





**Brighton & Hove
City Council**

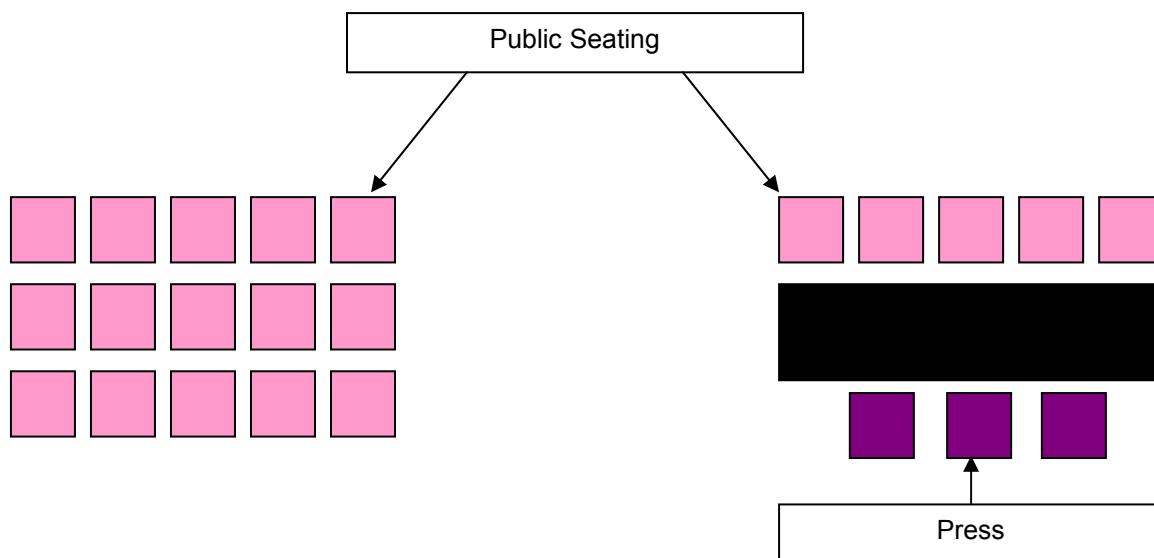
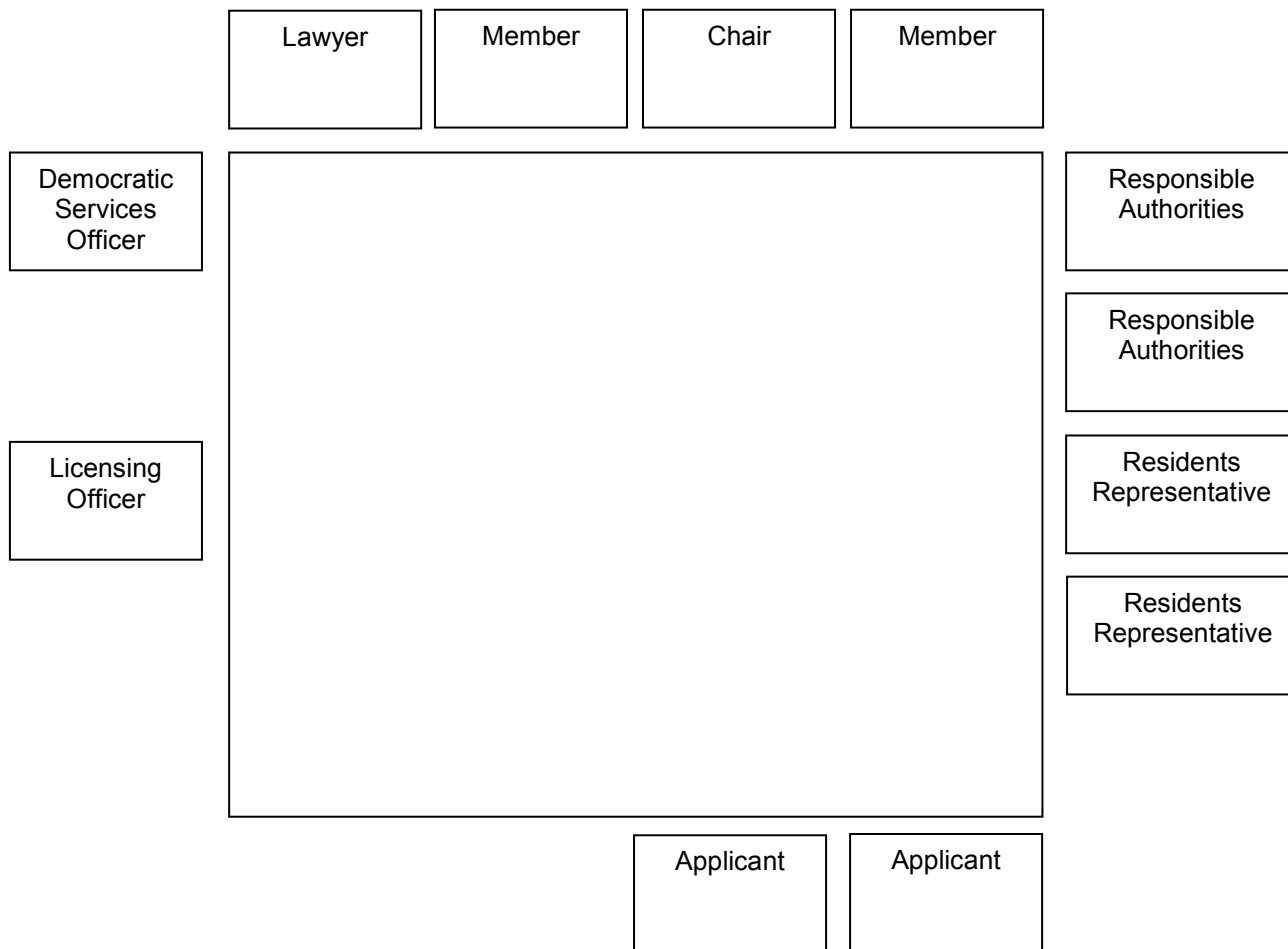
Licensing Panel

(Licensing Act 2003 Functions)

Title:	Licensing Panel (Licensing Act 2003 Functions)
Date:	1 June 2009
Time:	2.00pm
Venue	Committee Room 3, Brighton Town Hall
Members:	Councillors: Lepper, Older and C Theobald
Contact:	Jane Clarke Democratic Services Officer 01273 291064 jane.clarke@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

1. TO APPOINT A CHAIRMAN FOR THE MEETING

2. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the main Licensing Committee may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading either that it is confidential or the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the categories of exempt information is available for public inspection at Brighton and Hove Town Halls.

3. THREE TO FOUR, 3-4 WESTERN ROAD, HOVE

1 - 58

Report of the Assistant Director of Public Safety (copy attached).

Contact Officer: Sarah Ranger Tel: 29-5801
Ward Affected: Regency;

4. MESOPOTAMIA, 17 YORK PLACE, BRIGHTON

59 - 132

Report of the Assistant Director of Public Safety (copy attached).

Contact Officer: Emma Bricknell Tel: 29-4431
Ward Affected: St Peter's & North Laine;

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Jane Clarke, (01273 291064, email jane.clarke@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Thursday, 21 May 2009

LICENSING PANEL

(Licensing Act 2003 Functions)

Agenda Item 3

Brighton & Hove City Council

Subject: Review of a Premises Licence under the Licensing Act 2003

Premises: Three to Four
3 - 4 Western Road
Hove
East Sussex
BN3 1AE

Licence Holder: Shop 2 Win Ltd

Date of Meeting: 1 June 2009

Report of: Assistant Director Public Safety

Contact Officer: Name: Sarah Ranger Tel: 295801
E-mail: sarah.ranger@brighton-hove.gov.uk

Wards Affected: Regency

FOR GENERAL RELEASE

1. PURPOSE OF THE REPORT

- 1.1 To review a Premises Licence for **Three to Four** under the Licensing Act 2003.

2. SUMMARY OF REVIEW PROCESS

- 2.1 Existing licence attached Appendix A.
- 2.2. Brighton & Hove City Council is both the relevant licensing authority and a responsible authority in respect of any premises, and may in its capacity apply under Section 51 of the Licensing Act 2003 for a review of any premises licence in respect of the premises.
- 2.3 An application was received by the Licensing Authority from Sussex Police to review the licence granted to the premises known as Three to Four, 3 - 4 Western Road, Hove, East Sussex, BN3 1AE.
- 2.4 The grounds for the review relates to the following Licensing objectives:
- Prevention of Crime and Disorder.
 - Protection of Children from Harm.

Full details of the grounds for the review and a copy of evidence submitted by Sussex Police is attached in Appendix B.

2.5 At this hearing the licensing authority must:

- Consider the application made in accordance with Section 51
- Consider any relevant representations
- Take such steps (if any) as are considered necessary for the promotion of the Licensing objectives. These steps are:
 - to modify the conditions of the licence
 - to exclude a licensable activity
 - to remove the designated premises supervisor from the licence
 - to suspend the licence for a period not exceeding 3 months, or
 - to revoke the licence.

And for this purpose the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added. It may provide that the modification or exclusion have effect for a specified period not exceeding 3 months. The determination, if not completed at the hearing, shall be within 5 working days of the hearing. Such determinations do not have effect until after the appeal period or, if an appeal is lodged, until after the appeal is disposed of.

3. REPRESENTATIONS RECEIVED

- 3.1 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:
- 3.2 One representation has been received from Trading Standards, on the grounds of Protection of Children from Harm supporting the application submitted by Sussex Police seeking a three month suspension of the premises licence.

4. COMMENTARY ON LICENSING POLICY

- 4.1 The following extracts from Brighton & Hove Licensing Policy are considered relevant to this application and numbered as they appear in the policy:

General

- 1.2 The licensing objectives are:-
- (a) Prevention of crime and disorder;
 - (b) Public safety;
 - (c) Prevention of public nuisance;
 - (d) Protection of children from harm.

- 1.3 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focussed on matters which are in the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity.
- 1.5 Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act
- 1.15 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act, and the conditions attached to licences, certificates and permissions will be focused on matters which are within the control of the licensee and will centre on the premises themselves and their immediate vicinity. When considering these terms and conditions the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

In respect of the prevention of crime and disorder

- 2.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority recommends that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door staff so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection.
- 2.3 It is expected that the designated premises supervisor (DPS) will spend a significant amount of time on the premises. When not

on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises.

2.5.1 Diversity of premises

This attempts to ensure that there is a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It will provide resilience against changing trends and attract a more diverse range of customers from different age groups, different communities of interest and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This in turn may have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore encourages mixed use venues, varying hours of business and a wider age balance.

2.5.5 Care, control and supervision of premises

The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The Police will consider the applicants, objecting to the application where appropriate. The Police will suggest crime prevention measures in relation to, for example, the internal layout of the premises, close circuit television, help points, lighting and security staff. The Police may ask for conditions which support such measures to be imposed when planning or licensing applications are granted, e.g. type of licence, capacity, and opening time restrictions.

2.6 Shops, stores and supermarkets which provide alcohol for consumption off the premises: the normal scenario will be to provide for sales of alcohol at any time when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.

2.8 Enforcement issues will be considered in the light of any relevant enforcement policies and close links will be sought between all enforcing authorities, e.g. through the use of intelligence sharing and strategy groups. Such protocols may lead to the targeting of agreed high risk and problem premises whilst permitting a lighter touch approach in respect of well run premises.

In respect of the protection of children from harm

- 5.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, the committee recommend that all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the licensing strategy group.
- 5.2 It is the committee's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them.
- 5.4 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:-
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
 - with a known association with drug taking or dealing;
 - where there is a strong element of gambling on the premises;
 - where entertainment of an adult or sexual nature is commonly provided.
 - where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons
- Options may include:-
- limitations on the hours when children may be present;
 - age limitations (below 18);
 - limitations or exclusions when certain activities are taking place;
 - requirements for an accompanying adult;
 - full exclusion of people under 18.

Strategic Integration

- 6.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening.
- 6.7 This policy avoids duplication with other regulatory regimes wherever possible.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the new regime.

Finance Officer Consulted: Karen Brookshaw Date: 07.05.2009

5.2 Legal Implications:

The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Rebecca Sidell

Date: 07.05.2009

5.3 Equalities Implications:

Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

5.4 Sustainability Implications:

Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

5.5 Crime & Disorder Implications:

Licensing policy aims to prevent crime and disorder and protect public safety.

5.6 Risk and Opportunity Management Implications:

Licensing is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.

5.7 Corporate / Citywide Implications:

The success of the city's tourism strategy requires a safe, attractive city centre to improve competitiveness. The Act may significantly change night time economy.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part A of Premises Licence.
2. Appendix B – Review Application & Supporting Evidence.
3. Appendix C – Applicant Information.
4. Appendix D –Map of area.

Documents in Members' Rooms

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy.

Background Documents

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council Statement on Licensing Policy.

APPENDIX A

**Schedule 12
Part A**

Regulation 33, 34

**Premises Licence
Brighton and Hove City Council**

Premises Licence Number

1445/3/2007/00985/LAPREN

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Three 2 Four
3 - 4 Western Road
Hove
East Sussex
BN3 1AE

Telephone number 01273 777798

Where the licence is time limited the dates

Licensable activities authorised by the licence

Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol
Every Day 00:00 - 24:00

The opening hours of the premises

Every Day 00:00 - 24:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Shop 2 Win Ltd
36 Western Road
Hove
East Sussex
BN3 1AF
Telephone: 01273 777731

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 5470725

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Shaza Anwar Abou El Kheir

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Party Reference:

Licensing Authority:

Annex 1 - Mandatory conditions

- S 19; mandatory conditions where licence authorises supply of alcohol
 - no supply of alcohol may be made under the premises licence
 - (a) at a time when there is no designated premises supervisor in respect of the premises, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
 - every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

- S 21; mandatory condition: door supervision
 - where a premises licence includes a condition relating to security activity, the licence must include a condition that each individual must be licensed by the Security Industry Authority (there are exemptions re theatre and films and clubs)

Annex 2 - Conditions consistent with the Operating Schedule:

For the prevention of crime and disorder:

1. A modern digital CCTV system and appropriate recording equipment shall be installed maintained and operated to Sussex Police specification internally and externally. Recordings shall be kept for a minimum of 28 days. The management shall give full and immediate co-operation and technical assistance to the Police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime.
2. The premises shall arrange for a Mobile Support Service to be provided by an SIA registered organisation.
3. The premises shall participate in the Business Crime Reduction Partnership 'Night Safe' radio scheme.
4. The DPS or a personal licence holder will be on the premises during Friday and Saturday nights and on other nights as far as practicable.

