of customers I was able to see a third male who was sat at the rear of the premises and who I had seen go behind the serving area a couple of times while we were observing. I would describe Male 3 as having olive skin, aged 20-25 with short dark hair. PC Hearth and I left at approximately 03:32.

I would say that the distance from the police car to the premises was about 15 metres. My vision was only momentarily obstructed when a bus went by and this happened 2 or 3 times. This area of Western Road is well lit with street lights and the inside of the premises was also brightly lit.

This statement was completed at John Street Police Station on Sunday 1st December 2013.

Signature:

Signature witnessed by:

MG11 5/2007

RESTRICTED (when complete)

Aris Demo
19A Brunswick Place
Hove
BN3 1ND

Date: 9th December 2013
Our Ref: 2013/ 15689/LICCON
Phone: 01273 294431
e-mail: sarah.mcnaught@brighton-hove.gov.uk

Dear Sir

Licensing Act 2003 - Warning
Re: Casba, 11 Western Road, Brighton

I am writing to you in your capacity as Premises Licence Holder and for Casba, 11 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.

I have now received written statements from Police Licensing informing the Licensing Authority that you were trading at 3.15am on Saturday 30th November 2013 and that the lights were switched off and final customers left at 3.31am.

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

Monday - Sunday 23:00 - 03:00

The opening hours of the premises

Monday - Sunday 12:00 - 03:00

I must 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.

Telephone: 01273 290000
www.brighton-hove.gov.uk

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,

A handwritten signature in dark ink, appearing to read 'SJMc' followed by a period.

Sarah-Jane McNaught
Licensing Officer
Environmental Health & Licensing

CC'd:
Manager, Casba, 11 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*

Evidence relating to
incident dated:
22nd December 2013

1 x Police Statement

RESTRICTED (when complete)**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; 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 1 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.

Signa

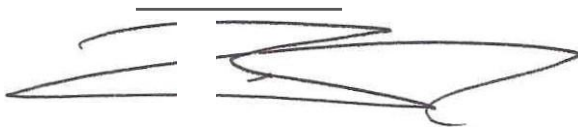
Date

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

On Sunday the 22nd of December 2014 whilst off duty I was driving past the CASBA 11 WESTERN ROAD in HOVE at 04.39, having just finished work. Having received several reports that the premises was operating passed its licensable hours which finished at 0300, I noticed that the premises had its doors open. I could see that there were 3 people working behind the counter and approximately 5 customers within the premises. I also observed food cooking with meat on the skewer. Based on what I witnessed it was my opinion that they were still open and serving hot food.

There was nothing obscuring my view and there was plenty of light from within the premises and street lighting to be able to see exactly what was happening.

These form part of my original notes on the matters having refreshed my memory using a report on our Innkeeper system which I inputted nearer the time. This statement was written on Wednesday the 5th of March 2014 at 15.01 at John Street Police Station.



Evidence relating to
incident dated:
29th December 2013

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: Daniel SODERHOLMAge if under 18: Over 18 (if over 18 insert 'over 18')Occupation: Special Constable S2520

This statement (consisting of 1 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: o/-Date 26/02/2014

Tick if witness evidence is visually recorded

D (supply witness details on rear)

On Sunday, 29 December 2013, I was on duty in uniform with PC HEARTH CH234 from BRIGHTON & HOVE POLICE LICENSING TEAM. We had received information that a number of late night takeaway shops were open past their licensed hours and were conducting a patrol of the area in a marked police car to observe their activity.

At 03:45 hours, we drove slowly past CASBA, 11 WESTERN ROAD, HOVE, which is permitted to carry out licensable activities until 03:00 hours. When we did so, I saw that the lights were on, tables were outside on the pavement, and the door was open. There were three members of staff behind the counter. There were no customers at that time, but it appeared that food was still being cooked, as the doner kebab rotating spit was still switched on.

As there was no visible activity that suggested the staff were cleaning up or preparing to close, it appeared to me that they were still open for business and waiting for passing trade.

PC HEARTH and I were unable to stop and enter the premises, as another police unit requested assistance over the radio, and we were obliged to leave the area. I made a note of my observations at the time on the Sussex Police Innkeeper computer system.

