

**Safer Communities****Licensing Team**

Brighton & Hove City Council  
2<sup>nd</sup> Floor Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

**REDACTED TEXT**

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

Date: 30 June 2021  
Our Ref: 2021/01021/LICREP/EH  
Phone: **REDACTED TEXT**  
Email: **REDACTED TEXT**

**JO CON ENDS 09.07.21 VALID PCD, PS & PPN (A)**

Dear **REDACTED TEXT**

**Licensing Act 2003**

**Representation in support of an application by Sussex Police seeking a review of the  
Premises License - 2021/01792/LAREV  
Pascals Bistro Bar, 6 Queens Place, Hove BN3 2LT**

I write to make a representation on behalf of the Council's Licensing Team, in their capacity as a responsible authority, in relation to the above application made by Sussex Police seeking to review the Premises Licence for the Pascals Bistro Bar, 6 Queens Place, Hove BN3 2LT.

This representation is made as the Licensing Team have concerns that the licensing objective of the Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance are not being upheld.

The history of this matter is explained in more detail in the application of Sussex Police.

On 3 August 2020, following a complaint received that the premises were not complying with Covid restrictions, an email was sent providing advice/guidance. A copy of this email can be seen at Appendix A.

On 17 August 2020, following a visit made to the premises on 14 August 2020, a further email was sent. A copy of this email can be seen at Appendix B and Mr Madjoudj response dated 21 August 2020 at Appendix C.

On 11 September 2020, following a re-visit carried out at the premises on 14 September 2020, a further warning was sent. A copy of this email can be seen at Appendix D.

On 2 December 2020, a further visit was carried to the premises and again issues were found. On 5 December 2020, a further warning was sent to the premises. A copy of this email can be seen at

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

Appendix E. On 10 December 2020, a response was sent from the Bar Manager. A copy of this response can be seen at Appendix F.

On 18 December 2020, I accompanied Sussex Police where they carried out drug swabbing in the premise's toilets. The results of these tests were given to Mr Madjoudj.

Following a visit conducted by Sussex Police on 15 April 2021, on 23 April 2021, a further warning was sent relating to Covid restrictions being breached. A copy of this email can be seen at Appendix G.

On 28 May 2021, a visit was carried out at the premises where Sussex Police again conducted drug swabbing. Again, these results were given to Mr Madjoudj.

Photos of the premises obstructing the public highway, with tables and chairs, without any consent or permission issued by Highways can be seen at Appendix H.

I have little confidence in Mr Madjoudj as the Premises Licence Holder and Designated Premises Supervisor in running the premises. Despite substantial Officer interaction with this premises, including visits, advice and warnings, it is my opinion that the premises is poorly run, there are breaches of the premises licence and the licensing objectives are not being upheld. I believe if the premises licence remains in place, there will be further problems occurring at the venue.

In the circumstances, I fully support the application of Sussex Police seeking the revocation of the premises licence and consider that this is necessary to ensure that the licensing objectives of the Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance are met.

Yours sincerely

**REDACTED TEXT**

**REDACTED TEXT**

Licensing Officer  
Licensing Team

**Appendix A** – Email sent dated 3 August 2020

**Appendix B** – Email sent dated 14 August 2020

**Appendix C** – Email received dated 21 August 2020

**Appendix D** – Email sent dated 14 September 2020

**Appendix E** – Email sent dated 5 December 2020

**Appendix F** – Email received dated 10 December 2020

**Appendix G** – Email sent dated 23 April 2021

**Appendix H** – Photos of highways obstruction

## APPENDIX A

**From:** REDACTED TEXT

**Sent:** 03 August 2020 16:06

**To:** REDACTED TEXT

**Subject:** La Fourchette, 6 Queens Place, Second Avenue, Hove BN3 2LT - 2020/16694/LICCOV/EH

**Importance:** High

Dear Said Pascal Madjoudj

**Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020**

**Keeping Workers and Customers Safe during Covid 19**

**La Fourchette, 6 Queens Place, Second Avenue, Hove BN3 2LT**

We have received a complaint that you are not complying with social distancing in your premises and outside.

You are responsible for taking all reasonable steps to ensure that everyone, including staff, customers and delivery personnel entering your premises are not exposed to Covid-19.

You must carry out a risk assessment to consider and control measures relating to Covid-19 and your operation.

<https://www.hse.gov.uk/risk/assessment.htm>.