For the prevention of public nuisance:

5. A notice will be displayed reminding patrons not to drink on the streets and to leave the premises and area quietly.

For public safety: None

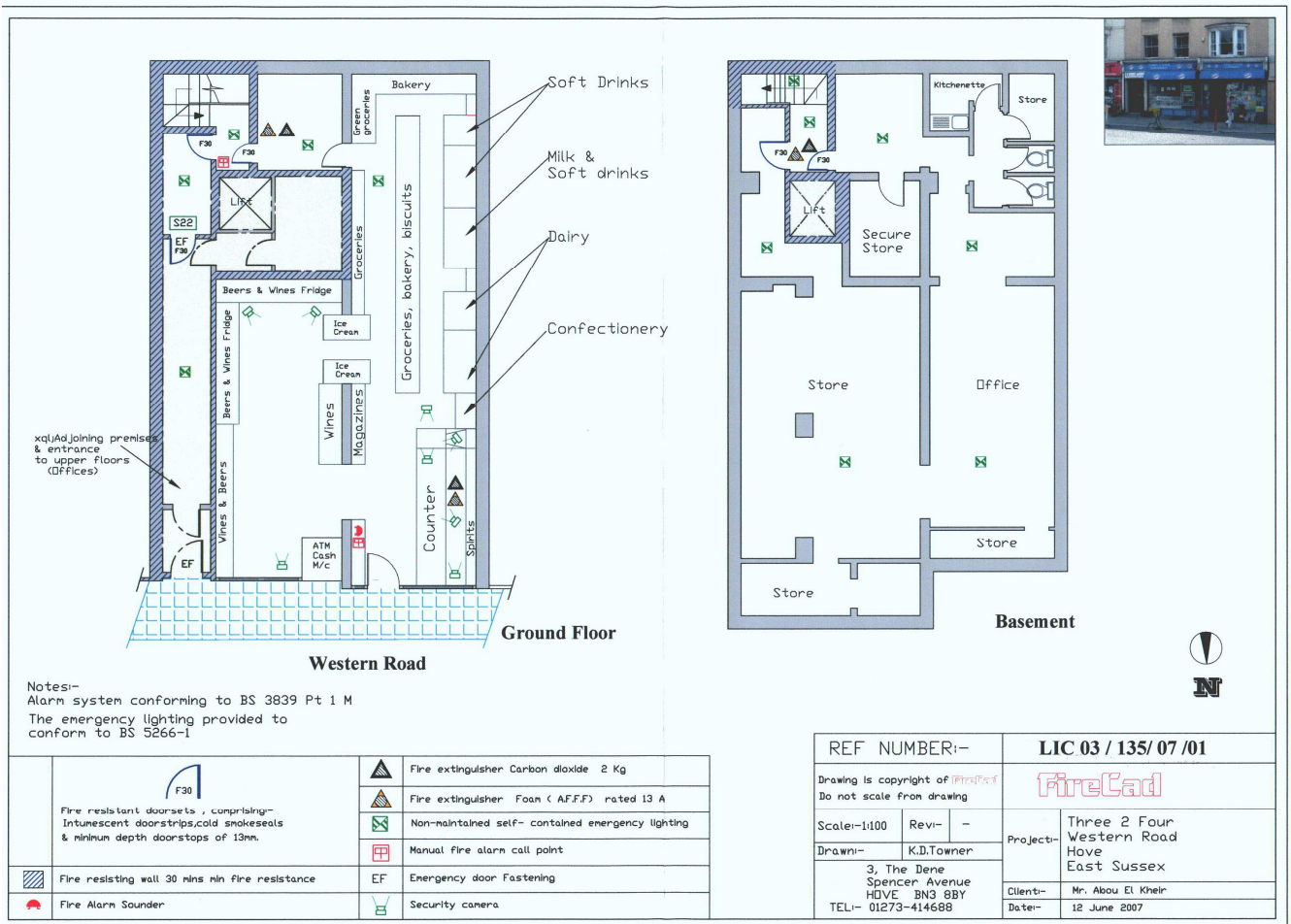
For the protection of children from harm

6. The premises shall operate a 'Challenge 21' policy, whereby any person attempting to purchase alcohol who appears under the age of 21 will be asked to produce photographic identification as proof of age. The acceptable forms of photographic identification will be a passport, photocard driving licence, 'PASS' scheme photographic I.D or other photographic I.D approved by the Police or Licensing Authority.
7. No children will be permitted in the shop between 00.00 and 7.00 hrs unless accompanied by an adult.

Annex 3 - Conditions attached after a hearing by the Licensing Panel

8. No strong lager, beer or cider exceeding 6.5 % abv shall be stocked or sold from the premises

Annex 4 – Plans



APPENDIX B

REC: 06.04.09

Cons: 04.05.09

2009/00649/LAPREN SR

Application for the review of a premises licence under the Licensing Act 2003

Valid ✓
POH &
CD
SR.

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 this 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. You may wish to keep a copy of the completed form for your records.

I Chief Supt Graham Bartlett, Divisional Commander, Brighton and Hove Police on behalf of Chief Constable Martin Richards
(Insert name of applicant)

Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Three 2 Four 3 - 4 Western Road	
Post town Hove, East Sussex	Post code (if known) BN3 1AE
Name of premises licence holder or club holding club premises certificate (if known)	
Shop 2 Win Ltd 36 Western Road Hove East Sussex BN3 1AF	
Number of premises licence or club premises certificate (if known)	
1445/3/2007/00985/LAPREN	

Brighton & Hove City Council

06 APR 2009

Health, Safety & Licensing

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address David Bateup Police Licensing Officer Brighton & Hove Licensing Unit Police Station Holland Road HOVE BN3 1JY (on behalf of the applicant)
Telephone number (if any) 01273 66 59 43
E-mail address (optional) david.bateup@sussex.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

Sussex Police led alcohol test purchases were conducted in the central Brighton & Hove area due to intelligence being received that sales of alcohol to children were being made from premises and against a background of crime and disorder associated with young people.

These premises failed three out of three test purchases over a two-month period on the following dates:

9th February 2009
2nd March 2009
30th March 2009

Sussex Police contend that the following licensing objectives have been seriously undermined:

- 1) The protection of children from harm; and
- 2) The prevention of crime and disorder.

Please provide as much information as possible to support the application
(please read guidance note 2)

On 9th February 2009 a test purchase operation was carried out at the premises. A male shop assistant sold a bottle of white wine to a 16 year old female child volunteer. The assistant did not challenge the child about her age or ask for any age identification. The seller was observed to make no eye contact with the child during the sale and was on the phone during the entire transaction. This was confirmed by the seller who made the unsolicited comment to the officer "I wasn't concentrating, I was on the phone". The assistant stated when interviewed immediately after the offence, when asked what training he had received from the shop management "not really, I've been told not to sell to anyone under 18". The seller was issued with a fixed penalty notice.

A letter was sent the following day to advise the DPS of the sale. The letter contained a number of recommendations to assist in preventing underage sales of alcohol. A further letter was enclosed which acted as a formal warning regarding the incident.

On 2nd March 2009 a test purchase operation was carried out at the premises. A female member of staff sold four cans of lager to a 16 year male old child. The seller was issued with a fixed penalty notice.

The DPS, Ms Shaza Anwar Abou El Kheir, was invited to a meeting with PC Cheesman and Licensing Officer Neil McMillan on 4th March 2009 at Hove Police Station to discuss the second failed test purchase in less than a month. At the meeting PC Cheesman asked the DPS what Police and Trading Standards could do to assist the venue in preventing further sales. The DPS was warned that the venue would be tested again and a third failure could result in an application for review of the premises licence being made to the licensing authority. At the meeting the DPS signed a formal warning letter and signed to confirm receipt of a second list of recommendations for preventing sales to underage persons.

On 30th March 2009 a test purchase operation was conducted at the premises. A male member of staff (the same member of staff who sold to a child on 9th February) sold four cans of Stella to a 16 year old male child. The seller did not challenge the child about his age or ask for any age identification. When the plain clothes officer introduced himself to the seller after the sale, the seller stated "he looks over 16, I want to see his ID". When questioned by a uniformed officer immediately afterwards the seller stated that he had been on a training course two weeks previously. As this was the second sale of alcohol to a child by the same seller, he was reported for Summons.

This premises is situated in an area of the City with ongoing issues of alcohol related anti social behaviour. The premises have failed three consecutive test purchases in two months. This is despite the continued efforts of Sussex Police and Trading Standards to work with the premises and assist the DPS with offers of business support and training.

Sussex Police contend that these incidents demonstrate very poor management of the premises with the consequence that the licensing objectives of prevention of crime and disorder and the protection of children from harm are being seriously undermined.

Sussex Police respectfully invite the Committee to consider a three-month suspension of the premises licence to break the link between this venue and the sale

of alcohol to children. A three-month suspension will also allow the DPS to train and retrain all of her staff in relation to preventing underage sales and put in place new operating procedures for the premises.

Sussex Police also request the following new and revised licence conditions on the licence:

The prevention of crime and disorder

Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy and will be changed when British Summer Time starts and ends.

The DPS or a personal licence holder will be on the premises at all times that alcohol is available for sale.

The protection of children from harm

The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The only forms of ID that will be accepted are passports, driving licences with a photograph or Portman Group, Citizen Card or Validate proof of age cards bearing the 'PASS' mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence or conditions attaching to it.

Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.

All staff members engaged, or to be engaged, in selling alcohol on the premises shall received the following training in age-restricted sales:

- Induction training which must be completed, and fully documented, prior to the sale of alcohol by the staff member; and refresher training thereafter at intervals of no less than 8 weeks.
- All age-restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police and Brighton & Hove Trading Standards Service upon request.

The premises shall at all times maintain and operate an age-restricted sales refusals book which shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant. This refusals book shall be available upon request to police staff, Local Authority staff and Trading Standards.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day

Month

Year

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

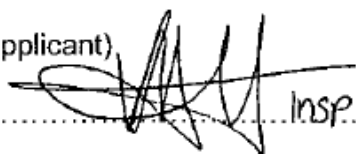
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature (on behalf of the applicant)

 Insp DM208 Vicki Harris

Date 03/04/2009

Capacity Police Inspector

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

Statement of: Juliette Michelle SWIETLIK

Age if under 18: 0 / 18 (if over 18 insert 'over 18')

Occupation: Police Constable DS925

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

Signature: 

Date 09/02/2009g

On Monday 9th February 2009, I was on duty in plain clothes in company with PC PEEL DP767 and PC GOTTING CG447 who were in uniform and Catriona MacBeth from Brighton and Hove Trading Standards, engaged on a test purchase operation (Op ATTEMPT) for the sale of alcohol to minors under the age of 18 years, which is an offence under The Licensing Act 2003.

About 18:45 hours, I entered Three 2 Four convenience Store situated on Western Road, Hove and within a few seconds [redacted] who I know to be 16 years of age entered. I watched [redacted] as she picked up a bottle of white wine, which an alcoholic beverage and take it to the counter. At this time I moved in behind her in the queue to listen to any conversation and to gather any evidence as well as maintaining the safety of the minor.

Whilst in the queue I did not see any posters or leaflets etc stating 'Challenge 21' which means that the premises should be checking all young persons for proof of age. The store had three customers within, a male in front of me in one queue with [redacted] standing at the other counter. The queues were short with two members of staff behind the counter.

The sales assistant, who I would describe as being a male of eastern appearance, aged 36 years of age wearing casual clothing, then took the wine from [redacted] typed the amount of the wine into the till and then asked for £6.49 from [redacted]. At the point of serving [redacted] he was busy talking on the telephone and wasn't paying attention to who he was serving. He made no eye contact with the minor and was failing to concentrate on his job.

I then saw money leave the hand of [redacted] who is under the age of 18 who then received change of £3.51. [redacted] instantly turned around and left the store leaving the drink on the counter. I then identified myself as a police officer who was on duty and informed the seller that he had just failed a test purchase operation by selling to a minor under the age of 18 years. The seller then said "I WASN'T CONCENTRATING, I WAS ON THE PHONE", which was an unsolicited comment made. I then cautioned the sales assistant and explained



Continuation of statement of Juliette Michelle SWIETLIK


that they were not under arrest at this time though anything said could be used in evidence.

I then explained that uniformed police officer will be within the store within a few minutes to deal with him. I then took the sellers details. I now know the seller to be [REDACTED], born [REDACTED]

PC's PEEL and PC GOTTING entered the store and in the presence and hearing of [REDACTED], I explained the circumstances and reiterated that they had already cautioned them. PC PEEL then re-cautioned [REDACTED] and started the fixed penalty notice procedure.

At this time I left the premises, leaving the alcohol with PC PEEL to complete the ticket procedure.

These are my original notes made at 22:30 hours on Monday 9th February 2009 at Hove Police Station.

 DS925

(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

Statement of: Emma PEEL


Age if under 18: / 18

(if over 18 insert 'over 18')

Occupation: Police Constable DP767

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature:

 DP767

Date

09/02/09

On Monday 9th February 2009, I was on duty in full police uniform in company with PC GOTTING CG447, PS WAUCHOPE CW098, PC Daniel SWEITLIK CS895, PC Juliette SWEITLIK DS925 and PC CHEESMAN CC302 and Kat MACBETH from Brighton and Hove Trading Standards, engaged on a test purchase operation for the sale of alcohol to minors under the age of 18 years, which is an offence under The Licensing Act 2003.

At 1856 hours, we entered Three2Four at 324 Western Road, Brighton, BN3 8AA and I met with Juliette SWEITLIK who was on duty in plain clothes and had just witnessed a sale of alcohol to a minor, namely [REDACTED] age 16.

PC SWEITLIK then explained in the presence and hearing of [REDACTED] the circumstances of the incident. With this information I then cautioned [REDACTED] at 1850 hours and explained what it means. I also explained that at this time they are not under arrest and free to go at any stage, they are entitled to legal advice at their own cost and can terminate the interview at any time. I then explained that at this stage the fixed penalty procedure and that a contemporaneous interview will take place.

At 1856 hours, the fixed penalty ticket and the interview was concluded. I then informed [REDACTED] that he will be reported for the offence and that it will be dealt with by means of fixed penalty notice, to which I then re-cautioned using the 'now' caution, to which no reply was given.

We left the premises, leaving the premises open. I then seized the containers of alcohol and can produce them in evidence as item EP/1 (). This item was placed in exhibit bags and sealed and then placed into Brighton property store.

This statement was completed at 2210 hours, and form part of my original notes.

 DP767


RESTRICTED (when complete)

RECORD OF INTERVIEW

URN

Contemporaneous Notes

Person interviewed: [REDACTED]
 Place of interview: 3704
324 WESTERN ROAD
HOVE BN3

Police exhibit no: EP/1
 Number of pages: 1 of 2

 Signature of interviewing officer producing exhibit

Date of interview: 09/02/2008
 Time commenced: 1850 Time concluded: 1855
 Duration of interview: 5 MINUTES
 Audio tape ref. nos. (◆): — Visual image ref. nos. (◆): —
 Interviewer(s): PC PEEL DP767
 Other persons present: PC GOTTING C9447

Tape Counter times (◆)	Person speaking	Text
1850	DP767	, Cautioned and explained, advised that they are not under arrest. Advised that they are allowed legal representation at anytime though at their own cost, advised that they can leave at any time. Do you want a solicitor present? (If No, why?) <u>NO NOT AT THIS TIME</u> [REDACTED]
	DP767	Where were you at 1845 hours?
	[REDACTED]	<u>AT THE TILL</u> [REDACTED]
	DP767	Did you sell SCENIC RIDGE WINE which is an alcoholic drink to a minor who has been identified to you by PCSWEITLIK ?
	[REDACTED]	<u>YES</u> [REDACTED]

Signature(s)
(Contemporaneous notes only)

[REDACTED SIGNATURE]

Not relevant for contemporaneous notes
MG15 7/2003

Person interviewed:

Page no: 2

Tape Counter times (◆)	Person speaking	Text
	DP767	How long have you worked for 3 TO 4
	[REDACTED]	6 MONTHS [REDACTED]
	DP767	What training have you received since working here?
	[REDACTED]	NOT REALLY. I'VE BEEN TOLD NOT TO SELL TO ANYONE UNDER 18 [REDACTED]
	DP767	Are you aware that it is an offence to sell any sort of alcoholic drink to a minor? (Illegal to sell alcohol to persons under the age of 18).
	[REDACTED]	YES [REDACTED]
	DP767	Did you ask their age or for any identification or proof of age from the minor who brought the alcohol from you?
	[REDACTED]	NO I DIDNT [REDACTED]
	DP767	Why did you sell to the minor?
	[REDACTED]	I WAS ON THE PHONE SO I DIDNT CONCENTRATE [REDACTED]
	DP767	Would you like to make any other comments about anything that has been said in this interview or anything that has not been asked that you wish to say?
	[REDACTED]	NO, I'M ALL RIGHT [REDACTED]
	DP767	Conclusion of interview, ticket explained and issued. Re-cautioned and told that they will be reported with the ticket.

