



**Brighton & Hove
City Council**

**LICENSING PANEL (LICENSING ACT
2003 FUNCTIONS)
ADDENDUM**

2.00PM, MONDAY, 1 JUNE 2009

COMMITTEE ROOM 3, BRIGHTON TOWN HALL

ADDENDUM

ITEM		Page
3.	THREE TO FOUR, 3-4 WESTERN ROAD, HOVE	1 - 16


BRIGHTON AND HOVE ENVIRONMENTAL SERVICES

STATEMENT OF WITNESS

(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2005, Rule 27.1)

Name Donna Michelle Lynsdale
Date of Birth (if over 18 enter "over 18") over 18
Occupation Fair Trading Officer

This statement (consisting of 2 page each signed by me,) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature 

Dated This 26 Day Of May 2009

I am a Fair Trading Officer employed by Brighton & Hove City Council Trading Standards Section. Following two failed test purchase operations I was contacted by the DPS of Three 2 Four Supermarket, 3-4 Western Road, Hove BN3 1AE for training. A training session was arranged for Thursday 19 March 2009 at the premises of Three 2 Four. This training was attended by five members of staff. On 30 March 2009 another test purchase was carried out. Another sale was made of four cans of lager to a 16 year old male child. Immediately following the sale I entered the premises with the uniformed Police Officers. No challenge was attempted and the seller Latif ANDRAWES said he thought the child looked over 16 years of age. I can confirm that Latif ANDREWES attended the training session that I conducted on 19 March 2009. He was not issued with a penalty notice disorder because it was his second sale and the Police decided to report him for summons. Sergeant Malcom WAUCHOPE spoke to the DPS on the phone. Whilst he was speaking to her, her husband and son arrived. I asked to see the refusals register which I signed and dated. I can confirm the last entry of this refusals book was that of my colleague Catriona MACBETH on 2 March 2009. I asked the DPS's son why there were no entries in the refusals book since my

Signed 

Signature witnessed by

NOTE: This statement must be signed at the end of the written or type-written matter by the person making the statement.

STATEMENT OF WITNESS

(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2005, Rule 27.1)

Continuation of statement by Donna Michelle Lynsdale

colleague had signed it and he informed me that they do not have a problem with underage people or street drinkers. When I attended the training session on 19 March 2009 I gave the owner Think 21 posters, shelf edges and a new refusals book. The posters were clearly displayed three of which were placed on the counter. I now produce a copy of my notebook as Exhibit DML/1, a copy of the Attendance Sheet and the Course Evaluation Form for Latif ANDRAWES as Exhibits DML/2 and DML/3 all duly signed and dated by me.



Signed



Signature witnessed by

NOTE: This statement must be signed at the end of the written or type-written matter by the person making the statement.

18.30.9 Richard Milham,
9.80. St Ellen House, Clarendon
Road, Hove BN3 3NX

Posters required lighter
Fuel, Cigarette papers
30/3/09 Thingilicious, Preston
18.10 Street, Brighton - Jan
4 cans of Groulsh -
No Sale - Male -
early 30's. Asked for
ID.

30/3/09 3 to 4 Supermarket,
18.32 Western Road, Hove -
Jan - 4 cans of Stella
Lataif Andrawes -
SOLD. No challenge
Worked for 1 year
Had training about

2 weeks ago. No letter
or training dates left
as already had. Seller
second sell being
reported for summons
Plenty of Challenge 21
posters displayed.
Refusals booked signed
No entry since Cat
MacBeth 2/3/09.

30/3/09 Mesopotamia, York
19.40 Place, Brighton - Jan -
4 cans of Kroneburg -
Hevan Akram - SOLD -
Think 21 Posters
displayed. Worked
for 6 months, dia b.
17/6/76. Had TSD
Training. Letter left
for D&E and training
dates signed for

Refusals book signed

BRIGHTON & HOVE
COUNCIL
ENVIRONMENTAL SERVICES
DEPARTMENT

EXHIBIT No.

OML/11

INVESTIGATION No.