This statement was completed on Wednesday, 26/02/2014

Signature:

Signature witnessed by:

MG11 5/2007

RESTRICTED (when complete)

Evidence relating to
incident dated:
1st January 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: Police Sergeant CM614

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 25th March 2014

Tik 4-witness 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 approximately 05:10hrs on Wednesday 1st January 2014, I was on duty with PC Hearth when we drove past Casba, a late night refreshment establishment located at 11 Western Road, Hove. I noted that the lights were on and the doors were open. There were a number of people inside. I was aware that licensable activities at Casba terminated at 03:00hrs and that there were no seasonal variations or temporary event notices in effect to allow them to conduct licensable activities after 03:00hrs. We entered the premises and I noted that there were a small group of males sitting at the tables, it was apparent that they had recently consumed food. Behind the servery, I could clearly see that food was still cooking on the rotisserie; the fryer was on, as were all the lights. The male behind the servery was wearing kitchen clothes. And there were three other members of staff on duty in the kitchen, all wearing kitchen clothes. When asked, this male stated that he was managing the premises tonight and those who were sitting down with food were family members. He stated that they had not served anyone since 03:00hrs. When I asked him to clarify this, he said that they closed two and quarter hours ago. I asked why the doors were open, the lights on, food still cooking and staff still on duty in the kitchen. He responded with a shrug and laughed, as did some of the staff. He confirmed that there was no Temporary Event Notice in effect. I asked him to show me the till roll since 03:00hrs. He stated he was unable to do it and that he had not been using the till that night. I asked him to show us the CCTV footage since 03:00hrs and he stated that no one there was able to work the CCTV. Whilst we spoke

Continuation of statement of

with the manager a group of customers walked in and the manager shouted out to them that they were closed. This prompted a shocked reaction among the group and they walked out. The manager was warned about staying open beyond hours and he stated that they would be closing the doors. We left the establishment at approximately 05:25hrs.

Signature

Signature witnessed by:

PTO

Evidence relating to
incident dated:
8th February 2014

2 x Police Statement

RESTRICTED MATERIAL

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: PC Stephanie Franks DF386

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 in it, anything which I know to be false or do not believe to be true.



On Friday 8th February 2014 I was on duty in plain clothes. My booking on time was 18:00 hours my duty was due to finish at 04:00 hours on the 8th February 2014. I was with PC UPTON CU779 and SC SOEDERHOLM S2520. It was believed that there were three kebab shops on WESTERN RD, BRIGHTON that were serving food to customers after their licensed hours. All three shops had been spoken to about the keeping to their license. However it was believed that even after being spoken to by the licensing team they continued to ignore their licensed hours. Subsequently it was decided that a test purchase would be carried out.

At 03:12 hours on Saturday 8th February 2014 I went to Golden Grill, 9 Western Rd, Hove BN3 1AE. The shop is situated on the southerly side of CHURCH RD. PC UPTON stood on the northerly pavement and watched me entered Golden Grill. I saw a male who I would describe as a white male, 5ft10", aged approximately 50, white/grey hair. I said "PLEASE CAN I HAVE A SMALL PORTION OF CHIPS". He turned to another male who I would describe as white perhaps eastern European, short light coloured hair aged between 25-35 and told him to put the chips in. The second male put the chips in the deep fat fryer; once they were cooked he put them in a takeaway box. He said "WOULD YOU LIKE ANY SALT OR VINIGAR". I said "PLEASE CAN I HAVE SALT". The male put the salt on and then asked "WOULD YOU LIKE ANY SAUCES" I replied "NO THANK YOU". The male handed the chips to me, The first male took the money from me. I then walked out crossed over the road and showed PC UPTON and SC SOEDERHOLM the chips I had bought.



Signature

Signature witnessed by:

MG11 5/2007

RESTRICTED MATERIAL

At 03:20 hours I went into CASBA 11 Western Road, Hove, BN3 1AE. Again PC UPTON watched me go into the shop. I saw a male who I would describe as 5ft10". muscular build, his hair was dark and plaited. I said "PLEASE CAN I HAVE A DQNN A KEBAB". He asked "WHAT SAUCES WOULD YOU LIKE". I said "EVERYTHING" He then asked "WOULD YOU LIKE SALAD" I said "YES PLEASE". He then asked for the money which was £4.60 I handed over a £5 note and he gave me the change along with the food. I subsequently left the store and showed SC SOEDERHOLM what I had bought.

This statement was written at 03:55 hours on Saturday 8th February 2014.



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 DF38 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 8th 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 the first of the three kebab shops and attempt to buy food while I observed from across the

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 3rd 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. Itold him he would be reported to the council and I left.

Iwalked 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

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xx xx xx xx xx

xx xx xx xx xx

Signature witnessed by:

PTO