Signature(s)
(Contemporaneous notes only)

[REDACTED SIGNATURE]

Not relevant for contemporaneous notes
MG15 7/2003



HOVE POLICE STATION

Brighton & Hove Licensing Unit
Police Station
Holland Road
HOVE
BN3 1JY

Tel: 01273 66 59 43
Fax: 01273 66 55 24

Email:
Brighton.Licensing@sussex.pnn.police.uk

Date: 9/2/09

Private & Confidential

Name of DPS

Premises Address *Three 2 Four, Western Road, Hove BN3 1AE*

Dear Designated Premises Supervisor,

UNLAWFUL SALE OF ALCOHOL TO A PERSON UNDER THE AGE OF 18 YEARS

On Monday 9th February 2009 a police operation relating to the sale of alcohol to under aged persons took place in Brighton & Hove.

The above premises, of which you are the Designated Premises Supervisor (DPS) was one of those premises tested by young person(s) under the age of 18, who successfully made a purchase of alcohol from a member of your staff.

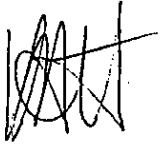
It is an offence under Section 146 of the Licensing Act 2003 to sell, and Section 147 of the Licensing Act 2003 to allow the sale of alcohol to persons under the age of 18 years.

This letter is served upon you and acts as a formal written warning relating to this incident.

A record has been kept by the Brighton & Hove Police Licensing Unit and this matter may be brought to the attention of the Magistrates, Senior Police Officers or Brighton & Hove City Council at any time in the future. Should incidents of a similar nature re-occur, this may jeopardise your licence.

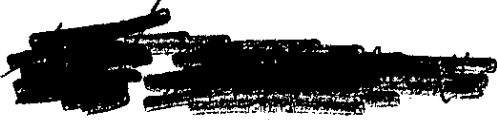
It is advised that you take every effort and train staff accordingly to ensure that such instances do not re-occur in the future.

Yours sincerely,




Victoria Harris
Licensing Inspector
Hove Police Station

cc: Premises Licence Holder
Trading Standards Brighton & Hove City Council



09-02-09

I. Record of Service / Receipt	
Served on	
On date 9/2/09
By	PS Wandhope CW/98



HOVE POLICE STATION

Brighton & Hove Licensing
Unit
Police Station
Holland Road
HOVE
BN3 1JY

Tel: 01273 66 59 43
Fax: 01273 66 55 24

Email: david.bateup@sussex.pnn.police.uk

10th February 2009

Mr Shaza Anwar Abou El Kheir
Three 2 Four
3 - 4 Western Road
Hove
East Sussex
BN3 1AE

Dear Mr El Kheir,

Unlawful sale of alcohol to a person under the age of 18 years

I am writing to you personally as the Designated Premises Supervisor of the above premises. On the 9th February 2009 the enclosed letter was handed to a member of your staff (and was signed for to confirm receipt) at your premises following the offence of selling alcohol to a minor. The letter acts as a formal warning relating to this incident.

The purpose of this letter is to confirm that you have received the original of the copy letter attached due to its importance for you and your premises. As the previous letter states 'should incidents of a similar nature re-occur, this may jeopardise your licence. It is advised that you take very effort and train staff accordingly to ensure that such instances do not re-occur in the future'.

With reference to staff training and taking action to ensure that such instances to not re-occur, I enclose a list of recommendations headed 'Actions to prevent further sales of alcohol to underage persons' for your reference.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Bateup', with several horizontal lines drawn through it.

David Bateup
Licensing Officer
Licensing Unit
Hove Police Station

cc: Premises Licence Holder:

Shop 2 Win Ltd
36 Western Road
Hove
East Sussex
BN3 1AF

Considerations to Assist in Preventing Sales of Alcohol to Persons under the age of 18 (Off-licence)

Actions for the Designated Premises Supervisor to consider:

- Formal staff training by the Designated Premises Supervisor (DPS) for all staff who sell alcohol. This is to be properly recorded and signed off by the staff member and DPS after training with training records to be held on site. Regular refresher training documented and dated.
- Alternatively training of staff to be undertaken by Trading Standards officers.
- Up to date and regular training to pay close attention to offences which may be committed by staff and how to prevent sales to those under the age of 18.
- Staff selling (on tills) alcohol to be a minimum age of 21.
- If sales staff are under 18, the staff authorising their sales should be minimum age of 21 with additional training to this responsibility.
- Signage that clearly displays the premises having a zero tolerance approach towards underage sales e.g. 'Challenge 21 / 25' or what ever is appropriate for your premises.
- Consider appointing additional Personal Licence Holders (PLH) or putting existing staff on the PLH course.
- Ensure a refusals register is maintained and checked regularly by the DPS (This applies especially where it is electronically recorded via the till as it requires a check to be made of the print out). The DPS should ensure that each member of staff is refusing sales where necessary and recording them.
- If the DPS does not feel confident that a particular member of staff is capable of meeting the requirements of the job and has received additional training to meet your requirements, then you should consider replacing him/her with a more competent person. **Further sales of alcohol to persons under 18 years of age may result in a review of the premises licence or of the DPS' personal licence.**
- Address possible intimidation of staff by introducing procedures for them to summon help and by looking at staffing levels (numbers/age) at peak times e.g. Thursday, Friday, Saturday 5pm to close.
- Conduct internal test purchases. Reminders regarding under age sales and proxy sales should be undertaken.
- Positive reinforcement of good practice to all staff. Document and date such comments and hold on file.

Signed

Date:

(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

Statement of: Steven Raymond CHEESMAN

Age if under 18: 0 / 18 (if over 18 insert 'over 18')

Occupation: Police Constable CC302

This statement (consisting of ^{SRC} 12 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature:



Date

2nd March 2009

On Monday 2nd March 2009, I was on duty in plain clothes in company with PS Wauchope, PC Younger and Cat MacBeth from Brighton and Hove Trading Standards, engaged on a test purchase operation for the sale of alcohol to minors under the age of 18 years, which is an offence under The Licensing Act 2003.

About 1823 hours, I entered Three 2 Four Store on Western Road and within a few seconds [redacted] who I know to be 16 years of age entered. I watched [redacted] select and pick up 4 cans of Fosters lager, which an alcoholic beverage and take it to the counter. At this time I moved in behind them in the queue to listen to any conversation and to gather any evidence as well as maintaining the safety of the minor.

Whilst in the queue I saw the store was reasonably empty with customers, with only approx 4 other customers in the store, there was one female behind the till with another male member of staff at the side of the cash desk.

The sales assistant, who I would describe as being female, of Asian origin, approx 25 years of age and had dark hair, then look up at [redacted] she said something to her male colleague, to which I didn't understand as it was in a foreign language. After his response, which again I did not understand the cashier proceeded to scan the items through the till.

The alcoholic containers were scanned into the till and the sales assistant then asked for the money. I then saw money leave the hand of [redacted], who is under the age of 18 who then received change. [redacted] instantly turned around to me and handed me the receipt leaving the drink on the counter. I then identified myself as a police officer who was on duty and that they have just failed a test purchase operation by selling to a minor under the age of 18 years. The seller then turned to her male colleague and said words, again in a foreign language. I then cautioned the sales assistant and explained that they were not under arrest at this time though anything said could be used in evidence.

I then explained that uniformed police officer will be here in a few minutes to deal with them.



Continuation of statement of PC STEVEN CHEESMAN CC302

PC Younger then entered the store and in the presence and hearing of, the person I now know to be, [REDACTED]

[REDACTED] I explained the circumstances and reiterated that they had already cautioned them.

At this time I left the premises, leaving the receipt and alcohol with PC Younger to complete the ticket procedure.

This statement was completed at 2310 hours, and form part of my original notes.




PC302

(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

Statement of: Lynsey Clare YOUNGER

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

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.


Signature:  01626 Date 02/03/09


On Monday the 2nd of March 2009, I was on duty in full uniform in company with PS WAUCHOPE, who was also in full uniform, PC CHEESMAN in plain clothes, and a member of staff from Brighton and Hove Trading Standards. We were engaged on a test purchase operation for the sale of alcohol to minors under the age of 18 years, which is an offence under The Licensing Act 2003.

My tour of duty was 1700 hours until 23.00 hours.

At about 18.25 hours, I entered three 2 four, Western Road Brighton where I spoke to PC CHEESEMAN who was stood next to the till with a female sales assistant. I would describe her as being Asian, aged mid 20's with Black long hair and glasses.

PC CHEESEMAN advised me in the presence and hearing of the female that he had witnessed the female sales assistant serve alcohol to a minor. He informed me that he had cautioned her to which she made no reply.

Upon hearing this information I cautioned the sales assistant who I now know to be  and explained that she was not under arrest at this time although anything she said could be used in evidence in court.


I contemporaneously interviewed  at 18.30 hours which lasted for seven minutes. I issued her a fixed penalty notice for selling alcohol to a person under 18 years of age. She signed and excepted the FPN. I checked her driving license for identity purposes.

At 18:30 hours I seized 4 x Cans of Fosters, which I can now produce as my exhibit of LY/1 (). I placed the cans in to an exhibit bag numbered SB800088697 and I sealed the bag.

I produce the contemporaneous notes as my exhibit of LY/2().

At about 18.55 hours I left the premises, taking the alcohol with me.

This statement was completed at 21.30 hours at Hove Police Station, and form part of my original notes.

 01620

RESTRICTED (when complete)

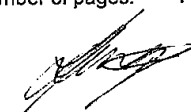
RECORD OF INTERVIEW

URN

Contemporaneous Notes

DOB 07.03.84

Person interviewed: [REDACTED]
 Place of interview: REAR OF STORE
3 FORD 4
WESTERN RD

Police exhibit no: L4/2.
 Number of pages: 1 of 2

 Signature of interviewing officer producing exhibit

Date of interview: 02/03/09
 Time commenced: 18:30 Time concluded: 18:37
 Duration of interview: 7 MINUTES
 Audio tape ref. nos. (♦): _____ Visual image ref. nos. (♦): _____
 Interviewer(s) PC YOUNGER 01626
 Other persons present: _____

Tape Counter times (♦)	Person speaking	Text
	[REDACTED]	Cautioned and explained, advised that they are not under arrest. Advised that they are allowed legal representation at anytime though at their own cost, advised that they can leave at any time. Do you want a solicitor present? (If No, why?) <u>NO.</u>
	<u>01626</u>	Where were you at <u>18:25</u> hours?
	[REDACTED]	<u>IN HERE, I WAS WORKING</u>
	<u>01626</u>	Did you sell <u>4 X CANS FOSTER</u> which is an alcoholic drink to a minor who has been identified to you by <u>PC CHEESTMAN</u> ?
	[REDACTED]	<u>YES</u>

Signature(s) [REDACTED]
 (Contemporaneous notes only)

Not relevant for contemporaneous notes
 MG15 7/2003

Person interviewed:

Page no: 2

Tape Counter times (◆)	Person speaking	Text
	04626	How long have you worked for 3-4
	[REDACTED]	2 YEARS [REDACTED]
	04626	What training have you received since working here?
	[REDACTED]	ALCOHOL TRAINING & CIGARETTES [REDACTED]
	04626	Are you aware that it is an offence to sell any sort of alcoholic drink to a minor? (Illegal to sell alcohol to persons under the age of 18).
	[REDACTED]	OF COURSE [REDACTED]
	04626	Did you ask their age or for any identification or proof of age from the minor who brought the alcohol from you?
	[REDACTED]	NO, I THOUGHT MY COLLEAGUE SERVED HIM BEFORE [REDACTED]
	04626	Why did you sell to the minor?
	[REDACTED]	BECAUSE I THOUGHT STARK SERVED HIM BEFORE [REDACTED]
	04626	Would you like to make any other comments about anything that has been said in this interview or anything that has not been asked that you wish to say?
	[REDACTED]	NO [REDACTED]
	04626	Conclusion of interview, ticket explained and issued. Re-cautioned and told that they will be reported with the ticket.

Signature(s)
(Contemporaneous notes only)

[REDACTED SIGNATURE]

Not relevant for contemporaneous notes
MG15 7/2003



HOVE POLICE STATION

Brighton & Hove Licensing Unit
Police Station
Holland Road
HOVE
BN3 1JY

Tel: 01273 66 59 43
Fax: 01273 66 55 24

Email:
Brighton.Licensing@sussex.pnn.police.uk

Date: 2/3/09

Private & Confidential

Name of DPS *Soaza Abouenkheir*
Premises Address *Three 2 Four, Western Road, Brighton BN3 1AE*

Dear Designated Premises Supervisor,

UNLAWFUL SALE OF ALCOHOL TO A PERSON UNDER THE AGE OF 18 YEARS

On *Monday 2nd March 2009* a Police operation relating to the sale of intoxicants to under aged persons took place in Brighton & Hove.

The above premises, of which you are the Designated Premises Supervisor (DPS) was one of those premises visited by a young person(s) under the age of 18, who successfully made a purchase of alcohol from a member of your staff.

It is an offence under Section 146 of the Licensing Act 2003 to sell, and Section 147 of the Licensing Act 2003 to allow the sale of alcohol to persons under the age of 18 years. On this occasion the matter was dealt with by means of a 'Fixed Penalty Notice'.

This letter is served upon you and acts as a **second formal written warning** relating to this incident.

As DPS in charge of these premises I write to request your attendance at Hove Police Station in Holland Road on: -

Day/Date/Time: Wednesday 4th March 2009 1200 hours

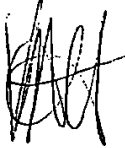
This matter will be informally discussed with the licensing unit (Inspector/Sergeant) and it is likely that written warnings will be issued regarding this incident (*This is not a formal P.A.C.E. Interview under caution*). Should you require further information or directions, please do not hesitate to contact this office.

Please telephone the licensing unit or email (contact details above) to confirm your attendance at this meeting. When you arrive at the Police Station for the appointment please report to reception and ask for David Bateup.

A record has been kept by Brighton & Hove Police Licensing Unit and this matter may be brought to the attention of the Magistrates, Senior Police Officers or Brighton & Hove City Council at any time in the future. Should incidents of a similar nature re-occur, this may jeopardise your licence.


This is the second test purchase failure in recent months for these premises. It is advised that you take every effort and train staff accordingly to ensure that such instances do not re-occur in the future.


Yours sincerely,



Victoria Harris
Licensing Inspector
Hove Police Station

cc: Premises Licence Holder
Trading Standards Brighton & Hove City Council

 02.03.09

I. Record of Service / Receipt	
Served on	
On date	2/3/09
By	PS Wanchape C2098



Three To Four
3-4 Western Road
Hove
East Sussex
BN3 1AE

4th March 2009

cc: PLH 5/3/09.
DJB.