**Objective:** To manage interactions at the venue resulting from service of food and drink.

### **Steps that will usually be needed:**

- Maintaining social distancing (2m, or 1m with risk mitigation where 2m is not viable, is acceptable) from customers when taking orders from customers.
- Using social distance markings to remind customers to maintain social distancing (2m, or 1m with risk mitigation where 2m is not viable, is acceptable) between customers of different households or support bubbles.
- Minimising customer self-service of food, cutlery and condiments to reduce risk of transmission. For example, providing cutlery and condiments only when food is served.
- Encouraging contactless payments where possible and adjusting location of card readers to social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable).
- Providing only disposable condiments or cleaning non-disposable condiment containers after each use.
- Reducing the number of surfaces touched by both staff and customers. For example, asking customers to remain at a table where possible, or to not lean on counters when collecting takeaways.
- Encouraging contactless payments where possible and adjusting location of card readers to social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable).

- Minimising contact between front of house workers and customers at points of service where appropriate. For example, using screens or tables at tills and counters to maintain social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable).
- Ensuring all outdoor areas, with particular regard to covered areas, have sufficient ventilation. For example, increasing the open sides of a covered area.

Below is the latest update of guidance:

<https://assets.publishing.service.gov.uk/media/5eb96e8e86650c278b077616/working-safely-during-covid-19-restaurants-pubs-bars-takeaway-090720i.pdf>

If you wish to discuss the contents of this email I can be contacted on **REDACTED TEXT**

Regards

**REDACTED TEXT** | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities  
Brighton & Hove City Council, 2<sup>nd</sup> Floor, Barts House, Barts Square, BN1 1JP  
**REDACTED TEXT**

#### **Our customer promise to you**

We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

#### **Rate your experience**

We are committed to providing you services in accordance with our Customer Promise.

Please tell us about your experiences of using Brighton & Hove City Council services. It will take no longer than 5 minutes to complete.

#### **CORONAVIRUS - WASH YOUR HANDS MORE OFTEN FOR 20 SECONDS**

**Use soap and water or a hand sanitiser when you:**

- Get home or into work
- Blow your nose, sneeze or cough
- Eat or handle food



#### **Protect yourself & others**

For more information go to [nhs.uk/coronavirus](https://nhs.uk/coronavirus)

## APPENDIX B

**From:** REDACTED TEXT

**Sent:** 17 August 2020 15:57

**To:** REDACTED TEXT

**Cc:** REDACTED TEXT

**Subject:** Licensing Act 2003 - Warning - La Fourchette, 6 Queens Place, Second Avenue, Hove BN3 2LT - 2020/16694/LICCOV/EH

**Importance:** High

Dear Said Pascal Madjoudj

**The Health and Safety at Work Act 1974**

**Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020**

**Licensing Act 2003 - Breach of Licence Conditions - Warning**

**La Fourchette, 6 Queens Place, Second Avenue, Hove BN3 2LT**

**Premises Licence Number: 2014/06022/LAPRMV**

I am writing to you in your capacity as the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) for the above premises concerning a complaints we have received concerning your premises continuously causing a Public Nuisance regarding noise coming from your premises and no social distancing measures being carried out.

I emailed you regarding these complaints on 3 August 2020 (a copy of this email can be found below).

I am also aware that my colleague, REDACTED TEXT, has also been in contact with you.

On Friday 14 August 2020 accompanied by colleagues from Police Licensing and Environmental Protection Officer visited your premises and spoke with yourself.

At the time of our visit to your premises, there was no evidence of any social distancing measures in place. The inside and outside area was completely full. Customers were also on the Public Highway and Road. You did have an SIA on duty, but he had clearly not been given any instructions or guidance from you. I note Police Licensing also spoke to him about not complying with his SIA conditions.

I see from your risk assessment you provided to REDACTED TEXT that you were only having 51 customers at any time, to include the inside area and terrace area. When I spoke to you, you advised that your capacity was for 60 people. There was clearly over 100 people at the time of my visit, which consisted of over 40 people using the terrace area (not counting the customers on the Highway and Road). Your security guard advised there was about 120 people in total, although he was not keeping count.

I also asked to see a copy of your 'track and trace' contact details for 14 August. You eventually produced a piece of paper with about 5-6 names on, stating that it was difficult to keep, and what could you do if people didn't want to provide you with any details.

There is a higher risk of transmitting COVID-19 in premises where customers and visitors spend a longer time in one place and potentially come into close contact with other people outside of their household. To manage this risk you should collect details and maintain records of staff, customers and visitors.

I also carried out a licensing inspection and below are breaches of your premises licence condition:

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

**For Public Safety:**

2. To provide toughened glasses.

*The outside tables were full of glasses and wine and beer bottles.*

**For the Prevention of Public Nuisance:**

3. Licensees and staff must undertake regular inspections inside and outside the premises in order to monitor noise levels and ensure that both ambient sound and sound generated by recorded music is at a level that does not constitute a nuisance.