SIGNATURE:

[Handwritten Signature]

DATE: 26 May 2009 WM 99 D.7808

19/3/09

ATTENDANCE SHEET

NAME (Please Print)	PREMISES	POSITION
L. A. T. H. ...	ST 4 ...	STAFF
Muzammil Habib Andre	Shop IC Wau	STAFF
Khaleel Kareem	Shop IC Wau	STAFF
NASHAAT BEKHIT	Shop IC Wau	STAFF
KHULIL SARHAN	3 TOY SUPERMARKET	STAFF

BRIGHTON & HOVE
COUNCIL
ENVIRONMENTAL SERVICES
DEPARTMENT
EXHIBIT No.
DML/2

INVESTIGATION No.
SIGNATURE: [Handwritten Signature]
DATE: 26 May 2009

WEL 99 D 7808

COURSE EVALUATION FORM

Name: LATIF ANDRAWES

Job Title:

Shop Name: 3 TO 4 - SUPER MARKET

Shop Address: 3-4 WESTERN ROAD

HOVE BN3 1AE

Did you find the course helpful? Agree Disagree

If you found the course helpful – which part(s) did you find the most helpful?

.....
ALL OF IT

Do you now feel more confident identifying if people who need to be challenged for ID? Yes No No comment

Do you now feel more confident asking for ID? Yes No

Do you now feel more confident about identifying approved forms of ID?

Yes No No comment

Whilst doing your job have you ever been subjected to:

Verbal Abuse Yes No No comment

Physical Abuse Yes No No comment

Racial Abuse Yes No No comment

Is there anything else you would like to have seen covered by the course?

Yes No No comment

If so what would you have like covered by the course?

.....
.....

Did you find the style of the course helpful?

Yes No

Would you have preferred written training materials?

Yes No

BRIGHTON & HOVE
COUNCIL
ENVIRONMENTAL SERVICES
DEPARTMENT

EXHIBIT No.

DML13

INVESTIGATION No.

SIGNATURE:

Drysdal

DATE: 26 May 2009 WM 99 D.7808

BRIGHTON AND HOVE ENVIRONMENTAL SERVICES

STATEMENT OF WITNESS

(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2005, Rule 27.1)

Name Catriona MACBETH
Date of Birth (if over 18 enter "over 18") over 18
Occupation Fair Trading Officer

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

Signature _____



Dated This 12th Day Of May 2009

I am a Fair Trading Officer employed by Brighton and Hove City Council Trading Standards. As part of my duties I am the Lead Officer for Underage Sales and work closely with officers from the Police Licensing Unit at Hove Police Station. As part of these duties I participate in Test Purchase Operations; receive intelligence and complaints about premises selling age restricted products; I undertake business support visits to premises selling age restricted products and also train businesses and their staff on how to prevent the sale of age restricted products to children. During January to March 2009 Trading Standards participated in a Police led Test Purchase Operation in Brighton & Hove targeting premises as a result of either intelligence that children were able to buy alcohol from premises or as a result of alcohol related youth disorder in the vicinity. On 9 February 2009 I was assisting with a Police Test Purchase Operation targeting premises in the central area of Brighton and Hove. I received confirmation that the premises Three 2 Four, Western Road, Hove had sold a bottle of wine to the 16 year old female child assisting with the operation. I entered the premises at approximately 18.50 hours shortly after the sale had occurred together with uniformed Police Officers, PC PEEL and PC GOTTING and my colleague Fran EVANS. My purpose in entering the premises was to undertake observations relating to the sale of age restricted products to

Signed

Signature witnessed by

NOTE: This statement must be signed at the end of the written or type-written matter by the person making the statement.

STATEMENT OF WITNESS

(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2005, Rule 27.1)

Continuation of statement by

children. Upon entering the premises I was informed by PC Juliette SWIETLIK, the plain clothes officer, who had witnessed the sale, that the male seller had failed to make eye contact with the female child prior to or during the sale of alcohol and had been talking on the telephone during the whole transaction and in her view he had not been concentrating on his job and the transaction. Trading Standards always advise businesses and their staff that it is essential for preventing the sale of age restricted products to children to properly look at the customer before selling to them and also that talking on the telephone whilst serving is a high risk activity which is likely to result in the premises selling age restricted products to children. The seller made the unsolicited comment to PC SWIETLIK that he wasn't concentrating as he was on the phone. Whilst the uniformed Police Officers were interviewing the seller under caution I conducted a number of observations. I noted that the premises were displaying the Statutory Tobacco Notice and Part B of the Premises Licence was displayed. The CCTV was operational with the monitor placed high on the opposite wall facing towards the sales counter. The majority of the alcohol was located in a separate section of the shop, which effectively is hidden from the view of staff on the counter due to a wall; therefore the only way to effectively monitor the alcohol section is via the CCTV monitor, which in itself therefore becomes a distraction. Whilst the premises was displaying the Statutory Tobacco Notice the only other age restricted signage which I could see was a sign immediately above the doorway into the area of the shop containing the majority of the alcohol, which stated "Proof of ID will be required if you look under the age of 21. Sorry for any inconvenience." From this sign it appeared that the premises were operating a "Think 21" Policy; however, I am aware that during the interview under caution the seller stated that he had not really received any training other than he had been told not to sell to anyone under the age of 18. I would say that

Signed


Signature witnessed by

NOTE: This statement must be signed at the end of the written or type-written matter by the person making the statement.