UNLAWFUL SALE OF ALCOHOL TO A PERSON UNDER THE AGE OF 18 YEARS

Dear Designed Premises Supervisor,

You have attended Hove Police Station to discuss events on the evening of 2ND March 2009. A Police operation relating to the sale of intoxicants to under aged persons took place in Brighton and Hove.

The above premises, of which you are the Designated Premises Supervisor was one of those premises visited by a 16 year old young person, who successfully made a purchase of alcohol from you or a member of your staff.

It is an offence under Section 146 of the Licensing Act 2003 to sell, and Section 147 of the Licensing Act 2003 to allow the sale of alcohol to persons under the age of 18 years. On this occasion the matter was dealt with by means of a 'Fixed Penalty Notice'.

This letter is served upon you and acts as a **second formal written warning** relating to this incident.

A record has been kept by the Brighton and Hove Police Licensing Dept and this matter may be brought to the attention of the Magistrates, Senior Police Officers or Brighton and Hove City Council at any time in the future. Should incidents of a similar nature re-occur, this may jeopardise your licence.

This is the second test purchase failure in recent months for these premises. It is advised that you take every effort and train staff accordingly to ensure that such instances do not re-occur in the future.

Name of **INS.P. HARRIS**
Inspector or Chief Inspector

P.P. PC CHEESMAN CC302

Record of Service / Receipt	
Served upon the addressee	
On date: -	4/03/09
By: -	PC CHEESMAN CC302 <i>[Signature]</i>
Signed in receipt of a copy by: -	
Shaza Abou EL Khair	

Considerations to Assist in Preventing Sales of Alcohol to Persons under the age of 18 (Off-licence)

Actions for the Designated Premises Supervisor to consider:

- Formal staff training by the Designated Premises Supervisor (DPS) for all staff who sell alcohol. This is to be properly recorded and signed off by the staff member and DPS after training with training records to be held on site. Regular refresher training documented and dated.
- Alternatively training of staff to be undertaken by Trading Standards officers.
- Up to date and regular training to pay close attention to offences which may be committed by staff and how to prevent sales to those under the age of 18.
- Staff selling (on tills) alcohol to be a minimum age of 21.
- If sales staff are under 18, the staff authorising their sales should be minimum age of 21 with additional training to this responsibility.
- Signage that clearly displays the premises having a zero tolerance approach towards underage sales e.g. 'Challenge 21 / 25' or what ever is appropriate for your premises.
- Consider appointing additional Personal Licence Holders (PLH) or putting existing staff on the PLH course.
- Ensure a refusals register is maintained and checked regularly by the DPS (This applies especially where it is electronically recorded via the till as it requires a check to be made of the print out). The DPS should ensure that each member of staff is refusing sales where necessary and recording them.
- If the DPS does not feel confident that a particular member of staff is capable of meeting the requirements of the job and has received additional training to meet your requirements, then you should consider replacing him/her with a more competent person. **Further sales of alcohol to persons under 18 years of age may result in a review of the premises licence or of the DPS' personal licence.**
- Address possible intimidation of staff by introducing procedures for them to summon help and by looking at staffing levels (numbers/age) at peak times e.g. Thursday, Friday, Saturday 5pm to close.
- Conduct internal test purchases. Reminders regarding under age sales and proxy sales should be undertaken.
- Positive reinforcement of good practice to all staff. Document and date such comments and hold on file.

Signed



Date: 4TH MARCH 2009.

**Minutes of Meeting; Three 2 Four
4th March 2009 – Hove Police Station**

**In attendance; PC Steve Cheesman CC302; Neil McMillan;
Shaza Anwar Abou El Khair (DPS)**

SC began the meeting thanking SE for her attendance and explained the content of the meeting with reference to the implications of venue selling on two occasions to underage persons and to see what the police can do to assist the venue. SE was reminded that the premises would be subject to a third test purchase in the near future and third fail will result in the premises licence being taken to review. SC explained that the venue had only been tested twice and on both occasions had sold. He questioned if this occurs when the police are not present.

SE stated that the last sale was her daughter who had been covering for a member of staff who was absent. Prior to making the sale, she asked another member of staff in the shop if it was alright to which they replied it was ok. The first sale occurred when the staff member was on the phone and not concentrating.

SC stated that police will not accept excuses and that all staff should be trained in sales of alcohol. If the daughter had to think about the age of the youth in order for her to ask another member of staff, then she should have asked for ID if there was any doubt.

SC asked SE what she will be doing to prevent her staff from selling in the future. She stipulated that everybody, regardless of age – even if they are 60, will be asked for ID. She added that she has no intentions of selling to children and no reason to either.

SC enquired if SE had taken up the offer of training to which she replied that she had two options but assumed that Trading Standards would be at the meeting, therefore has not yet contacted them. SC explained the content of Trading Standards training as he had witnessed it, however could not comment on the alternative training that she was considering as he had not seen it's content. SC left the options open for SE, however it appeared she would opt for Trading Standards as it would prove beneficial for the venue to be seen partnership working with the local authority.

SE was told that her premises will be subject to a third test purchase and reiterated that a failure could result in serious implications.

SE commented that it can be confusing when there is a queue because the concentration goes as you are trying to serve them.

SC explained the policies in Challenge 21, 25 and 30 and advised of training records to be kept and signed by staff for the purposes of due diligence and recommended re-training every 2 or 3 months. SE stated that she reminded staff everyday, however when asked if she could prove that, she replied 'no'. She added that the area was not a problem with troublesome customers, however SC added that Western Road was a problem with street drinkers and general disorder. SE added that she does not get custom from the street drinking community as she does not stock strong beer.

SC offered any further assistance from the police, to which SE replied that the problem was the staff, and despite knowing that police were in the area as they had been told on previous days by other shops, they still sold. NM highlighted this as a worrying prospect.

SC reiterated that the third sale may lead to a review of the licence and explained the options that the police would have in respect of DPS removal, conditions and revoking the licence, resulting in financial implications. SC also mentioned that the Government guidance recommends that three sales would lead to a revoke.

SC explained that the venue may pass the next test purchase, whereby the implications of a review would not be treated as harshly as 3 consecutive sales would be. SC offered a police

officer to attend the premises on the training day to highlight the seriousness of selling to an underage youth which SE agreed was a good idea.

The letters were read and signed by SE and SC confirming receipt.

SUSSEX POLICE

WITNESS STATEMENT

MG 11(T)

(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

Statement of: Daniel Peter SWIETLIK



Age if under 18: / 18 (if over 18 insert 'over 18') Occupation: Police Constable CS895

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

Signature:  Date 30TH March 2009



This statement was completed on the same date as the incident and still fresh in my mind.

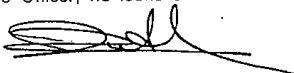
On Monday 30th March 2009, I was on duty in plain clothes engaged on a test purchase operation for the sale of alcohol to minors under the age of 18 years, which is an offence under The Licensing Act 2003.

About 1832 hours, I entered Three 2 Four , 3-4 Western Road, Hove and within a few seconds  who I know to be 16 years of age entered. I watched  select and pick up Four Cans of Stella, which are an alcoholic beverage and take it to the counter. At this time I moved in behind him in the queue to listen to any conversation and to gather any evidence as well as maintaining the safety of the minor. There was no one else in the queue as we were the only two people at the till point.

Whilst in the queue I saw posters, and small signs stating 'Challenge 21' which means that the premises should be checking all young persons for proof of age. These signs covered the counter and were on the fridges where the alcohol was on display. The store had a few customers, though not at the till.

The cashier, who I now know to be  stood behind the till, looked once at  and said nothing.

The alcoholic containers were scanned into the till and the cashier asked for the money. I then saw money leave the hand of  who is under the age of 18 who then received the change.  instantly turned around leaving the drink on the counter and walked out. He did this as the seller was trying to open a bag to place the alcohol inside it. This was about 1834 hours and I then identified myself as a police officer from the Licensing Unit who was on duty and that they have just failed a test purchase operation by selling to a minor under the age of 18 years as he was 16 years of age. The seller then said "He looks over 16, I want to see his ID" which was an unsolicited comment made. I then said "He is 16 years of age and doesn't have any ID on him" to which I then cautioned him and tried to explained that they were not under arrest at this time though anything said could be used in evidence, but he started to argue with me about Jon's age. He then said "He looks over 18, we are going to loose our Licence, Please Officer, he looks over 16". I then



Continuation of statement of Daniel Peter SWIETLIK

proceeded to tell him that the legal age to buy alcohol is 18 years of age, I could not understand why he was making mention of him being over 16 years old. I then said that training has been put into this place and there are expectations of premises challenging young persons for ID and proof of their age, especially when the venue operates a Challenge 21 policy and this forms part of their due diligence. Especially in proving that they are a responsible retailer in protecting not only kids but everyone from harm when alcohol is involved.

This made [REDACTED] quieten down and then PS Wauchope, PC's Bennett and Granville and Donna LYNSDALE from Trading Standards entered the store. We allowed the store to empty of the three customers that they had in the interim time and we shut the door to allow the interview to take place in private. Once the door was closed I then explained the circumstances to PC Granville to which he then re-cautioned him. PC Granville then proceeded to complete the contemporaneous procedure.

Once he had finished asking the questions, I heard PC Granville then reporting him for summons for the offence of selling to a minor. There was no reply after he was re-cautioned to complete the procedure.

This statement was completed at 2230 hours the same day, and form part of my original notes.



(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

Statement of: Michael GRANVILLE

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


Occupation: Police Officer CG733



This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.



Signature: 



Date 30/03/09

On Monday 30th March 2009, I was on duty in full police uniform in company with PC BENETT CB332 and Donna LYNSDALE from Brighton and Hove Trading Standards, engaged on a test purchase operation for the sale of alcohol to minors under the age of 18 years, which is an offence under The Licensing Act 2003.

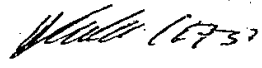
At 1838 hours, we entered 3-4 WESTERN ROAD, BRIGHTON and I met with PC Swietlik CS895 who was on duty in plain clothes and had just witnessed a sale of alcohol to a minor, namely  age 16 .

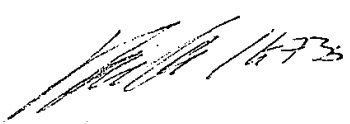
PC Swietlik CS895 then explained in the presence and hearing of  the circumstances of the incident. With this information I then cautioned  at 1840 hours and explained what it means. I also explained that at this time they are not under arrest and free to go at any stage, they are entitled to legal advise at their own cost and can terminate the interview at any time. I then explained that at this stage that as they had already received a fixed penalty notice on a previous occasion that they would be reported for summons to court.

At 1845 hours, the reporting for summons and the interview was concluded. I then informed   that he will be reported for the offence, to which I then re-cautioned using the 'now' caution, to which no reply was given.

We left the premises, leaving the premises open. I then seized the containers of alcohol and can produce them in evidence as items MJG/1 () and can also produce a record of the interview with   as exhibit MJG/2 (). Exhibit MJG/1 was placed in exhibit bags and sealed and then placed into Brighton property store.

This statement was completed at 2200 hours, and form part of my original notes.





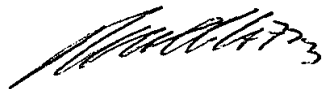
RESTRICTED (when complete)

RECORD OF INTERVIEW

URN

Contemporaneous Notes

Person interviewed: [REDACTED]
 Place of interview: 3-4 Western Rd
Brighton

Police exhibit no: MJG/12
 Number of pages: 1 of 2

 Signature of interviewing officer producing exhibit

Date of interview: 30/3/09
 Time commenced: 1840 Time concluded: 1845
 Duration of interview: 5 minutes
 Audio tape ref. nos. (♦): not recorded Visual image ref. nos. (♦):
 Interviewer(s) PC Cramble (6733)
 Other persons present: PC BENNETT CB 332









Tape Counter times (♦)	Person speaking	Text
	PC	Cautioned and explained, advised that they are not under arrest. Advised that they are allowed legal representation at anytime though at their own cost, advised that they can leave at any time. Do you want a solicitor present? (If No, why?) <u>NO I'm happy</u>
	PC	Where were you at <u>1832</u> hours?
	[REDACTED]	<u>Behind the till at work.</u>
	PC	Did you sell <u>x 4 Stella Artois Cans</u> which is an alcoholic drink to a minor who has been identified to you by ?
	[REDACTED]	<u>YES</u>

Signature(s)
 (Contemporaneous notes only) [REDACTED]

Not relevant for contemporaneous notes
 MG15 7/2003

Person interviewed: 

Page no: 2

Tape Counter times (◆)	Person speaking	Text
	PC	How long have you worked for 3-4 western Rd, Brighton
		One year
	PC	What training have you received since working here?
		been on a course about two weeks ago
	PC	Are you aware that it is an offence to sell any sort of alcoholic drink to a minor? (Illegal to sell alcohol to persons under the age of 18).
		yes
	PC	Did you ask their age or for any identification or proof of age from the minor who brought the alcohol from you?
		NO
	PC	Why did you sell to the minor?
		looks to me over 21
	PC	Would you like to make any other comments about anything that has been said in this interview or anything that has not been asked that you wish to say?
		NO
	PC	Conclusion of interview, ticket explained and issued. Re-cautioned and told that they will be reported with the ticket.
	PC	Because you have previously sold on the 9th Feb 2004 you will be reported for the offence. cautioned
		NO 

Signature(s)
(Contemporaneous notes only)



Not relevant for contemporaneous notes
MG15 7/2003

APPENDIX C

Ree 06 04 09
end 04 05 09

2009/00649 / LAKEV
SR



Doug Simmonds Ltd

Consultancy & Training to the Licensed & Leisure Trade
13, Roman Road,
Southwick
BRIGHTON, BN42 4TP

info@dougsimmonds.co.uk
Telephone 01273/597125
Mob-07889 379964

www.dougsimmonds.co.uk

My ref. 324/105/09/LA

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

<p>BRIGHTON & HOVE CITY COUNCIL ENVIRONMENTAL HEALTH & LICENSING DATE RECEIVED 01 MAY 2009</p>

01/05/09

Dear Sir,

**Review of Premises Licence at
'Three 2 Four' 3-4, Western road, Hove, BN3 1AE**

I represent the premise licence holder for the above premise for which notice of Review has been issued by the Licensing Authority following application by the police.

While it is accepted by the premise licence holder and DPS that the 3 sales which have occurred are far from being a satisfactory situation she would argue that the outcome of any review as proposed by the police with a suspension of the licence is not required because of that.

Sussex Police contend that the incidents demonstrate poor management; we would however argue that the management has not been poor, that due diligence was in place and has been observed. The failures are down to individual staff.

Following each incident there was a staff briefing and training session and action regarding discipline of the individual members involved.

Training from Trading Standards was offered and accepted after the second test purchase.

After the third failure I was called in on the 31st of March and a review of procedures and policies was carried out and implemented by the premise licence holder with immediate effect and prior to the police formulating their review papers and before notice was served on the applicant for the review.

Directors Doug Simmonds MBIT ip. & Sue Simmonds
Doug Simmonds & Cliff Collings Consultancy are trading names of 'Doug Simmonds Ltd'
Registered Address, 'Bank House' Southwick Square, Southwick, West Sussex, BN42 4FN
Registered in England No. 6446419

Amongst the changes made was an immediate rising of the age for checking ID to a 'Challenge 25' with notices being posted and four senior members of staff being booked onto a NCLPH course, one of which has been taken with the others due this month. The outcome will be more personal licence holders available to supervise sales of alcohol.