*Your windows and doors were open with loud music coming from inside. It was very clear that the above condition was not being complied with.*

I remind you that non-compliance with conditions constitutes a breach of the Premises Licence issued under the above legislation. Please ensure that all conditions on the licence are adhered to. 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 an unlimited fine, or to both.**

Irrespective of the permission's and restrictions attached to any premises licence, all licensed premises are required to operate with regard to the 4 licensing objectives, which are;

- o The Prevention of Crime and Disorder
- o Public Safety
- o Prevention of Public Nuisance
- o Protection of Children from Harm

Please be aware that any enforcement action is taken in line with our Licensing Enforcement Policy which includes, issuing of formal warnings, followed by potential prosecution. You are also reminded that at any stage, following the grant of a premises licence, a responsible authority, such as the Police, Environmental Health, or an interested party such as a resident living in the vicinity of the premises, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

In light of the above information, I am issuing you with a **Warning** in accordance with our Licensing Enforcement Policy.

Please note this Authority and Sussex Police have officers monitoring the City both day and night.

A copy of this email has also been sent to the Police Licensing, Environmental Protection Team and **REDACTED TEXT**

If wish discuss the above please contact me on **REDACTED TEXT**

Yours sincerely



**REDACTED TEXT** | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities

Brighton & Hove City Council, 2<sup>nd</sup> Floor, Barts House, Barts Square, BN1 1JP

**T REDACTED TEXT**

### **Our customer promise to you**

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Please tell us about your experiences of using Brighton & Hove City Council services. It will take no longer than 5 minutes to complete.

### **CORONAVIRUS - WASH YOUR HANDS MORE OFTEN FOR 20 SECONDS**

**Use soap and water or a hand sanitiser when you:**

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### **Protect yourself & others**

For more information go to [nhs.uk/coronavirus](https://nhs.uk/coronavirus)

**From:** REDACTED TEXT

**Sent:** 03 August 2020 16:06

**To:** REDACTED TEXT

**Subject:** La Fourchette, 6 Queens Place, Second Avenue, Hove BN3 2LT - 2020/16694/LICCOV/EH

**Importance:** High

Dear Said Pascal Madjoudj

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<https://www.hse.gov.uk/risk/assessment.htm>.

**Objective:** To manage interactions at the venue resulting from service of food and drink.

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- Reducing the number of surfaces touched by both staff and customers. For example, asking customers to remain at a table where possible, or to not lean on counters when collecting takeaways.
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If you wish to discuss the contents of this email I can be contacted on **REDACTED TEXT**

Regards

**REDACTED TEXT** | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities

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**REDACTED TEXT**

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## APPENDIX C

From: **REDACTED TEXT**

Sent: 21 August 2020 12:44

To: **REDACTED TEXT**

Subject: Licence and Covid Pascal Madjoudj

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Good Afternoon **REDACTED TEXT**.

Thank you for your email.

Since your visit we have new security for a Friday and Saturday night to help monitor the number of customers on the premises.

We have implemented a maximum number of people 75 including the terrace with 8 on the highway which the tables will be removed on a Friday and Saturday between 8-830pm to discourage people from gathering on the public high way.

Also we have another manager and door supervisor who will help implement the new changes.

Kind Regards

Pascal Madjoudj

Sent from my iPhone

## APPENDIX D

**From:** REDACTED TEXT

**Sent:** 14 September 2020 13:35

**To:** REDACTED TEXT

**Subject:** Licensing Act 2003 - Final Warning - La Fourchette (aka Pascals), 6 Queens Place, Second Avenue, Hove BN3 2LT - 2020/21786/COVIDC/EH

**Importance:** High

Dear Said Pascal Madjoudj

**The Health and Safety at Work Act 1974**

**Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020**

**Licensing Act 2003 - Breach of Licence Conditions – Final Warning**

**La Fourchette (aka Pascals), 6 Queens Place, Second Avenue, Hove BN3 2LT**

**Premises Licence Number: 2014/06022/LAPRMV**

I am writing to you in your capacity as the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) for the above premises regarding a re-visit carried out at your premises on Friday 11 September 2020 with Police Licensing and Environmental Protection Officers and spoke with yourself.

In my previous email you were informed of specific areas to improve in your business, provided with the relevant guidance and instructed to undertake/review a/your risk assessment in order to protect your staff and customers from the risk of COVID-19.

Although you had provided my colleague REDACTED TEXT with an updated risk assessment, it was noted that insufficient action had been taken following my advice and further improvements are needed within your business to protect staff and customers from COVID-19.

