

**Statutory Form For Applying For A Summary Licence Review      Annex B**

Brighton and Hove City Council, Bartholomew House, Bartholomew Square,  
Brighton, East Sussex, BN1 1JE

**Application for the review of a premises licence under section 53A of the  
Licensing Act 2003 (premises associated with serious crime or disorder)**

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**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I, **Superintendent Petra LAZAR** [on behalf of] the chief officer of police for the **Sussex** police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

**1. Premises details:**

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**Karen's Diner  
3B The Boardwalk  
Brighton Marina**

Post town: **Brighton**

Post code (if known): **BN2 5WA**

**2. Premises licence details:**

Name of premises licence holder (if known): **Karen's Diner Brighton Ltd**

Number of premises licence holder (if known): **14899068**

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:**

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

**4. Details of association of the above premises with serious crime, serious disorder or both:**

[Please read guidance note 2]

An expedited review is sought by Sussex Police [REDACTED]

[REDACTED] has been a news article online by The Argus that shows a video from inside Karen's Diner where an unknown employee has placed a paper hat on a minor's head with "I should have been a blow job" written on it. This has prompted Sussex Police Licensing to conduct a full inspection of the premises to ensure compliance to their licence conditions, which showed high number of breaches one of which being CCTV that we believe has recently been removed.

We also conducted drug swabbing which returned high results in the toilets including on a baby changing table. We have also been informed by staff that the Designated Premises Supervisor, Thomas ROONEY is not there on a regular basis to have day to day control over the premises and ensuring the licence conditions are being adhered to. All the above amounts to serious concerns over the how the venue is being run by the current management and the risk to both staff and members of the public working and attending the premises.

Therefore, Sussex Police have taken the unusual, but appropriate, step of submitting an application for a 53a Expedited Review due to following concerns which are detailed below:

- [REDACTED]
- Drugs
- Breaches of the licence conditions including CCTV

.....

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] CARTER was asked about CCTV within the premises. He stated that he never really knew about the CCTV. That he took the site over from Frankie & Bennies with a lot of the fixtures. He believed the CCTV was in the roof of the site and never really looked.

This has since been looked in to by Police Licensing during an inspection and the location of the CCTV hard drive is empty with just the cables and TV screen present. A different Manager at the venue stated to Police Licensing that the CCTV hard drive was present a few days before and that he is unsure who has removed it.

[REDACTED]

**Drug Results**

02<sup>nd</sup> February 2024 PS LAM attended the premises and conducted drug swabbing.

GE Security, the Ion Track Itemiser manufacturer give the following guidance in their Technology Statement about interpreting swab results:

**Readings of between 1 and 2** times the alarm threshold can be classed as a “low” response. It could be attributed to cross contamination of the surface tested, background contamination, or greatly degraded historic contamination. It is not indicative of recent direct contact.

**Alarms of between 2 and 3** times the alarm threshold can be classed as a “medium” response. It could be attributed to cross contamination of the surface tested or recent historic contamination that may have been left a number of days prior to the sample being taken.

**Alarms of between 3 and 4** times the alarm threshold can be classed as a “high” response. This level of response would not be attributed to cross contamination and is indicative of recent and direct contact with measurable quantities of the narcotic identified by the machine.

**Readings of 4.00 and above** are estimated to relate to microgram amounts of contamination being transferred to the sample media. **This level of contamination is not generally experienced in any other environment than somewhere that has been in direct contact with a bulk amount of the source narcotic**, i.e., this level is not generally experienced as background contamination or through incidental cross contamination by being in close contact with other contaminated areas or persons.

The results of the readings are as follows:

Reception desk – Cocaine 1.68  
Bar front - Nil  
Back bar - Nil  
Bar tablet/ipad - Nil  
Bar card machine – Cocaine 1.29  
Kitchen serving counter – Heroin 1.85  
Customer table – Cocaine 1.36  
Male toilet hand dryer – Cocaine 3.48  
Male toilet cistern – Cocaine 7.33  
Male toilet toilet roll holder – Cocaine 5.48  
Male toilet toilet seat – Cocaine 1.53  
Ladies toilet hand dryer – Heroin 1.66  
Ladies toilet toilet bin – Heroin 2.54, MDMA 2.29  
Ladies toilet shelf - Nil  
Ladies toilet 1 toilet roll holder – Cocaine 4.12  
Ladies toilet 1 cistern – Cocaine 3.91, Ketamine 1.66  
Ladies toilet 1 toilet seat - Nil  
Ladies toilet 1 toilet roll holder – Cocaine 3.99  
Ladies toilet 2 toilet roll holder – Cocaine 2.39  
Ladies toilet 2 cistern – Cocaine 3.09  
Ladies toilet 2 toilet seat – Cocaine 3.05  
Ladies toilet 3 cistern – Cocaine 6.88  
Ladies toilet 3 toilet seat – Cocaine 4.90  
Disabled toilet toilet roll holder – Cocaine 6.46  
Disabled toilet bin – Cocaine 4.49  
Disabled toilet baby changer – Cocaine 5.41

Disabled toilet hand dryer – Cocaine 6.78

Disabled toilet cistern – Cocaine 3.42

Disabled toilet seat – Cocaine 4.49

As you will see from above there are some very high readings and most alarmingly a reading of 5.41 for cocaine on the baby changing table. During changing the baby's fingers could contact the surface where drugs have been consumed then place their fingers in their mouth causing possible harm.