The member of staff who made the first and third sale was further disciplined and barred from selling alcohol by virtue of an instruction and 'Till' controls. There is an intention to improve these measures still further if possible without replacing the tills.

There has been an increase in the number of entries in the refusals register due we believe to the wider age range we are checking.

There has now been two lots of further training carried out by the DPS for staff and the DPS is monitoring and signing the refusals register on a regular basis.

A review of the CCTV was carried out, some changes were made.

This list is not exclusive but we believe demonstrates that the premise licence holder has been proactive does take her responsibilities very seriously and is promoting the licensing objectives as a result.

I spoke to the police on the 31st of March and on the 3rd of April requested a meeting with them to discuss this premise. That meeting was eventually held on the 30th of April.

Following the meeting with the police we have indicated to them that we have no objections in principle to the suggestions they are making with regard to additional conditions with the exception of the second one regarding the DPS or a personal licence holder being on the premise at all times when alcohol is sold. We believe it is against the principle of the Act and is not truly workable, if that person was to leave the premise even for 5 minutes an offence could occur. However we are not against the principle that generally there should be a personal licence holder on duty at all times and immediately available if not on the premise and we understand the police except this and will propose a new condition.

We have additionally invited the police to review the CCTV system and Trading Standards have offered to help with further advice on the Tills.

We will continue to review policies and Risk Assessment but this is an outline of any representation we would make to a Review Committee and we will back it with further evidence in due course.

Yours faithfully

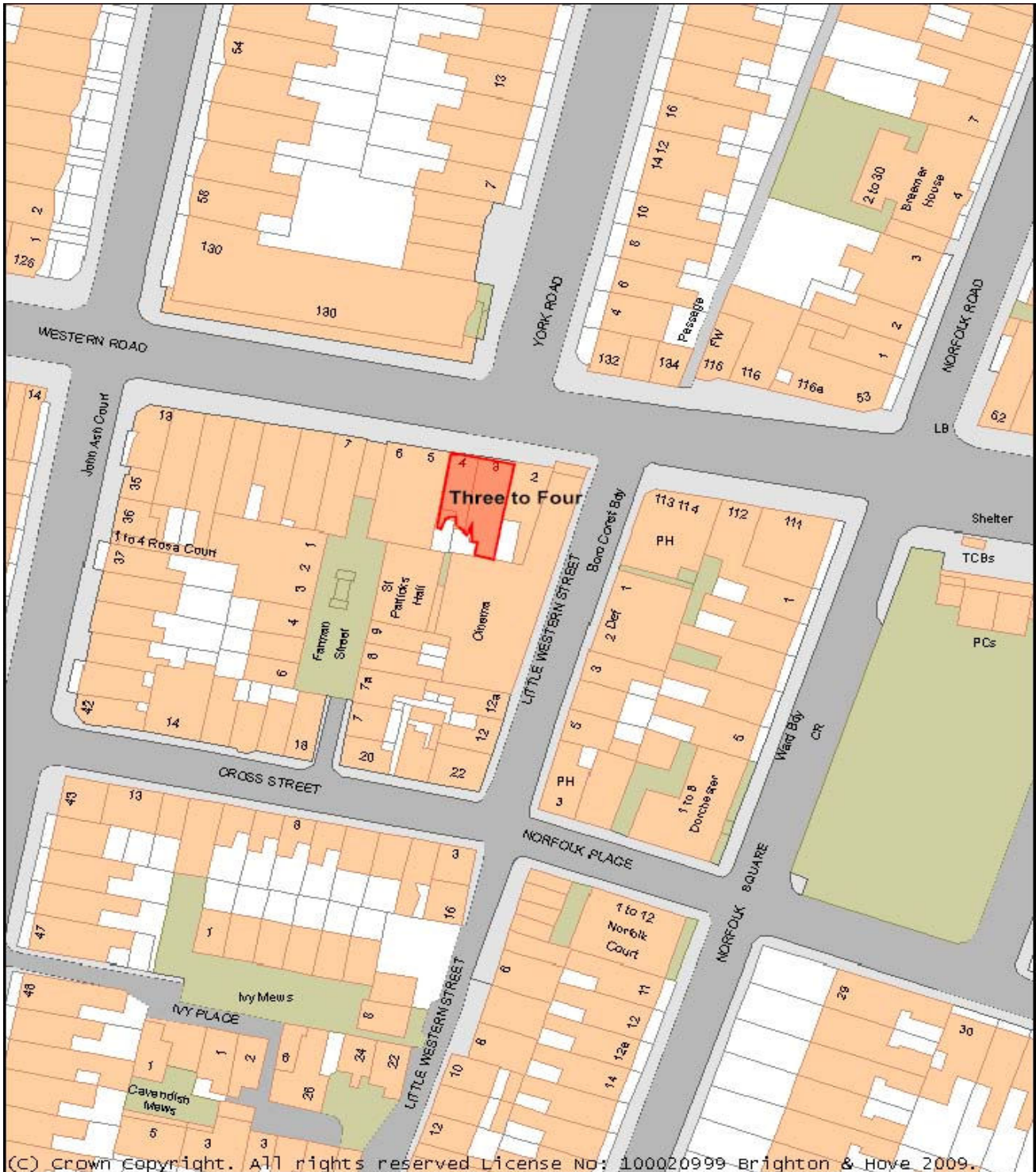


Doug Simmonds

Directors Doug Simmonds MBII ip. & Sue Simmonds
Doug Simmonds & Cliff Collings Consultancy are trading names of 'Doug Simmonds Ltd'
Registered Address, 'Bank House' Southwick Square, Southwick, West Sussex, BN42 4FN
Registered in England No. 6446419

APPENDIX D

Three to Four, 3-4 Western Road, Hove BN3 1AE



Date: 05/05/2009 03:39:24 Scale 1:802



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Document is Restricted

LICENSING PANEL

(Licensing Act 2003 Functions)

Agenda Item 4

Brighton & Hove City Council

Subject: Review of a Premises Licence under the Licensing Act 2003

Premises: Mesopotamia
17 York Place
Brighton
East Sussex
BN1 4GU

Licence Holder: Hasan Sengoz

Date of Meeting: 01 June 2009

Report of: Assistant Director Public Safety

Contact Officer: Name: Emma Bricknell Tel: 294431
E-mail: emma.bricknell@brighton-hove.gov.uk

Wards Affected: St Peter's And North Laine

FOR GENERAL RELEASE

1. PURPOSE OF THE REPORT

- 1.1 To review a Premises Licence for Mesopotamia under the Licensing Act 2003.

2. SUMMARY OF REVIEW PROCESS

- 2.1 Existing licence attached Appendix A.
- 2.2. Brighton & Hove City Council is both the relevant licensing authority and a responsible authority in respect of any premises, and may in its capacity apply under Section 51 of the Licensing Act 2003 for a review of any premises licence in respect of the premises.
- 2.3 An application was received by the Licensing Authority from Sussex Police, to review the licence granted to the premises known as Mesopotamia, 17 York Place, Brighton, East Sussex, BN1 4GU.
- 2.4 The grounds for the review relates to the following Licensing objectives:
- Prevention of Crime and Disorder
 - Protection of Children from Harm

Full details of the grounds for the review and a copy of the supplementary evidence are attached in Appendix B

2.5 At this hearing the licensing authority must:

- Consider the application made in accordance with Section 51
- Consider any relevant representations
- Take such steps (if any) as are considered necessary for the promotion of the Licensing objectives. These steps are:
 - to modify the conditions of the licence
 - to exclude a licensable activity
 - to remove the designated premises supervisor from the licence
 - to suspend the licence for a period not exceeding 3 months, or
 - to revoke the licence.

And for this purpose the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added. It may provide that the modification or exclusion have effect for a specified period not exceeding 3 months. The determination, if not completed at the hearing, shall be within 5 working days of the hearing. Such determinations do not have effect until after the appeal period or, if an appeal is lodged, until after the appeal is disposed of.

3. REPRESENTATIONS RECEIVED

3.1 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

3.2 One representation has been received from Trading Standards on the grounds of the Protection of Children from Harm supporting the application submitted by Sussex Police seeking revocation of the licence.

4. COMMENTARY ON LICENSING

4.1 The following extracts from Brighton & Hove Licensing Policy are considered relevant to this application and numbered as they appear in the policy:

General

1.2 The licensing objectives are:-

- (a) Prevention of crime and disorder;
- (b) Public safety;
- (c) Prevention of public nuisance;
- (d) Protection of children from harm.

- 1.3 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focussed on matters which are in the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity.
- 1.5 Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act
- 1.15 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act, and the conditions attached to licences, certificates and permissions will be focused on matters which are within the control of the licensee and will centre on the premises themselves and their immediate vicinity. When considering these terms and conditions the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

In respect of the prevention of crime and disorder

- 2.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority recommends that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door staff so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection.
- 2.3 It is expected that the designated premises supervisor (DPS) will spend a significant amount of time on the premises. When not

on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises.

2.5.1 Diversity of premises

This attempts to ensure that there is a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It will provide resilience against changing trends and attract a more diverse range of customers from different age groups, different communities of interest and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This in turn may have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time, may create opportunities for violent crime and public disorder and therefore encourages mixed use venues, varying hours of business and a wider age balance.

2.5.5 Care, control and supervision of premises

The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The Police will consider the applicants, objecting to the application where appropriate. The Police will suggest crime prevention measures in relation to, for example, the internal layout of the premises, close circuit television, help points, lighting and security staff. The Police may ask for conditions which support such measures to be imposed when planning or licensing applications are granted, e.g. type of licence, capacity, opening time restrictions.

2.6 Shops, stores and supermarkets which provide alcohol for consumption off the premises: the normal scenario will be to provide for sales of alcohol at any time when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.

2.8 Enforcement issues will be considered in the light of any relevant enforcement policies and close links will be sought between all enforcing authorities, e.g. through the use of intelligence sharing and strategy groups. Such protocols may lead to the targeting of agreed high risk and problem premises whilst permitting a lighter touch approach in respect of well run premises.

In respect of the protection of children from harm

- 5.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, the committee recommend that all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the licensing strategy group.
- 5.2 It is the committee's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them.
- 5.4 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:-
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
 - with a known association with drug taking or dealing;
 - where there is a strong element of gambling on the premises;
 - where entertainment of an adult or sexual nature is commonly provided.
 - where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons

Options may include:-

- limitations on the hours when children may be present;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18.

Strategic Integration

- 6.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening.
- 6.7 This policy avoids duplication with other regulatory regimes wherever possible.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the new regime.

Finance Officer Consulted: Karen Brookshaw Date: 13.05.2009

5.2 Legal Implications:

The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Rebecca Sidell

Date: 13.05.2009

5.3 Equalities Implications:

Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

5.4 Sustainability Implications:

Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

5.5 Crime & Disorder Implications:

Licensing policy aims to prevent crime and disorder and protect public safety.

5.6 Risk and Opportunity Management Implications:

Licensing is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.

5.7 Corporate / Citywide Implications:

The success of the city's tourism strategy requires a safe, attractive city centre to improve competitiveness. The Act may significantly change night time economy.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part A of Premises Licence.
2. Appendix B – Review Application and Supplementary Evidence.
3. Appendix C – Map of area.

Documents in Members' Rooms

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy.

Background Documents

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council Statement on Licensing Policy.

APPENDIX A

**Schedule 12
Part A**

Regulation 33, 34

**Premises Licence
Brighton and Hove City Council**

Premises Licence Number

1445/3/2007/01626/LAPREV

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Mesopotamia
17 York Place
Brighton
East Sussex
BN1 4GU

Telephone number 01273 570471

Where the licence is time limited the dates

Licensable activities authorised by the licence

Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol
Every Day 10:00 - 03:00

The opening hours of the premises

Every Day 08:00 - 03:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Hasan Sengoz
Flat 1
17 York Place
Brighton
East Sussex
BN1 4GU
Tel: 07785716720

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Sercan Gok

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Annex 1 - Mandatory conditions

- S 19; mandatory conditions where licence authorises supply of alcohol
 - no supply of alcohol may be made under the premises licence
 - (a) at a time when there is no designated premises supervisor in respect of the premises, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
 - every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

- S 21; mandatory condition: door supervision
 - where a premises licence includes a condition relating to security activity, the licence must include a condition that each individual must be licensed by the Security Industry Authority (there are exemptions re theatre and films and clubs)

Annex 2 - Conditions consistent with the Operating Schedule:

For the prevention of crime and disorder:

1. CCTV shall be installed maintained and operated to Sussex Police specification internally and externally. Recordings shall be kept for a minimum of 28 days and shall be made available to the Police immediately on request.
2. The premises shall arrange for a Mobile Support Service to be provided by an SIA registered organisation.
3. The premises shall join the Business Crime Reduction Partnership and participate in the 'Exclusion Scheme' and 'Night Safe' radio scheme.

For the prevention of public nuisance: None

For public safety: None

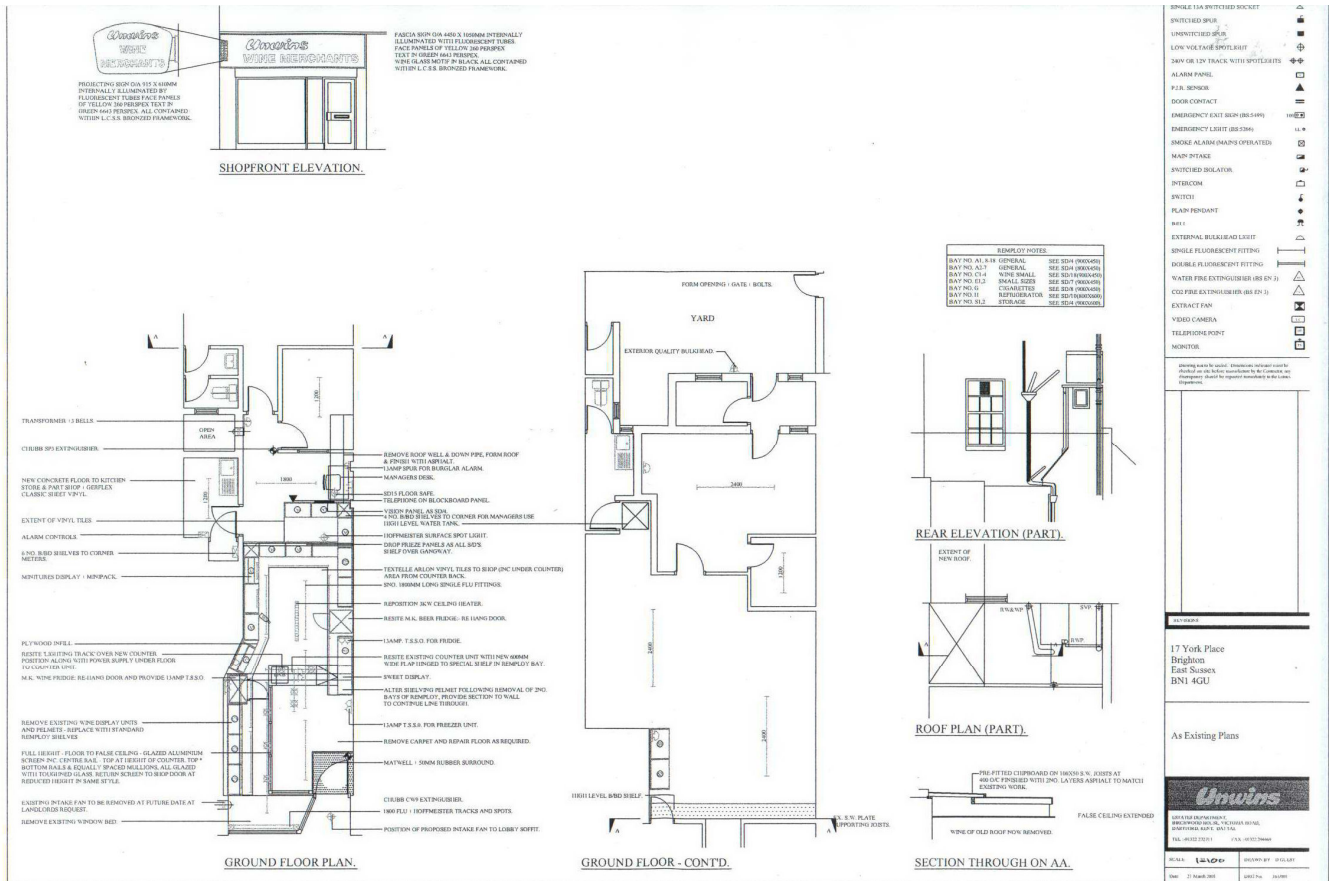
For the protection of children from harm

1. The premises shall operate a 'Challenge 21' policy, whereby any person attempting to purchase alcohol who appears under the age of 21 will be asked to produce photographic identification as proof of age. The acceptable forms of photographic identification will be a passport, photocard driving licence, pass scheme photographic I.D or other photographic I.D approved by the Police or Licensing Authority.
2. The premises shall maintain a refusals book which will be available for inspection by the Police on request.