Also at the time of our visit it was witnessed that the intoxication level of some of your customers was unacceptable. There was vertical drinking and lack of social distancing of customers which was not being managed by you or your staff.

I also noted that you were still breaching your premises licence conditions:

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

#### **For Public Safety:**

2. To provide toughened glasses.

*The outside tables were full of glasses and wine and beer bottles.*

#### **For the Prevention of Public Nuisance:**

3. Licensees and staff must undertake regular inspections inside and outside the premises in order to monitor noise levels and ensure that both ambient sound and sound generated by recorded music is at a level that does not constitute a nuisance.

*Your windows and doors were open with loud music coming from inside. It was very clear that the above condition was not being complied with.*

I remind you that non-compliance with conditions constitutes a breach of the Premises Licence issued under the above legislation. Please ensure that all conditions on the licence are adhered to. It is an offence

under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislations 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 an unlimited fine, or to both.**

I also would like to remind you that it is an offence under S141 of the Licensing Act 2003 to sell alcohol to a person who is drunk;

**(1) A person to whom subsection (2) applies commits an offence if, on relevant premises, he knowingly—**

**(a) sells or attempts to sell alcohol to a person who is drunk, or**

**(b) allows alcohol to be sold to such a person.**

**(4) A person guilty of an offence under this section is liable on summary**

Irrespective of the permission's and restrictions attached to any premises licence, all licensed premises are required to operate with regard to the 4 licensing objectives, which are;

- o The Prevention of Crime and Disorder
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- o Protection of Children from Harm

Please be aware that any enforcement action is taken in line with our Licensing Enforcement Policy which includes, issuing of formal warnings, followed by potential prosecution. You are also reminded that at any stage, following the grant of a premises licence, a responsible authority, such as the Police, Environmental Health, or an interested party such as a resident living in the vicinity of the premises, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

In light of the above information, I am issuing you with a **Final Warning** in accordance with our Licensing Enforcement Policy.

Please note this Authority and Sussex Police have officers monitoring the City both day and night.

A copy of this email has also been sent to the Police Licensing, Environmental Protection Team and **REDACTED TEXT**

If wish discuss the above please contact me on **REDACTED TEXT**

Yours sincerely

**REDACTED TEXT** | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities

Brighton & Hove City Council, 2<sup>nd</sup> Floor, Barts House, Barts Square, BN1 1JP

**REDACTED TEXT**

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## APPENDIX E

**From:** REDACTED TEXT

**Sent:** 05 December 2020 16:31

**To:** REDACTED TEXT

**Cc:** REDACTED TEXT

**Subject:** FINAL WARNING - Pascals Bistro Bar, 6 Queens Place, Second Avenue, Hove BN3 2LT - 2020/49244/COVIDC/EH

**Importance:** High

Dear Said Pascal Madjoudj

**The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020**  
**The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020**  
**Pascals Bistro Bar, 6 Queens Place, Second Avenue, Hove BN3 2LT**

I am writing to you following a visit to your premises accompanied by colleagues from Police Licensing, PC REDACTED TEXT and REDACTED TEXT from Environmental Protection, on Wednesday 2 December 2020. At the time of our visit we witnessed that you were breaching the above Regulations. Whereby, you were not wearing a face coverings, which you have been advised about on previous visits.

By law, staff and customers of venues that provide food and drink will be required to wear a face covering in the following circumstances, unless they have an exemption.

Businesses must remind customers and staff to wear a face covering where required (for example by displaying posters).

### **Face Coverings – STAFF**

It is compulsory for retail, leisure and hospitality staff to wear a face covering in areas that:

- are open to the public and;
- where they come or are likely to come within close contact of a member of the public.

This includes shops, supermarkets, bars, pubs, restaurants, cafes, banks, estate agents, post offices and the public areas of hotels and hostels.

The new requirement for hospitality staff to wear face coverings only applies to consumer-facing staff and not 'back of house' kitchens or office areas of hospitality premises. Staff working 'back of house' will only have to put on a mask if they move into public customer-facing areas of the business e.g. staff will need to wear a face covering when moving from the back kitchen into the seating area where customers may be present.

If businesses have taken steps in line with [Health and Safety Executive guidance for COVID-19 secure workplaces](#) to create a physical barrier between workers and members of the public then staff behind the barrier will not be required to wear a face covering. However, you are urged to discuss the installation of any screens/barriers with you inspecting officer before you spend money on something that may not be suitable.