STATEMENT OF WITNESS

(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2005, Rule 27.1)

Continuation of statement by

this sign was not immediately apparent and that most customers would not see it. I was unable to see any other signs relating to age restricted sales or "Think 21" within the alcohol section or behind the sales counter where the spirits were displayed. There were, however, a number of notices in the alcohol area detailing offers on the alcohol. I also noted that whilst the alcohol area was quite large, the actual amount of alcohol on sale was not that great, being on the whole a single facing of bottles. I also noted that the premises sold a selection of alcopops, in particular various WKD, Smirnoff Ice, VK and Bacardi Breezer. There appeared to be two members of staff working in the shop at the time of the sale of alcohol to the underage child assisting with the Test Purchase Operation and during my time in the shop I would say that whilst trade was steady it was not particularly busy. I refer to the statement of Fran EVANS, she requested to see the refusals book which she signed and dated and provided a copy of a letter from Trading Standards addressed to the Designated Premises Supervisor and Premises Licence Holder which explained what had happened and offering a visit from Trading Standards to provide business support. She also provided a booking form for Trading Standards free "Preventing Underage Sales" training course together with a pre-paid return envelope. She asked the member of staff to sign her notebook to confirm receipt of the letter. I also briefly spoke to the member of staff covering the till whilst the seller was being interviewed under caution by the Police to bring to his attention a number of items of food which I had discovered for sale in the shop past their use by dates. Once the uniformed officers had completed the interview we all left the shop. I understand that the Police Licensing Unit wrote separately to the DPS the following day to advise them of the sale and a number of their recommendations to assist in preventing underage sales of alcohol and to also enclose a letter which acted as a formal warning regarding the incident. I can confirm 

Signed

Signature witnessed by

NOTE: This statement must be signed at the end of the written or type-written matter by the person making the statement.

STATEMENT OF WITNESS

(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2005, Rule 27.1)

Continuation of statement by

that Trading Standards did not receive any contact from either the DPS or the Premises Licence Holder following this failed test purchase nor did they book any places at this time on the training course. As part of the ongoing Test Purchase Operation and also as a result of the intelligence that the premises was a likely venue where underage children could buy alcohol as a result of the failed test purchase on 9 February 2009, a further Test Purchase was attempted at the premises on 2 March 2009. I was again assisting with the Test Purchase Operation on this date. A number of weeks had been left between the tests to allow the DPS and/or Premises Licence Holder to investigate what had happened, to put procedures and controls in place and to ask for and receive business advice and support from Trading Standards. I received confirmation shortly after the 16 year old male child entered the premises that he had been sold four cans of lager by a female member of staff. I entered the premises together with PS WAUCHOPE and PC YOUNGER at approximately 18.30 hours shortly after the sale had occurred. I was informed by PC CHEESMAN, the plain clothes Police Officer, who had witnessed the sale, that the female member of staff had spoken briefly to the second member of staff working in the shop immediately prior to selling 4 cans of Fosters to the 16 year old male child assisting with the operation, no request for proof of age had been made. I would say that trade was steady rather than busy. I noted that other than the Statutory Tobacco Notice and the one sign referring to Think 21, referred to earlier in this statement, no other age restricted signage was apparent. The layout of the alcohol was also as before and I would say that the quantity of alcohol on sale was also at a similar level. There were again a number of signs displayed in the alcohol section referring to offers on the alcohol, for instance, one bottle of wine for £2.99, two bottles of wine for £5.00; 440ml cans of Grolsch £1.19 each or 6 cans for £5.50. I asked to see the refusals book which I signed and

Signed


Signature witnessed by

NOTE: This statement must be signed at the end of the written or type-written matter by the person making the statement.