Annex 3 - Conditions attached after a hearing by the Licensing Panel on 12.12.06

1. ~~Sale of alcohol shall only take place between 10.00 and 00.00 hours. – Condition removed as a consequence of Variation 2007/01626/LAPREV granted November 2007.~~

Annex 4 – Plans



APPENDIX B

Valid - pcd + pch - EJB 6/4/09.

2009/00648/LAPREV
EJB

Application for the review of a premises licence under the Licensing Act 2003

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 this 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. You may wish to keep a copy of the completed form for your records.

I Chief Supt Graham Bartlett, Divisional Commander, Brighton and Hove Police on behalf of Chief Constable Martin Richards
(Insert name of applicant)

Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Mesopotamia 17 York Place	
Post town Brighton, East Sussex	Post code (if known) BN1 4GU

Name of premises licence holder or club holding club premises certificate (if known)
Mr Hasan Sengoz Flat 1 17 York Place Brighton BN1 4GU

Number of premises licence or club premises certificate (if known)
1445/3/2007/01626/LAPREV

Brighton & Hove City Council

06 APR 2009

Health Safety & Licensing

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address David Bateup Police Licensing Officer Brighton & Hove Licensing Unit Police Station Holland Road HOVE BN3 1JY (on behalf of the applicant)
Telephone number (if any) 01273 66 59 43
E-mail address (optional) david.bateup@sussex.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|-----------------------------------------|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Sussex Police led alcohol test purchases in the York Place and London Road area due to intelligence being received that sales of alcohol to children were being made from premises.

The premises has failed three out of four test purchases over a 4½ - month period on the following dates:

19th November 2008 - fail

12 January 2009 - fail

21st February 2009 - pass

30th March 2009 – fail

Sussex Police and Trading Standards have tried actively to engage and work with the premises to provide training and support without success. The premises' management have difficulty in communicating with responsible authorities, and do not respond to correspondence, resulting in police and Trading Standards struggling to advise, train, support and caution them about repeated underage sales.

Sussex Police state that the following licensing objectives have been seriously undermined:

- 1) the prevention of crime and disorder;
- 2) the protection of children from harm.

Please provide as much information as possible to support the application
(please read guidance note 2)

Mesopotamia is a convenience store selling alcohol situated on York Place near to the corner of Cheapside.

The DPS is Mr Niyazi Sonmez, whose residential address is London N18.

Intelligence was received in October 2008 that alcohol had been sold from the premises to children and the street drinking community in the area, with the area becoming a focus of disorder and disturbance because of groups of youths and adults congregating there, drinking nearby and allegedly being supplied with alcohol by this shop.

On 19th November 2008 a test purchase operation was carried out at the store. A male member of staff sold four cans of lager and ten cigarettes to a 15 year old male child. The seller did not challenge the child or ask for any age identification. When interviewed by a uniformed police officer later the seller stated replied "I thought he was 18". At the time of the sale there were challenge 21 posters on display inside the shop. The seller was issued with an £80 fixed penalty notice.

Mr Sonmez, the DPS, was asked by letter to attend a meeting at Hove Police Station on 16th December to discuss the test purchase failure.

On 16th December 2008 Mr Hasan Sengoz, the premises licence holder ("PLH"), attended the meeting accompanied by his daughter, Miss Secil Demir, who was aged 18. Mr Sengoz advise officers that Mr Sonmez was unavailable and could not attend the meeting. Ms MacBeth from Trading Standards was in attendance along with PC Elshof and David Bateup representing Sussex Police. Mr Sengoz originates from Turkey and English is not his first language. Mr Sengoz was having great difficulty understanding both spoken and written English and was unable to comprehend what was being discussed. Miss Demir spoke good English and attempted, with limited success, to interpret for her father.

Miss Demir stated to the officers that she had just passed the personal licence holders examination and produced a certificate to confirm the exam pass in the Turkish language. The stated intention was that Miss Demir would take over as DPS, even though she was a full time college student. However when PC Elshof asked Miss Demir some very basic licensing questions, Miss Demir struggled to give any answer. Trading Standards and Sussex Police expressed the concern that whilst Miss Demir was 18 and therefore legally able to be the DPS, we felt that she was too inexperienced to be the DPS at such a challenging location.

Miss MacBeth discussed preventing underage sales training with Mr Sengoz via Miss Demir as translator, and invited the premises to contact Trading Standards to arrange free training.

Sussex Police and Trading Standards then made the decision to end the meeting due to the language barrier. It was felt inappropriate to ask Mr Sengoz to sign the PLH formal warning letter, relating to the failed test purchase, as he could not understand the letter's contents. Miss Demir could not sign the letter as she was neither the DPS nor PLH.

Mr Bateup followed up this meeting with a letter dated 31st December 2008 to Mr Sonmez, the DPS, explaining the difficulties with the meeting of 16th December 2008 including the language barrier, the seriousness of the situation regarding the failed test purchase and the allegations of selling to street drinkers. Enclosed with the letter was the formal warning letter relating to the failed test purchase that Mr Sonmez would have been asked to read and sign had he attended the meeting on the 16th December. In the letter of 31st December Mr Sonmez was expressly asked to read and sign the letter of 16th December 2008 and return a signed copy to Mr Bateup, or to make contact with Mr Bateup should he need any further assistance or clarification. To date, no response has been received from Mr Sonmez. This letter was also copied in to Mr Sengoz the PLH at his residential address above the premises at York Place, and there was no response from him either.

A further reminder letter was sent on 23rd January 2009 to Mr Sonmez at his London address (and copied to the premises at York Place) asking for a response, but to date no reply has been received.

On 12th January 2009 a test purchase operation was carried out at the store. A male member of staff sold six cans of lager to a 16 year old male child. The seller did not challenge the child or ask for any age identification. The seller was issued with an £80 fixed penalty notice.

On 29th January 2009 Secil Demir (the daughter of the PLH) phoned David Bateup. Mr Bateup said that he would like to set up a further meeting between the shop management, Trading Standards and Sussex Police and asked Miss Demir to act as interpreter, to which she agreed. Mr Bateup said he would check everyone's availability and contact Miss Demir again with some dates.

Subsequently Mr Bateup was unable to contact Miss Demir on the phone number provided as the phone rang without being picked up. Therefore on 27th February he wrote to Miss Demir at her father's address explaining that he wanted to visit the store with Trading Standards to conduct a business support visit and asking her to contact him with some dates that both she and the DPS and PLH would be able to attend at the store. To date there has been no response to this letter.

Further intelligence was received in February 2009 via Trading Standards that underage children hang around the shop and regularly get served alcohol.

A further test purchase operation was conducted at the store on 21st February 2009. On this occasion the premises did not sell alcohol to the child.

As there had been two previous sales and recent intelligence, it was decided to conduct a further test purchase operation at the premises. On 30th March 2009 a test purchase operation was carried out at the store. A male member of staff sold four cans of lager to a 16 year old male child. The seller did not challenge the child or ask for any age identification. When interviewed by a uniformed police officer later the seller stated that he did not challenge the child about his age or ask for age identification as he thought the child "...was tall". An £80 fixed penalty notice was issued to the seller.

This premises is situated in an area of the City with ongoing issues of alcohol related anti social behaviour. The premises has sold alcohol (and in one of these tests cigarettes also) on three out of four test purchases over a period of 4½ months. This is despite the continued efforts of Trading Standards and Sussex Police to work with and assist the DPS and premises licence holder with meetings and offers of business support and training. Sussex Police have been mindful of the fact that English is not the first language of the PLH and possibly the DPS (with whom, to date, there has been no opportunity to speak directly), and the premises have been given time to read, translate and understand letters and invited to contact officers with queries and requests for help and support. With the exception of the telephone call on 29th January 2009, Sussex Police letters have not been answered.

London Road and York Place are constantly experiencing a disproportionate number of street drinkers within the area, most of whom remain in the area throughout the day even if their accommodation is in Hove or other outlying areas. The drinkers are drinking from very early in the morning until late at night. Mesopotamia is situated next to 11 York Place which is a centre for alcoholics and drug users to start or continue with rehabilitation treatment for their addiction. The police will provide supporting statements to this effect from specialist officers who can provide first hand evidence.

Sussex Police believe that these incidents demonstrate very poor management of the premises with the consequence that the licensing objectives of prevention of crime and disorder and protection of children from harm are being seriously undermined.

Sussex Police respectfully invite the Committee to consider revoking the premises licence for Mesopotamia. Sussex Police contend that this is necessary and proportionate following three failed test purchases, and the continual failure of the premises management to engage with responsible authorities and actively promote the licensing objectives.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day

Month

Year

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

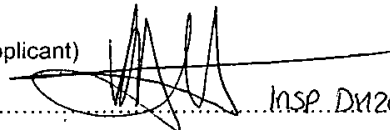
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature (on behalf of the applicant)

 Insp D11208 Victoria Harris

Date 03/04/2009

Capacity Police Inspector

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



HOVE POLICE STATION

Brighton & Hove Licensing Unit
Brighton Police Station
John Street
Brighton
BN2 0LA

Tel: 01273 66 59 43
Fax: 01273 66 55 24

Email: david.bateup@Sussex.pnn.police.uk

30th April 2009

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

Dear Sirs,

Premises review application for Mesopotamia, 17 York Place, Brighton, BN1 4GUR, under the Licensing Act 2003

Further to our review application of the 3rd April 2009 in respect of the above premises, I attach our supplementary evidence in support of the application.

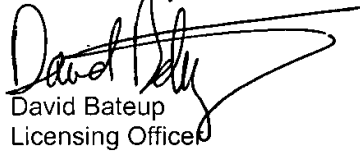
I confirm that copies of this letter have today been sent to both the Designated Premises Supervisor and the Premises Licence Holder with a stamped certificate of posting from the Post Office to confirm posting.

May I respectfully point out to Democratic Services when photocopying the enclosed supplementary evidence with this letter for distribution to the Licensing Sub Committee, that some of the pages are double sided and it is essential that both sides are copied for inclusion in the information packs.

<p>BRIGHTON & HOVE CITY COUNCIL ENVIRONMENTAL HEALTH & LICENSING</p> <p>DATE RECEIVED</p> <p>05 MAY 2009</p>

1

Yours faithfully,

A handwritten signature in black ink, appearing to read 'David Bateup', with a long horizontal flourish extending to the right.

David Bateup
Licensing Officer
Licensing Unit
Brighton Police Station .

Encs

(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

Statement of: Jessica Terrill

Age if under 18: O / 18 (if over 18 insert 'over 18') Occupation: Police Constable

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

Signature:



Date

19/11/2008

On Wednesday 19th November 2008, I was on duty in full police uniform in company with PC Blampied DB 194, PC Cheesman CC302, PS Wauchope CW098, PC Swietlik CS895, and Donna Lynsdale from Brighton and Hove Trading Standards, engaged on a test purchase operation for the sale of alcohol to minors under the age of 18 years, which is an offence under The Licensing Act 2003.

At 19:58 hours, I entered METOPOTTANYA 17 York Place , Brighton and I met with PC Cheesman who was on duty in plain clothes and had just witnessed a sale of alcohol and tobacco to a minor, namely [redacted] age 15.

PC Cheesman then explained in the presence and hearing of [redacted] the circumstances of the incident. With this information I then cautioned [redacted] at 20:00 hours and explained what it means. I also explained that at this time they are not under arrest and free to go at any stage, they are entitled to legal advise at their own cost and can terminate the interview at any time. I then explained that at this stage the fixed penalty procedure and that a contemporaneous interview will take place.

At 20:05 hours the interview was concluded. I then informed [redacted] that he will be reported for the offence and that it will be dealt with by means of fixed penalty notice, to which I then re-cautioned using the 'now' caution, to which no reply was given. I issued the fixed penalty notice at 20:15 hours approximately.

I left the premises, leaving the premises open. I then seized the packet of Royals (a pack of ten) and the 4 cans of Fosters and can produce them in evidence as items JHT/1 () and JHT/2 () respectively. These items were placed in exhibit bags and sealed. The containers of Alcohol were placed into the Brighton property store. The packet of cigarettes was passed to Trading Standards. I can also produce my written record of the contemporaneous interview in evidence as JHT/3.

This statement was completed at 21:57 hours on 19/11/2008, and forms part of my original notes.



DT582

(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

Statement of: Steven Raymond CHEESMAN

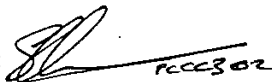
Age if under 18: 0 / 18

(if over 18 insert 'over 18')

Occupation: Police Constable CC302

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

Signature:


PC302

Date 19/11/08

On Wednesday 19th November 2008, I was on duty in plain clothes in company with PC Swietlik CS895, PS Wauchope CW098 as well as other officers in uniform and Donna LYNSDALE from Brighton and Hove Trading Standards, engaged on a test purchase operation for the sale of alcohol to minors under the age of 18 years, which is an offence under The Licensing Act 2003.

About 1952 hours, I entered MEZAPATAN 2, 17 York Place and within a few seconds [REDACTED] who I know to be 15 years of age entered. I watched [REDACTED] select and pick up 4 cans of Fosters Lager, which an alcoholic beverage and take it to the counter. At this time I moved in behind him in the queue to listen to any conversation and to gather any evidence as well as maintaining the safety of the minor.

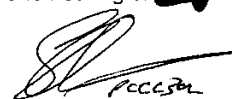
Whilst in the queue I saw posters, leaflets etc stating 'Challenge 21' which means that the premises should be checking all young persons for proof of age. The store was empty with no other customers and there was only the on sales person in the store at that time.