Businesses already have legal obligations to protect their staff under existing employment law. This means taking appropriate steps to provide a safe working environment, which may include providing face coverings where appropriate, alongside other mitigations such as screens and social distancing. Businesses should advise workers how to use face coverings safely.



## Face Covering - CUSTOMERS

Customers must wear a face covering at all times when in premises providing hospitality (bars, pubs, restaurants, cafes), except when seated at a table to eat or drink.

Businesses should take reasonable steps to encourage customer compliance for example through in-store communications or notices at the entrance. If necessary, police can issue fines to members of the public for non-compliance. Businesses will not be required to provide face coverings for their customers.

Some people do not have to wear a face covering including for health, age or equality reasons. No one who is exempt from wearing a face covering should be denied entry if they are not wearing one.

For the full guidance see:

<https://www.gov.uk/government/publications/face-coverings-when-to-wear-one-and-how-to-make-your-own/face-coverings-when-to-wear-one-and-how-to-make-your-own>

I am so providing with guidance for Licensed Premises:

### Restrictions on service of food and drink for consumption on the premises

13.—(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Tier 2 area that falls within paragraph 15(2) and which serves alcohol for consumption on the premises may sell food or drink for consumption on the premises only if—

- a) the food or drink is ordered by, and served to, a customer who is seated on the premises, and
- b) the person takes all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.

(4) For the purposes of this paragraph, a “table meal” is a meal eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purposes of a table.

### Requirement to close businesses selling alcohol for consumption on the premises

14.—(1) A person responsible for carrying on a business of a public house, bar or other business involving the provision of alcohol for consumption on the premises must cease to carry on that business, unless sub-paragraph (2) applies.

(2) This sub-paragraph applies if alcohol is only served for consumption on the premises as part of a table meal, and the meal is such as might be expected to be served as breakfast, the main midday or main evening meal, or as a main course at such a meal.

(3) For the purposes of sub-paragraph (1)—

- (a) alcohol provided by a hotel or other accommodation as part of room service is not to be treated as being provided for consumption on its premises;
- (b) an area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business), or which customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.

(4) For the purposes of this paragraph, a “table meal” is a meal eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purposes of a table.

In addition to this;

- you must not socialise with anyone you do not live with or who is not in your support bubble in any indoor setting, whether at home or in a public place
- you must not socialise in a group of more than 6 people outside, including in a garden or a public space – this is called the ‘rule of 6’.

- businesses and venues can continue to operate, in a COVID-Secure manner, other than those which remain closed by law, such as nightclubs.

The guidance states:

- pubs and bars must close, unless operating as restaurants. Hospitality venues can only serve alcohol with substantial meals.
- hospitality businesses selling food or drink for consumption on their premises are required to:
  - provide table service only, in premises which sell alcohol.
  - close between 11pm and 5am (hospitality venues in airports, ports, transport services and motorway service areas are exempt).
  - stop taking orders after 10pm.
- businesses that do not ordinarily serve food may enter into a contracting arrangement in order that they are able to do so and remain open. However, allowing customers to bring food into the premises that had been purchased elsewhere in order to consume alcohol remains prohibited.

As the legislation states that the alcohol is to be served ‘as part of’ the meal it is clear that the main purpose of frequenting the premises should be to have a main table meal and this should be a plated meal, served at a table. The alcohol is only ‘part of it’ and therefore secondary to the meal.

The regulations are clearly not intended to allow a person to sit and drink multiple alcohol drinks for a much longer period either side of a meal being ordered and consumed.

Premises should only accept a drinks order alongside a food order, to prevent people ordering drinks but subsequently not ordering a meal. A drink ordered alongside food may be served in advance of it. The end of the meal is likely to be an appropriate time to stop taking orders of alcohol, although one further drink could be considered.

The regulations require the substantial meal to be ordered from and provided by the premises which is serving alcohol. It is not permissible for customers to order a takeaway to be delivered to a pub or bar, or to otherwise bring their own food into the premises: food must be ordered in the same transaction in which alcohol is purchased in order for the premises to be deemed to be operating as a restaurant.

If a pub/bar that has previously not had a food offer wants to transition providing a substantial meal itself, it will need to comply with legal requirements applying to food businesses. This would include [Register a New Food Business \(brighton-hove.gov.uk\)](#), with an inspection by a food safety team being part of that to check that the kitchen is capable of being used for that purpose. You will also need to comply with the guidance for [Food Allergens \(brighton-hove.gov.uk\)](#). There may also be planning considerations, depending on where and how the business intends to prepare food.