STATEMENT OF WITNESS

(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2005, Rule 27.1)

Continuation of statement by

dated immediately following the last entry which had been made by my colleague Fran EVANS on 9 February 2009. I noted that the register was a No ID No Sale register which had been in use since 26 September 2007. Prior to the entry on 9 February 2009, the preceding entries were for 3 October 2008, 15 September 2008 and 23 July 2008. It appeared to me that all of the entries were in very similar handwriting and there was nothing to indicate that the DPS had reviewed the refusals register at any point. Prior to leaving the premises I spoke to Mohammid IBRAHIM, the member of staff working on the counter whilst his colleague was being interviewed under caution. I handed to him a further letter addressed to the DPS and Premises Licence Holder explaining what had happened and again offering a Business Support Visit from Trading Standards to try and help them. I now produce a copy of the letter duly signed and dated by me as Exhibit CM/1. I also handed to him a booking form for Trading Standards free "Preventing Underage Sales" training course together with a pre-paid return envelope and explained a little bit about the course, I now produce a copy of the booking form duly signed and dated by me as Exhibit CM/2. I asked Mr IBRAHIM to sign my notebook to confirm receipt of the letter which he did. I now produce a copy of my notebook, signed by Mohammid IBRAHIM duly signed and dated by me as Exhibit CM/3. I then left the shop. I am aware that the DPS was invited to attend a meeting with the Licensing Unit at Hove Police Station on 4 March 2009 to discuss the two failed test purchases and to receive and sign a further formal warning letter. The DPS was also advised that the Police and Trading Standards wanted to work with the premises to assist them with preventing the sale of alcohol to children. Trading Standards received a telephone call the afternoon of 4 March 2009 from someone purporting to be from Three 2 Four asking to book members of staff on to a Trading Standards training session. I refer to the statement of my colleague Donna 

Signed


Signature witnessed by

NOTE: This statement must be signed at the end of the written or type-written matter by the person making the statement.

STATEMENT OF WITNESS

(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2005, Rule 27.1)

Continuation of statement by

LYNSDALE, she undertook a training session on 19 March 2009 which members of staff from Three 2 Four attended. Part of the "Preventing Underage Sales" training deals with the need to look properly at customers attempting to buy age restricted products and the need to ask for ID where the person appears to be under 21 years of age. She also provided the premises with Think 21 posters to put on display in the shop. As a result of the two previous failed test purchase and the problem of alcohol related youth disorder in the vicinity, the premises was selected as being suitable for a further test purchase on 30 March 2009. Again nearly a month was allowed in between tests to allow the DPS and Premises Licence Holder to investigate what had happened, to consider their existing procedures and to put in place any additional controls as per the suggestions from Sussex Police. My colleague Donna LYNSDALE was assisting with the Test Purchase Operation on 30 March 2009 and her statement details what happened on that evening. On this occasion the same member of staff who sold to the 16 year old female child on 9 February 2009, sold four cans of Stella to the 16 year old male child assisting with the Test Purchase Operation. The seller failed to ask for any proof of age and when the plain clothes officer introduced himself to the seller, he stated "he looks over 16" and then "he looks over 18", this is despite having attended a training session with Trading Standards on 19 March 2009. Miss LYNSDALE asked to see the premises refusal register and noted that I had made the last entry on 2 March 2009. Whilst she was in the shop the husband and son of the DPS arrived and she asked the son of the DPS why there had been no entries in the refusal book since 2 March 2009; he informed her that they do not have a problem with underage people or street drinkers. In actual fact there had been no entries made by staff as a result of refusing to sell either alcohol or cigarettes to underage children or where customers were unable to produce satisfactory proof of age or to drunks in 

Signed

Signature witnessed by

NOTE: This statement must be signed at the end of the written or type-written matter by the person making the statement.

STATEMENT OF WITNESS

(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2005, Rule 27.1)

Continuation of statement by

the premises since 3 October 2008, nearly a 6 months period. As part of our business support role, both myself and Miss LYNSDALE have visited and/or spoken to other off-licence premises in the vicinity and they have told us and have recorded in their refusal books that children and drunks regularly target premises in the vicinity. It seems unlikely that the premises, Three 2 Four, are not also being targeted by underage children and drunks; it appears that either staff are not completing the refusals book and/or they have no awareness that they are actually selling to underage children and drunks and this in turn has not been identified by the DPS or Premises Licence Holder. Trading Standards advice to premises is that any refusals to sell alcohol to children or drunks should be recorded in the refusals book as part of a business' due diligence defence and also to provide the business with a management tool to identify any staff not completing the refusals register and potentially, therefore, serving both underage children and drunks and also to identify the high risk times of the day or week when more refusals occur to allow management to consider staffing levels and support for staff to assist with preventing illegal sales of alcohol. I am aware that the DPS/Premises Licence Holder had been aware prior to the first failure on 9 February 2009 that a Test Purchase Operation was on-going in Brighton & Hove and that a number of premises had been caught selling alcohol to underage children assisting with the operation; despite this knowledge I have seen nothing to indicate that the DPS/Premises Licence Holder had taken any steps to check their own controls and procedures to ensure that they and their staff did not sell alcohol to underage children and that they were meeting the Licensing Objective of Protecting Children from Harm, either prior to the first failure on 9 February 2009 or subsequently.