The sales assistant, who I would describe as being a large, shaven headed IC1 Male, then looked up at [REDACTED] and scanned the alcohol. At this point I heard [REDACTED] ask for 10 Royals which I know to be tobacco cigarettes.

The cigarettes were scanned into the till. I then saw money leave the hand of [REDACTED], who is under the age of 18 who then received change. [REDACTED] instantly turned around and left the store leaving the cigarettes and the alcohol on the counter. I then identified myself as a police officer who was on duty by stating my name as well as showing him my warrant card and stated that they have just failed a test purchase operation by selling to a minor who was 15 years old. The seller then said "I THOUGHT HE WAS 18", which was an unsolicited comment made. I then replied to him making reference to the Challenge 21 posters that were behind the till.

I then explained that uniformed police officer will be here in a few minutes to deal with him.

PC's TERRILL DT582 and PC BLANPIED DB194 entered the store and in the presence and hearing of [REDACTED]


PC302

Continuation of statement of PC CHEESMAN CC302
[REDACTED] explained the circumstances of the sale.

At this time I left the premises, leaving the receipt, cigarettes and alcohol with PC TERRILL to complete the ticket procedure.

This statement was completed at 2225 hours, and form part of my original notes.



Handwritten signature of PC Cheesman CC302.


RESTRICTED (when complete)

RECORD OF INTERVIEW

URN

Contemporaneous Notes

Person interviewed: [Redacted]
Place of interview: 170^{JHT} YORK PLACE,
BRIGHTON

Police exhibit no: JHT/3.
Number of pages: 1 of 2
 PC TERRILL DT582
Signature of interviewing officer producing exhibit

Date of interview: 19/11/2008
Time commenced: 20:00 Time concluded: 20:05
Duration of interview: 5 minutes
Audio tape ref. nos. (◆): Visual image ref. nos. (◆):
Interviewer(s) PC TERRILL DT582.
Other persons present: PC BLANPEID DB194.

Tape Counter times (◆)	Person speaking	Text
		Cautioned and explained, advised that they are not under arrest. Advised that they are allowed legal representation at anytime though at their own cost, advised that they can leave at any time. Do you want a solicitor present? (If No, why?) NO.
		Where were you at 19:55 hours?
		At 17 York Place
		Did you sell 4 cans of Foster's which is an alcoholic drink to a minor who has been identified to you by ?
		Yes.

Signature(s)
(Contemporaneous notes only)

[Redacted Signature]

PC TERRILL DT582
 Not relevant for contemporaneous notes
MG15 7/2003

Person interviewed:

Page no: 2

Tape Counter times (◆)	Person speaking	Text
		How long have you worked for Netopottanya2?
		18 months.
		What training have you received since working here?
		Trading standards course is all I have been on.
		Are you aware that it is an offence to sell any sort of alcoholic drink to a minor? (Illegal to sell alcohol to persons under the age of 18).
		Yes.
		Did you ask their age or for any identification or proof of age from the minor who brought the alcohol from you?
		No.
		Why did you sell to the minor ?
		I thought he was old enough.
		Would you like to make any other comments about anything that has been said in this interview or anything that has not been asked that you wish to say?
		No.
		Conclusion of interview, ticket explained and issued. Re-cautioned and told that they will be reported with the ticket.

Signature(s)
(Contemporaneous notes only)



PC FERRILL DT582
Not relevant for contemporaneous notes
MG15 7/2003



HOVE POLICE STATION

Brighton & Hove Licensing Unit
Police Station
Holland Road
HOVE
BN3 1JY

Tel: 01273 66 59 43
Fax: 01273 66 55 24

Email: david.bateup@Sussex.pnn.police.uk

5th December 2008

Mr Niyazi Sonmez
9 Edinburgh Road
London
N18 2EU

Dear Mr Sonmez,

Mesopotamia, 17 York Place, Brighton

I would like you to attend a meeting at Hove Police Station on Tuesday 16th December 2008 at 14:00 hrs discuss the recent failed test purchase operation at your premises and issues of concern to Police and Trading Standards surrounding the shop.

Trading Standards and Police Licensing request that you bring with you to the meeting a copy of your staff training manual on the sale of age restricted products together with your refusals book or books for the last six months. We also request that you are accompanied by the premises licence holder Mr Sengoz at the meeting.

Please can you either call or email me to confirm your attendance.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Bateup', with a long horizontal flourish extending to the right.

David Bateup
Licensing Officer
Licensing Unit
Hove Police Station

cc: Mr Hasan Sengoz
Flat 1
17 York Place
Brighton
BN1 4GU

Ms Catriona MacBeth
Trading Standards
Brighton & Hove City Council



HOVE POLICE STATION

Brighton & Hove Licensing Unit
Police Station
Holland Road
HOVE
BN3 1JY

Tel: 01273 66 59 43
Fax: 01273 66 55 24

Email: david.bateup@sussex.pnn.police.uk

16th December 2008

Mr Niyazi Sonmez
9 Edinburgh Road
London
N18 2EU

Dear Mr Sonmez,

UNLAWFUL SALE OF ALCOHOL TO A PERSON UNDER THE AGE OF 18 YEARS MESOPOTAMIA, 17 YORK PLACE, BRIGHTON

In the month of November 2008, a Police operation relating to the sale of alcohol to under aged persons took place in Brighton and Hove District.

The above premises, of which you are the Designated Premises Supervisor was one of those premises visited by an underage volunteer, who successfully made a purchase of alcohol from a member of your staff.

It is an offence under Section 146 of the Licensing Act 2003 to sell, and Section 147 of the Licensing Act 2003 to allow the sale of alcohol to persons under the age of 18 years.

This letter is served upon you and acts as a **formal written warning** relating to this incident.

A record has been kept by the Brighton and Hove Police Licensing Dept and this matter may be brought to the attention of the Magistrates, Senior Police Officers or

Brighton and Hove District Council at any time in the future. Should incidents of a similar nature re-occur, this may jeopardise your licence.

It is advised that you take every effort and train staff accordingly to ensure that such instances do not re-occur in the future.

Yours sincerely,

Malcolm Wauchope
Police Sergeant
Licensing Unit
Hove Police Station

cc: Mr Hasan Sengoz
Flat 1
17 York Place
Brighton
BN1 4GU

Ms Catriona MacBeth
Trading Standards
Brighton & Hove City Council

I. Record of Service / Receipt

Served upon the addressee

On date: -

By: -

Signed in receipt of a copy by: -



HOVE POLICE STATION

Brighton & Hove Licensing Unit
Police Station
Holland Road
HOVE
BN3 1JY

Tel: 01273 66 59 43
Fax: 01273 66 55 24

Email: david.bateup@sussex.pnn.police.uk

31st December 2008

Mr Niyazi Sonmez
9 Edinburgh Road
London
N18 2EU

Dear Mr Sonmez,

UNLAWFUL SALE OF ALCOHOL TO A PERSON UNDER THE AGE OF 18 YEARS MESOPOTAMIA, 17 YORK PLACE, BRIGHTON

Further to my letter to you of the 5th December 2008, Mr Hasan Sengoz and his daughter [REDACTED] attended the meeting with Trading Standards and ourselves at Hove Police Station on the 16th December. We were advised at the meeting by Mr Sengoz that you were unable to attend.

Ms Catriona MacBeth from Trading Standards together with PC Elshof and myself from Police Licensing attended the meeting.

It became immediately apparent at the start of the meeting that English is not Mr Sengoz's first language and he was having some difficulty understanding what was being said to him. [REDACTED] acted as his interpreter for the rest of the meeting.

It was made clear by Trading Standards and ourselves that we have received intelligence that your shop is selling alcohol both to underage persons and to street drinkers.

██████████ produced an exam certificate stating that she has passed the licensees examination (in the Turkish language) required to become a personal licence holder, and that it was anticipated that she may become the DPS of the shop. However when PC Elshof from Police Licensing asked ██████████ some basic questions about licensing issues which a person who has just passed the licensees exam should be able to answer with ease, ██████████ had immediate difficulty in providing basic answers.

We also expressed our concern that whilst ██████████ is obviously very intelligent and capable, she is nevertheless 18 years of age and this is really far too young to be the DPS at your store which is situated in such a challenging location.

Ms MacBeth asked for you and Mr Sengoz to arrange for everyone who works in the shop to receive preventing underage sales training, which is provided free of charge by Trading Standards. Ms MacBeth also asked that the training is provided in English instead of Turkish, as you and your staff do need to be able to conduct effective challenges to suspected underage persons and street drinkers in English.

Ms MacBeth also requested that your shop keeps and fills in a refusals book.

In accordance with Home Office guidance we now ask the DPS of any premises who was failed a test purchase to sign a warning letter. The original of the letter for your shop is attached. We did not consider it appropriate to ask Mr Sengoz to sign the letter in the meeting as the premises licence holder due to his difficulty in understanding and reading English. We also considered it inappropriate to ask ██████████ to sign the letter due to her age and the fact that she is neither the DPS or the premises licence holder. I now ask that you sign the letter as the DPS and return it to me in the enclosed addressed envelope. I also enclose a copy of the letter for you to keep with your shop records.

I must advise you that your shop remains a matter of some concern to Trading Standards and Sussex Police, and that we will return to your shop over the coming months with underage volunteers to ensure that they are challenged about their age and refused service of age restricted products. I must reiterate to you as the DPS that we will take the shop to a Council Licensing Committee review and ask for revocation of the licence in the event that further sales to underage persons or drunks (street drinkers) are evidenced.

In addition to signing and returning the attached letter to me, please do not hesitate to contact me should you need assistance or clarification on any point in this letter.

██████████

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Bateup', with a long horizontal flourish extending to the right.

David Bateup
Licensing Unit
Hove Police Station

cc: Mr Hasan Sengoz
Flat 1
17 York Place
Brighton
BN1 4GU

Ms Catriona MacBeth
Trading Standards
Brighton & Hove City Council

(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

Statement of: Mark Richard BAKER

Age if under 18: 0 / 18 (if over 18 insert 'over 18') Occupation: Police Sergeant (CB125)

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature:  Date 12/01/09

On Monday 12 January 2009 at 1800 hours , I was on duty in plain clothes. At this time I was engaged on a test purchase operation for the sale of alcohol to minors under the age of 18 years, which is an offence under The Licensing Act 2003.

About 1958 hours, I entered Mesopotamia in York Place, Brighton and within a few seconds a male who I know to be [redacted] who is 16 years of age entered. I watched [redacted] select 6 cans of Heineken, which an alcoholic beverage and take it to the counter. At this time I moved in behind him in the queue to listen to any conversation and to gather any evidence as well as maintaining the safety of the minor.

Whilst in the queue I could see the store had one customer, There was one member of staff on tills."

The sales assistant, who I would describe as being a white male, of Turkish origin aged about 30 with dark hair.

The alcoholic containers were rang up on till, the price being 6 cans for £5.50. I then saw money leave the hand of [redacted] who is under the age of 18 who then received change and instantly turned around and left the shop leaving the drinks on the counter. I then identified myself as a police officer who was on duty and that they have just failed a test purchase operation by selling to a minor under the age of 18 years. I then cautioned the sales assistant who I now know to be [redacted], date of birth [redacted] and explained that they were not under arrest at this time though anything said could be used in evidence. After caution [redacted] replied " He looks 21".

I then explained that uniformed police officer will be here in a few minutes to deal with him.

PC's SHAR Cs577 and PC ELLIS CE223 entered the store and in the presence and hearing of [redacted], I explained the circumstances and reiterated that they had already cautioned them. PC SHAR then re-cautioned them and started the fixed penalty notice procedure.

I left the premises, leaving the alcohol with PC SHAR to complete the ticket procedure.

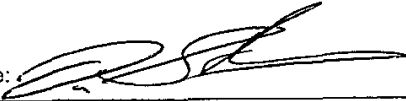


(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

Statement of: Jay SHAH

Age if under 18: O / 18 (if over 18 insert 'over 18') Occupation: Police Constable CS427

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

Signature: 

Date 12/01/09

On Monday 12 January 2009, I was on duty in full police uniform in company with PC ELLIS CE223 and PS BAKER CB125 and two members of the Brighton and Hove Trading Standards. We engaged on a test purchase operation for the sale of alcohol to minors under the age of 18 years, which is an offence under The Licensing Act 2003.

At 2106 hours, we entered Mesopotamia, York Place and I met with PS BAKER who was on duty in plain clothes and had just witnessed a sale of alcohol to a minor, namely John age 16 .

PS BAKER then explained in the presence and hearing of [redacted] the circumstances of the incident. With this information I then cautioned [redacted] at 2014 hours and explained what it means. I also explained that at this time they are not under arrest and free to go at any stage, they are entitled to legal advise at their own cost and can terminate the interview at any time. I then explained that at this stage the fixed penalty procedure and that a contemporaneous interview will take place.

At 2018 hours, the fixed penalty ticket and the interview was concluded. I then informed [redacted] that he will be reported for the offence and that it will be dealt with by means of fixed penalty notice, to which I then re-cautioned using the 'now' caution, to which he gave no reply.

We left the premises, leaving the premises open. I then seized the containers of alcohol and can produce them in evidence as items JS/1 (). These items were placed in exhibit bags and sealed and then placed into Brighton property store.

This statement was completed at 2159 hours, and form part of my original notes.





RESTRICTED (when complete)

WITNESS STATEMENT

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

URN

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Statement of: **Stuart Keith ELLIS**

Age if under 18: 18 (if over 18 insert 'over 18') Occupation: **Police Constable CE223**

This statement (consisting of **1** page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.


Signature: 

Date **12/01/2009**

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

On Monday 12 January 2009, I was on duty in full uniform in company with PC CS427 SHAH when we attended Mesopotamia, York Place, Brighton

We had attended that address as a staff member, **[REDACTED]**, within the shop was witnessed to have sold alcohol to a minor.

At 20:00 hours, I commenced a contemporaneous interview of **[REDACTED]** about the sale of alcohol to the minor. I can produce a copy of this interview as SKE/01 ().

RESTRICTED (when complete)

RECORD OF INTERVIEW

URN

Contemporaneous Notes

Person interviewed: [REDACTED]

Police exhibit no:

Place of interview: MESAPOTAMIA
17 YORK PLACE
BOLTON.

Number of pages: 1 of 2

Signature of interviewing officer producing exhibit

Date of interview: 12/1/2009

Time commenced: 20.14

Time concluded:

Duration of interview:

Audio tape ref. nos. (◆):

Visual image ref. nos. (◆):

Interviewer(s)

Other persons present: PC SPAN CS427.

Tape Counter times (◆)	Person speaking	Text
	<u>CELLS</u>	Cautioned and explained, advised that they are not under arrest. Advised that they are allowed legal representation at anytime though at their own cost, advised that they can leave at any time. Do you want a solicitor present? (If No, why?) <u>NO</u>
		Where were you at <u>2000</u> hours?
		<u>HOME AT THE SHOP.</u>
		Did you sell <u>6 LAYS OF MEINON</u> which is an alcoholic drink to a minor who has been identified to you by <u>PS BAKEN</u> ?
		<u>YES, I SELL</u>

Signature(s)
(Contemporaneous notes only)

[REDACTED SIGNATURE]

Not relevant for contemporaneous notes
MG15 7/2003

Person interviewed:

Tape Counter times (◆)	Person speaking	Text
		How long have you worked for MESAPOTAMIA .
		4 MONTHS.
		What training have you received since working here?
		ALCOHOL LICENCE, 2 MONTHS AGO.
		Are you aware that it is an offence to sell any sort of alcoholic drink to a minor? (Illegal to sell alcohol to persons under the age of 18).
		YEAM, I KNOW, ALL THE TIME I CHECK ID.
		Did you ask their age or for any identification or proof of age from the minor who brought the alcohol from you?
		NO I DIDNT.
		Why did you sell to the minor?
		HE LOOKED OVER THE AGE.
		Would you like to make any other comments about anything that has been said in this interview or anything that has not been asked that you wish to say?
		THE GUY LOOKED OLDER THAN WHAT HE WAS, HE DIDNT THINK OF ASKING.
		Conclusion of interview, ticket explained and issued. Re-cautioned and told that they will be reported with the ticket.