### **Breaches of the licence conditions including CCTV**

02<sup>nd</sup> February 2024 PS LAM attended the premises and conducted a full licensing inspection. The Designated Premises Supervisor was not present, so the check was conducted with the duty manager Ben. The following breaches were found:

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

#### **General:**

1. All staff will receive training in the Licencing Act 2003 and the Licencing objectives.

***Unable to evidence this had been conducted.***

2. No staff will work at the premises until this training has been completed and the required refreshment training have been completed.

***Unable to evidence this had been conducted.***

3. All staff Licencing Act 2003 and Licencing Objective training will be documented and sign by both the trainer and trainee.

***Unable to evidence this had been conducted.***

4. No staff to work at the premises until this training has been completed. Training records to be made available to any of the responsible authorities on request.

***Unable to evidence this had been conducted.***

#### **The Prevention of Crime and Disorder:**

9. Subject to GDPR guidance and legislation:

- a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises

internally and externally to cover all public areas, including the entrances/exits to the premises as well as any outside space. The system shall be on and recording at all times the premises licence is in operation.

- b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- c) CCTV footage will be stored for a minimum of 31 days.
- d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
- e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- f) The management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Police e.g. USB) or provide footage via an online link as initiated by Police, without difficulty or delay and without charge.
- g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable - [brighton.licensing@sussex.police.uk](mailto:brighton.licensing@sussex.police.uk).
- h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

***The CCTV at the premises has been removed.***

10. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The logbook should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made at any of the bars/point of alcohol service e.g., for intoxication, will also be recorded in writing.

***No such log at the premises.***

**Public Safety:**

11. Staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly defuse the situation without risk to customer or staff, then they are instructed to call the police. All relevant fire procedures and risk assessments are in place for a premise of this size.

***Unable to produce any such risk assessments or training records.***

**The Prevention of Public Nuisance:**

12. Patrons attending the premises will be reminded of their responsibilities to leave the premises quietly.

***No notice by the door or evidence customers are asked to leave quietly.***

13. A smoking policy will be available on site for inspection as required.

***Unable to produce a smoking policy.***

15. Cigarette bins will be provided to encourage smokers to dispose of their cigarettes in a safe manner.

***No bins seen.***

17. Signage relating to Taxi services available, including phone numbers, will be displayed at the entrance to the premises.

***No signage at the premises.***

**The Protection of Children from Harm:**

18.

a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive induction training. This training will take place prior to the selling of such products:

- The lawful selling of age restricted products
- Refusing the sale of alcohol to a person who is drunk

b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.

c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

***No initial or refresher training logs on site. There was one relating just to Challenge 25 but was last signed on 30<sup>th</sup> August 2023.***

20. Signage advertising the "Challenge 25" policy will be displayed in prominent locations inside the premise.

***Insufficient signed on display.***

21. The premises will always follow the Karen's Childrens Policy.

***Following video footage in The Argus we do not believe the policy is being followed although we acknowledge that the member of staff in the video has since been dismissed.***

### CCTV Breach

[REDACTED]

Police Licensing officer PC BERNASCONE attended the premises on 03<sup>rd</sup> February 2024 and spoke with the duty manager [REDACTED]. When asked about the CCTV, [REDACTED] took the officer to the rear of the building and pulled down a loft ladder. It appears the CCTV is kept within a ceiling void. It was too precarious to get into the loft area and potentially dangerous. [REDACTED] was able to get up there and took a photo on his phone showing the location of the CCTV however the unit was not there, only the cables and screen to view footage was present. [REDACTED] advised the box had disappeared a few days ago and he had no idea where it was and who had removed it.

On 04<sup>th</sup> February 2024 Lee CARTER contacted Sussex Police Licensing following our inspection. He was asked about the CCTV by PC BERNASCONE to which he advised that the CCTV was inherited from the previous owners of the building and that he had no idea where the CCTV system was stored.

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On considering alternative enforcement action and interim steps, it is felt there is no further conditions that could be added to the licence that would be able to manage the risks and especially when the current conditions are not being adhered to. [REDACTED]

[REDACTED] Under the current legislation it is not possible to remove a Premises Licence Holder from the licence and so revocation of the licence is the only option to achieve this outcome.

The removal of the current designated premises supervisor (DPS) would be a positive step to take however this would not address all the concerns we have as some of these would be out of the control of any designated premises supervisor. The issues appear to be largely linked to the Premises Licence Holder who would appoint the future DPS in any case.

Sussex Police contend that a suspension of the Premises Licence is both necessary and proportionate and request that the Licensing Committee seriously consider taking this course of action as an interim step. Sussex Police will make submissions to request the



revocation of the premises licence at the full hearing and reserve the right to serve additional details in due course.

Signature of applicant: [REDACTED]

Date: 07<sup>th</sup> February 2024 [REDACTED]

Capacity: Superintendent Petra LAZAR [REDACTED]

Contact details for matters concerning this application:

A/Insp Mark REDBOURN  
Operations & Licensing Inspector

[REDACTED]  
[REDACTED]  
Brighton & Hove Police Licensing Team  
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BN2 0LA  
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Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both. Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000.

In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably

be expected to be sentenced to imprisonment for a term of three years or more; or  
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.