Signed

Signature witnessed by

NOTE: This statement must be signed at the end of the written or type-written matter by the person making the statement.

TO THE PREMISES LICENCE HOLDER
AND DESIGNATED PREMISES
SUPERVISOR

Tel No: (01273) 292497
Fax No: (01273) 292524
E Mail: Catriona.Macbeth@brighton-hove.gov.uk
Our Ref: UAS

March 2009

Dear Sir/Madam

Licensing Act 2003

A joint Police and Trading Standards Test Purchase operation took place in this premises today and a sale of alcohol was made to our underage volunteer.

As a result an officer from Brighton and Hove Trading Standards would like to visit either the Designated Premises Supervisor or the Premises Licence Holder to discuss why the sale took place and any steps that you can take to prevent the sale of alcohol to children.

I would ask that you contact Tim Curphey on 01273 292495 to arrange an appointment at a time when you do not have to serve in the shop. It may be possible for an officer to visit you in the evening or on a Saturday or Sunday if this is more convenient for you.

Yours faithfully



John Peerless
Head of Trading Standards

BRIGHTON & HOVE
COUNCIL
ENVIRONMENTAL SERVICES
DEPARTMENT

EXHIBIT No.

CM/1

INVESTIGATION No.

SIGNATURE:



DATE:

12/5/09

WM 99 D.7808

Under Age Sales Training

Booking Form

Please find below the times and dates for the training courses available to you at this time.

All courses are booked on a first come first served basis.

Please fill in the attached form and return in the self addressed envelope provided.

Please select one of the following:

- We would like to attend this course
- We would like to attend the training, but not at this time
Preferred day and time:
- We are not interested in attending this course

Date	Start Time	Venue	Number of Attendees
Monday 27 April	10 am	Room 1, Bartholomew House, Brighton	
Friday 01 May	3.30 pm	Room B3, Hove Town Hall, Norton Road	
Tuesday 5 May	1 pm	Room 1, Bartholomew House, Brighton	
Wednesday 13 May	9.30 am	Room B3, Hove Town Hall, Norton Road	
Monday 18 May	3.30 pm	Room B3, Hove Town Hall, Norton Road	
Friday 22 May	10 am	Room 1, Bartholomew House, Brighton	

Session last 2-2½ hours

Please be aware that we have a maximum of 15 places per session.

Contact Name: _____

Contact Telephone Number: _____

Store Name: _____

Store Address: _____

Email: _____

BRIGHTON & HOVE
COUNCIL
ENVIRONMENTAL SERVICES
DEPARTMENT

EXHIBIT No.

CH/2

INVESTIGATION No. _____

SIGNATURE: _____



DATE: _____

12/5/09

WM 99 D.7808

18-25

3 to 4 - Western Rd - Jr. 4 cans
 of Foster by female seller.
 CCTV - steady trade - 2 number
 of staff looking limited stock
 of alcohol in section opposite
 tm. No signage on alcohol
 section. Shisha pipes displayed
 Speed offers wine - 16 bottles
 for £2.99. Tobacco notice
 sk - Proof of ID sign above
 doorway through to alcohol
 section. Red Wine £2.99 per
 bottle - 2 for £5.00. Limited
 spirits behind counter. Female
 seller spoke to other member of
 staff before she said to update
 Crock cans £1.19 4 cans - 6
 for £5.00, some Strongbow
 Lech Premium Lager - labels
 not in English - Cans + bottles
 + Tyskie - labels not in
 English. Part B displayed
 but incomplete. Referrals signed
 last entry from Evans 9/2/09

previous 23/7/08, 15/9/08
 + 3/10/08 - beer - use
 since 26/9/07. No ID
 No Sds referrals register
 all entries appears to be
 same hand writing. DPS
 letter, training booklet form
 headed to Mohamed Ibrahim
~~Section~~
 Shisha product behind
 counter at bottom of tobacco
 ganby - not on display. No
 age or health warning. Use
 by date checked all OK.

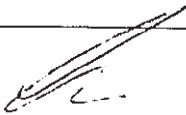
BRIGHTON & HOVE
 COUNCIL
 ENVIRONMENTAL SERVICES
 DEPARTMENT

EXHIBIT No

CM/3

INVESTIGATION No.

SIGNATURE:



DATE:

12/5/09

W1 of D 7808