The amount of alcohol being served should be proportionate to the food being provided, and premises should not offer / customers should not expect that spending an unlimited amount of time in a pub or bar will be deemed compliant simply because some food has been provided. Meals should also not be artificially served, for example to fit within the natural breaks of a parallel event like a quiz or live performance as the meal must be the ‘main activity’. Under the new Regulations, the purpose for the persons on site is for a main meal, alcohol and performances are secondary to the meal as the main activity because to be open you must be operating as a restaurant first and foremost.

The guiding principle in this must be the intention of the regulations, which is that alcoholic drinks should be secondary to the meal. Enforcement will be targeted at those premises which are clearly stretching things too far by allowing customers to stay well beyond the duration of a meal and in effect facilitating longer drinking sessions which present a greater COVID 19 transmission risk.

Making your establishment COVID-19 secure will make both your clientele and staff feel safer and will reduce the risk of closure and local lockdowns.

For further Covid-related advice and information you can visit our website at:

<https://new.brighton-hove.gov.uk/coronavirus-covid-19>

I must advise that if further breaches are witnessed, then enforcement will be taken.

Yours sincerely

**REDACTED TEXT** | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities

Brighton & Hove City Council, 2<sup>nd</sup> Floor, Bartholomew House, Bartholomew Square, Brighton BN1 1JP

**REDACTED TEXT**

**Our customer promise to you**

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**Rate your experience**

We are committed to providing you services in accordance with our [Customer Promise](#).

Please [tell us about your experiences](#) of using Brighton & Hove City Council services. It will take no longer than 5 minutes to complete.

**CORONAVIRUS - WASH YOUR HANDS MORE OFTEN FOR 20 SECONDS**

**Use soap and water or a hand sanitiser when you:**

- Get home or into work
- Blow your nose, sneeze or cough
- Eat or handle food



**Protect yourself & others**

For more information go to [nhs.uk/coronavirus](https://nhs.uk/coronavirus)

## APPENDIX F

**From:** Pascal Madjoudj REDACTED TEXT

**Sent:** 11 December 2020 13:16

**To:** REDACTED TEXT

**Subject:** Re: FINAL WARNING - Pascals Bistro Bar, 6 Queens Place, Second Avenue, Hove BN3 2LT - 2020/49244/COVIDC/EH

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

I am the new Bar manager. Please do not hesitate to give me an email or a call if you have any other concerns.

Kind regards,

REDACTED TEXT

On Thu, 10 Dec 2020 at 17:17, REDACTED TEXT wrote:

Dear REDACTED TEXT

Thank you for your response.

Could I please ask what your position is within Pascals Bistro Bar?

Many thanks

Regards

**REDACTED TEXT** | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities

Brighton & Hove City Council, 2<sup>nd</sup> Floor, Bartholomew House, Bartholomew Square, Brighton BN1 1JP

**REDACTED TEXT**

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**From:** Pascal Madjoudj REDACTED TEXT

**Sent:** 10 December 2020 16:37

**To:** REDACTED TEXT

**Subject:** Re: FINAL WARNING - Pascals Bistro Bar, 6 Queens Place, Second Avenue, Hove BN3 2LT - 2020/49244/COVIDC/EH

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear REDACTED TEXT

I am writing in response to your email, final warning notification. At Pascal's, we have been taking Covid 19 risk management very seriously as illustrated by our Covid risk assessment and rigorous implementation of control measures.

I have investigated the circumstances at the time of your visit and offer the following information. A member of our team, Mr Madjoudj had been sat at a table without a face covering whilst working. He then moved from the bar area, to behind the bar, again without a face covering, in breach of regulations. At the time, all other regulatory obligations were being met.

I have reminded all staff of the regulations and the seriousness of breaching regulations. To further reinforce guidelines, I will be briefing staff at the start of every shift.

Please be assured of our full attention to Covid compliance.  
Kind regards

REDACTED TEXT

On Sat, 5 Dec 2020 at 16:30, REDACTED TEXT wrote:

Dear Said Pascal Madjoudj

**The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020**  
**The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020**  
**Pascals Bistro Bar, 6 Queens Place, Second Avenue, Hove BN3 2LT**

I am writing to you following a visit to your premises accompanied by colleagues from Police Licensing, PC REDACTED TEXT and REDACTED TEXT from Environmental Protection, on Wednesday 2 December 2020. At the time of our visit we witnessed that you were breaching the above Regulations. Whereby, you were not wearing a face coverings, which you have been advised about on previous visits.

By law, staff and customers of venues that provide food and drink will be required to wear a face covering in the following circumstances, unless they have an exemption.

Businesses must remind customers and staff to wear a face covering where required (for example by displaying posters).

**Face Coverings – STAFF**

It is compulsory for retail, leisure and hospitality staff to wear a face covering in areas that:



- are open to the public and;
- where they come or are likely to come within close contact of a member of the public.

This includes shops, supermarkets, bars, pubs, restaurants, cafes, banks, estate agents, post offices and the public areas of hotels and hostels.

The new requirement for hospitality staff to wear face coverings only applies to consumer-facing staff and not 'back of house' kitchens or office areas of hospitality premises. Staff working 'back of house' will only have to put on a mask if they move into public customer-facing areas of the business e.g. staff will need to wear a face covering when moving from the back kitchen into the seating area where customers may be present.

If businesses have taken steps in line with [Health and Safety Executive guidance for COVID-19 secure workplaces](#) to create a physical barrier between workers and members of the public then staff behind the barrier will not be required to wear a face covering. However, you are urged to discuss the installation of any screens/barriers with you inspecting officer before you spend money on something that may not be suitable.

Businesses already have legal obligations to protect their staff under existing employment law. This means taking appropriate steps to provide a safe working environment, which may include providing face coverings where appropriate, alongside other mitigations such as screens and social distancing. Businesses should advise workers how to use face coverings safely.

### Face Covering – CUSTOMERS

Customers must wear a face covering at all times when in premises providing hospitality (bars, pubs, restaurants, cafes), except when seated at a table to eat or drink.

Businesses should take reasonable steps to encourage customer compliance for example through in-store communications or notices at the entrance. If necessary, police can issue fines to members of the public for non-compliance. Businesses will not be required to provide face coverings for their customers.

Some people do not have to wear a face covering including for [health, age or equality reasons](#). No one who is exempt from wearing a face covering should be denied entry if they are not wearing one.

For the full guidance see:

<https://www.gov.uk/government/publications/face-coverings-when-to-wear-one-and-how-to-make-your-own/face-coverings-when-to-wear-one-and-how-to-make-your-own>

I am so providing with guidance for Licensed Premises:

### Restrictions on service of food and drink for consumption on the premises

**13.**—(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Tier 2 area that falls within paragraph 15(2) and which serves alcohol for consumption on the premises may sell food or drink for consumption on the premises only if—

- a. the food or drink is ordered by, and served to, a customer who is seated on the premises, and
- b. the person takes all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.

(4) For the purposes of this paragraph, a “table meal” is a meal eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purposes of a table.

### Requirement to close businesses selling alcohol for consumption on the premises



14.—(1) A person responsible for carrying on a business of a public house, bar or other business involving the provision of alcohol for consumption on the premises must cease to carry on that business, unless sub-paragraph (2) applies.

(2) This sub-paragraph applies if alcohol is only served for consumption on the premises as part of a table meal, and the meal is such as might be expected to be served as breakfast, the main midday or main evening meal, or as a main course at such a meal.

(3) For the purposes of sub-paragraph (1)—

- a. alcohol provided by a hotel or other accommodation as part of room service is not to be treated as being provided for consumption on its premises;
- b. an area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business), or which customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.

(4) For the purposes of this paragraph, a “table meal” is a meal eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purposes of a table.

In addition to this;

- you must not socialise with anyone you do not live with or who is not in your support bubble in any indoor setting, whether at home or in a public place
- you must not socialise in a group of more than 6 people outside, including in a garden or a public space – this is called the ‘rule of 6’.
- businesses and venues can continue to operate, in a COVID-Secure manner, other than those which remain closed by law, such as nightclubs.

The guidance states:

- pubs and bars must close, unless operating as restaurants. Hospitality venues can only serve alcohol with substantial meals.
- hospitality businesses selling food or drink for consumption on their premises are required to:
  - provide table service only, in premises which sell alcohol.
  - close between 11pm and 5am (hospitality venues in airports, ports, transport services and motorway service areas are exempt).
  - stop taking orders after 10pm.
- businesses that do not ordinarily serve food may enter into a contracting arrangement in order that they are able to do so and remain open. However, allowing customers to bring food into the premises that had been purchased elsewhere in order to consume alcohol remains prohibited.

As the legislation states that the alcohol is to be served ‘as part of’ the meal it is clear that the main purpose of frequenting the premises should be to have a main table meal and this should be a plated meal, served at a table. The alcohol is only ‘part of it’ and therefore secondary to the meal.

The regulations are clearly not intended to allow a person to sit and drink multiple alcohol drinks for a much longer period either side of a meal being ordered and consumed.

Premises should only accept a drinks order alongside a food order, to prevent people ordering drinks but subsequently not ordering a meal. A drink ordered alongside food may be served in advance of it. The end of the meal is likely to be an appropriate time to stop taking orders of alcohol, although one further drink could be considered.

The regulations require the substantial meal to be ordered from and provided by the premises which is serving alcohol. It is not permissible for customers to order a takeaway to be delivered to a pub or bar, or to otherwise bring their own

food into the premises: food must be ordered in the same transaction in which alcohol is purchased in order for the premises to be deemed to be operating as a restaurant.

If a pub/bar that has previously not had a food offer wants to transition providing a substantial meal itself, it will need to comply with legal requirements applying to food businesses. This would include [Register a New Food Business \(brighton-hove.gov.uk\)](#), with an inspection by a food safety team being part of that to check that the kitchen is capable of being used for that purpose. You will also need to comply with the guidance for [Food Allergens \(brighton-hove.gov.uk\)](#). There may also be planning considerations, depending on where and how the business intends to prepare food.

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The guiding principle in this must be the intention of the regulations, which is that alcoholic drinks should be secondary to the meal. Enforcement will be targeted at those premises which are clearly stretching things too far by allowing customers to stay well beyond the duration of a meal and in effect facilitating longer drinking sessions which present a greater COVID 19 transmission risk.

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I must advise that if further breaches are witnessed, then enforcement will be taken.

Yours sincerely

**REDACTED TEXT** | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities

Brighton & Hove City Council, 2<sup>nd</sup> Floor, Bartholomew House, Bartholomew Square, Brighton BN1 1JP

**REDACTED TEXT**

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Thank you in anticipation of your co-operation.

You can visit our website at <http://www.brighton-hove.gov.uk>

Please consider the environment, only print out this email if absolutely necessary.

Please Note: Both incoming and outgoing Emails may be monitored and/or recorded in line with current legislation

## APPENDIX G

Dear Said Pascal Madjoudj

### **The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 Pascals Bistro Bar, 6 Queens Place, Second Avenue, Hove BN3 2LT**

I am writing to you in your capacity as the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) for the above premises following a visit by Sussex Police on 15 April 2021. We have been advised that you were allowing persons inside your restaurant, eating and drinking whilst seated at tables. This contravenes the above Regulations.

In relation to a breach of a Step 2 restriction imposed by regulation 7 and Part 2 of Schedule 2, paragraph 9(1) (Restrictions on service of food and drink for consumption on the premises - applies to business or service listed in paragraph 13(4), or is carried on from, or provided at, premises of a kind specified in paragraph 13(4)):

- Failed, without reasonable excuse, to close the premises, or part(s) of the premises, in which food or drink are provided for consumption on the premises; and/ or
- Failed, without reasonable excuse, to cease providing food or drink for consumption on the premises
- Failed, without reasonable excuse, to cease carrying on a business/providing a service other than as permitted by paragraph 9(2)(a), 9(2)(b), or the exceptions listed in paragraphs 10 and 11

Please note the penalties for not complying with the above regulation which would apply in this case.

#### **Amount of Penalty and period to pay**

In the case of a fixed penalty notice issued in respect of a business restriction offence, the amount of the fixed penalty to be specified under regulation 12(5)(c) is—

- a) £1,000, if the fixed penalty notice is the first one issued to the person in respect of a business restriction offence;
- b) £2,000, if the fixed penalty notice is the second one issued to the person in respect of a business restriction offence;
- c) £4,000, if the fixed penalty notice is the third one issued to the person in respect of a business restriction offence;
- d) £10,000, if the fixed penalty notice is the fourth one, or any subsequent one, issued to the person in respect of a business restriction offence.

All businesses have a legal requirement to carry out a Covid risk assessment before opening. In the risk assessment you need identify control measures relating to Covid-19 and your operation. Risk assessments must be specific to your operation and they may differ from others. You may need to implement or think about other risks and control measures specific for your business.

I need to remind you that Covid-19 is highly contagious (a biological hazard) and is captured by the Health and Safety at Work etc Act 1974. You therefore have a duty to protect the health and safety of staff and customers at all times.

The government has issued guidance on social distancing and extra vigilance over personal hygiene and we advise that you and your staff comply with government guidance to ensure a 2m distance is kept between each other and customers at all times.

If you fail to take action to safeguard yourself, your staff and your customers and we assess the risk as unacceptable then we have the power to take formal action to make you comply and if necessary, we can stop you trading.

Please be advised that follow up visits will be carried out.

Regards

**REDACTED TEXT** | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities  
Brighton & Hove City Council, 2<sup>nd</sup> Floor, Bartholomew House, Bartholomew Square, Brighton BN1 1JP  
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APPENDIX H