Signature(s)
(Contemporaneous notes only)

Not relevant for contemporaneous notes
MG 15 7/2003

(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

Statement of: Jay SHAH

Age if under 18: O / 18

(if over 18 insert 'over 18')

Occupation: Police Constable CS427

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

Signature: _____

Date _____

On Monday 12 January 2009, I was on duty in full police uniform in company with PC ELLIS CE223 and PS BAKER CB125 and two members of the Brighton and Hove Trading Standards. We engaged on a test purchase operation for the sale of alcohol to minors under the age of 18 years, which is an offence under The Licensing Act 2003.

At 2106 hours, we entered Mesopotamia, York Place and I met with PS BAKER who was on duty in plain clothes and had just witnessed a sale of alcohol to a minor, namely John age 16 .

PS BAKER then explained in the presence and hearing of [REDACTED] the circumstances of the incident. With this information I then cautioned [REDACTED] at 2014 hours and explained what it means. I also explained that at this time they are not under arrest and free to go at any stage, they are entitled to legal advise at their own cost and can terminate the interview at any time. I then explained that at this stage the fixed penalty procedure and that a contemporaneous interview will take place.

At 2018 hours, the fixed penalty ticket and the interview was concluded. I then informed [REDACTED] that he will be reported for the offence and that it will be dealt with by means of fixed penalty notice, to which I then re-cautioned using the 'now' caution, to which he gave no reply.

We left the premises, leaving the premises open. I then seized the containers of alcohol and can produce them in evidence as items JS/1 (_____). These items were placed in exhibit bags and sealed and then placed into Brighton property store.

This statement was completed at 2159 hours, and form part of my original notes.



HOVE POLICE STATION

Brighton & Hove Licensing Unit
Police Station
Holland Road
HOVE
BN3 1JY

Tel: 01273 66 59 43
Fax: 01273 66 55 24

Email: david.bateup@sussex.pnn.police.uk

23rd January 2009

Mr Niyazi Sonmez
9 Edinburgh Road
London
N18 2EQ

Dear Mr Sonmez,

**UNLAWFUL SALE OF ALCOHOL TO A PERSON UNDER THE AGE OF 18
YEARS MESOPOTAMIA, 17 YORK PLACE, BRIGHTON**

I refer to my letter of the 31st December 2008 and note that to date I have not received any reply or acknowledgement from either yourself or Mr Sengoz, the premises licence holder.

I would like you to both acknowledge and respond to my correspondence please.

I am also sending this letter to you at the shop address as well as your home address in London as shown on the premises licence.

Yours sincerely,

David Bateup
Licensing Unit
Hove Police Station

cc: Mr Hasan Sengoz
Flat 1
17 York Place
Brighton
BN1 4GU

Ms Catriona MacBeth
Trading Standards
Brighton & Hove City Council



HOVE POLICE STATION

Brighton & Hove Licensing Unit
Police Station
Holland Road
HOVE
BN3 1JY

Tel: 01273 66 59 43
Fax: 01273 66 55 24

Email: david.bateup@sussex.pnn.police.uk

27th February 2009

Miss [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear Secil,

BUSINESS SUPPORT VISIT FOR MESOPOTAMIA, 17 YORK PLACE, BRIGHTON

Further to our recent meeting and discussion, I would like to arrange a business support meeting for Catriona MacBeth and myself to visit the shop during the day (probably late morning) during the next week or so.

I am writing to you directly as your English is very good and we hope that you will not mind acting as secretary and interpreter on behalf of your father and the business.

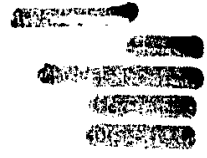
Obviously your father and Mr Niyazi Sonmez should^{be} present at the shop at the time we conduct the visit. We would also like you to be~~be~~ there to interpret as and when necessary please.

Please can you give me a call on the above number to see if we can arrange a meeting. You are very welcome to communicate with me via email as I anticipate that you are at college most week days when I am in the office.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Bateup', with several horizontal lines drawn through it.

David Bateup
Licensing Unit
Hove Police Station



(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

Statement of: Michael GRANVILLE

Age if under 18: 0 / 18 (if over 18 insert 'over 18') Occupation: Police Constable CG733

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

Signature:



Date

30/03/09

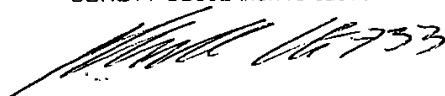
On Monday 30th March 2009, I was on duty in plain clothes in company with PC BENETT CB332 and Donna LYNSDALE from Brighton and Hove Trading Standards, engaged on a test purchase operation for the sale of alcohol to minors under the age of 18 years, which is an offence under The Licensing Act 2003.

About 1935 hours, I entered 17 York Place, Brighton and within a few seconds [REDACTED] who I know to be 16 years of age entered. I watched [REDACTED] select and pick up x4 kronenburg cans which an alcoholic beverage and take it to the counter. At this time I moved in behind them in the queue to listen to any conversation and to gather any evidence as well as maintaining the safety of the minor.

The store was empty with no customers other than [REDACTED] and myself in the store. There was only one member of staff in the store at the time. The sales assistant, who I would describe as being an Asian male about five foot seven inches tall with short dark hair and a foreign accent, slim build. The shop assistant then looked up at [REDACTED] and said "FOUR POUND PLEASE" and placed the cans in a black carrier bag on the counter, he did not spend much time looking at the minor at all and rushed the sale. I then saw money leave the hand of [REDACTED] who is under the age of 18 who then received change [REDACTED] instantly turned around and left the store leaving the drink on the counter. I then identified myself as a police officer who was on duty and that they have just failed a test purchase operation by selling to a minor under the age of 18 years. The seller then said 'SORRY, DO I GET ANOTHER CHANCE?' which was an unsolicited comment made. I then cautioned the sales assistant and explained that they were not under arrest at this time though anything said could be used in evidence.

I then explained that uniformed police officer will be here in a few minutes to deal with them. I then took their details. I now know the seller to be [REDACTED].

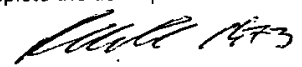
PC BENETT CB332 and Sergeant WAUCHOPE CW098 entered the store and in the presence and hearing of [REDACTED] I explained the circumstances and reiterated that they had already cautioned them. PC BENETT CB332 then re-cautioned them and started the fixed penalty notice procedure.



Continuation of statement of PC Michael GRANVILLE CG733

At this time I left the premises, leaving the alcohol with PC BENETT CB332 to complete the ticket procedure.

This statement was completed at 2220 hours, and form part of my original notes.



(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

Statement of: PC Jon Bennett

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

Occupation: Police Officer CB332

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature:



Date

30/03/09

On Monday 30 March 2009 at 19:40, I was on duty in full police uniform in company with PC Granville CG733 and Donna LYNSDALE from Brighton and Hove Trading Standards, engaged on a test purchase operation for the sale of alcohol to minors under the age of 18 years, which is an offence under The Licensing Act 2003.

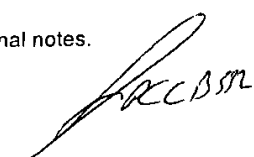
At 19:42 hours, I entered 17 York Place, Brighton and I met with PC Granville who was on duty in plain clothes and had just witnessed a sale of alcohol to a minor, namely [REDACTED] age 16.

PC Granville then explained in the presence and hearing of [REDACTED] the circumstances of the incident. With this information I then cautioned [REDACTED] at 19:43 hours and explained what it means. I also explained that at this time they are not under arrest and free to go at any stage, they are entitled to legal advice at their own cost and can terminate the interview at any time. I then explained that at this stage the fixed penalty procedure and that a contemporaneous interview will take place.

At 19:46 hours, the fixed penalty ticket and the interview was concluded. I then informed [REDACTED] that he will be reported for the offence and that it will be dealt with by means of fixed penalty notice, to which I then re-cautioned using the 'now' caution, to which no reply was given.

I left the premises, leaving the premises open. I then seized the containers of alcohol and can produce them in evidence as items JMB/01 (). These items were placed in exhibit bags and sealed and then placed into Brighton property store. I can also produce a record of the contemporaneous interview conducted with [REDACTED] in my evidence as exhibit JMB/02 ().

This statement was completed at 21:57 hours, and form part of my original notes.



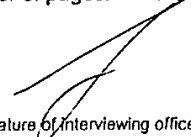
RESTRICTED (when complete)

RECORD OF INTERVIEW

URN

Contemporaneous Notes

Person interviewed: [REDACTED]
 Place of interview: 17 YORK PLACE
BRIGHTON

Police exhibit no: SM8/C-2
 Number of pages: 1 of 2

 Signature of interviewing officer producing exhibit

Date of interview: 30/03/07
 Time commenced: 19:43 Time concluded: 19:46
 Duration of interview: 3 MINUTES
 Audio tape ref. nos. (◆): _____ Visual image ref. nos. (◆): _____
 Interviewer(s) PC BENNETT CB332
 Other persons present: PC GRANVILLE

Tape Counter times (◆)	Person speaking	Text
	<u>CB332</u>	Cautioned and explained, advised that they are not under arrest. Advised that they are allowed legal representation at anytime though at their own cost, advised that they can leave at any time. Do you want a solicitor present? (If No, why?) <u>NO</u>
	<u>CB332</u>	Where were you at <u>19.40</u> hours?
	[REDACTED]	<u>BEHIND THE COUNTER AT 17 YORK PLACE</u>
	<u>CB332</u>	Did you sell <u>4, HROMENDUL</u> which is an alcoholic drink to a minor who has been identified to you by <u>PC GRANVILLE</u> ?
	[REDACTED]	<u>YEAH</u>

Signature(s)
 (Contemporaneous notes only) [REDACTED]

Not relevant for contemporaneous notes
 MG15 7/2003

Person interviewed:

Page no: 2

Tape Counter times (◆)	Person speaking	Text
	CB332	How long have you worked for
	●	ABOUT 6 MONTHS
	CB332	What training have you received since working here?
	●	I WENT TO THE COUNCIL ONCE
	CB332	Are you aware that it is an offence to sell any sort of alcoholic drink to a minor? (Illegal to sell alcohol to persons under the age of 18).
	●	YEAH I KNOW, I ALWAYS ASK.
	CB332	Did you ask their age or for any identification or proof of age from the minor who brought the alcohol from you?
	●	I DIDNT ASK FOR ANYTHING.
	CB332	Why did you sell to the minor?
	●	I LOOKED AT HIM AND HE WAS TALL.
	CB332	Would you like to make any other comments about anything that has been said in this interview or anything that has not been asked that you wish to say?
	●	I'VE GOT NO COMMENTS.
	CB332	Conclusion of interview, ticket explained and issued. Re-cautioned and told that they will be reported with the ticket.
		●

Signature(s)
(Contemporaneous notes only)

●

Not relevant for contemporaneous notes
MG15 7/2003

RESTRICTED (when complete)**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN

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Statement of: ROBERT WILLIAM LEET

Age if under 18: 0'18

(if over 18 insert 'over 18')

Occupation: POLICE INSPECTOR

This statement (consisting of 03 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:


Date 8th April 2009
 Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Neighbourhood Police Inspector stationed at Brighton police station. The area I am responsible for is the City centre of Brighton and includes London Road. I took post in November 2008 and since this time much of my work has been concentrated on the problems that residents, traders and visitors of London Road experience. It would be fair to say that this is a priority area in terms of City centre policing.

Prior to me taking post, there was a lot of publicity surrounding the perceived neglect of London Road, including newspaper articles and radio interviews. Much of this publicity was critical of the police and the council for not getting a grip of the problems in the area. My first aim when I took post was to conduct a survey of the area in order to establish what the key issues were affecting the area. I could then use this to determine what needed to be tackled and the best way of doing it.

Two surveys were actually conducted. The first was by the council at the inaugural London Road Local Action Team meeting on 20th November 2008. 70 people attended this meeting and were asked to identify the issues they were most concerned about. The number one issue for participants was "Street Drinking" (47 concerns) followed by "Disorderly Groups Gathering" (31 concerns). There then followed a question and answer session to enable specific issues to be aired and it was Minuted that, in relation to Licensing issues, there was a perceived lack of enforcement action and problems with off licence premises selling to unsuitable persons. The strength of feeling was such that attendees to the meeting were asking for London Road to be considered for an extension of the Cumulative Impact Zone. I can produce a copy of the Minutes as my item RWL/1.

The second survey was carried out by the police and involved the delivery of questionnaires to residents and traders in London Road and immediate surrounds. The top problem identified was again Street Drinking (18) followed by drug activity (15) and Anti-social Behaviour (11). I can produce a copy of the questionnaire

Continuation of statement of results as my item RWL/2

A review of anti-social behaviour incidents in the locality was also undertaken as part of the overall assessment of the area. This analysis looked at the period of 01/09/08 to 31/12/08 and highlighted the fact that the beat which London Road is part of, was the main hotspot in the City for Social Disorder incidents. Amongst this, York Place was singled out as having a high number of incidents and there was a report from a member of public that the Off Licence "Mesopotamia" at this location was selling alcohol to drunk people. One of my ongoing responsibilities is overseeing the police operation which aims to tackle youth disorder, now known as Operation Park. The purpose of this operation is to reduce incidents of youth disorder on the Brighton & Hove Division. This is done using a variety of long and short term measures. The main focus of the operation is to provide a visible policing presence in those areas which suffer most from incidents of youth disorder, to intervene with young people and to seize alcohol. The operation runs on Friday and Saturday evenings as these are the busiest times in terms of incidents of youth disorder. The parents of the youths we come into contact with are all notified about why we have had cause to speak with their child and in some cases a joint visit is made by the police and the City's Anti-Social Behaviour Team to the home in order to discuss concerns we may have about a youth's behaviour. In addition to this, Operation Park attempts to tackle the supply of alcohol to youths by making regular licensing visits to Off Licences and On Licences in the areas of most concern, and working closely with Trading Standards and our Licensing Unit, occasionally assisting with test purchasing operations.

The availability of alcohol to minors is the key problem we face in trying to tackle youth disorder. I have regularly witnessed youths in possession of alcohol from as early as 1700 hours, and by 2130 in the evening, there are large groups of youths, often numbering in excess of 50, drunk and causing problems in parks and residential areas. The amount of alcohol that officers seize during Operation Park can be huge. This alcohol is obtained in a number of ways – for instance, proxy purchasing by adults, youths taking alcohol from the home address and by unlawful sales to minors by licensed premises. It is clear that youths will congregate in areas where they can obtain alcohol and this regularly leads to an increase in anti-social behaviour.

The London Road/York Place area was highlighted in the analysis we undertook as having a high level of youth disorder incidents and included instances of "confrontational" youths running along London Road, throwing missiles, noise youths assaulting other youths and the throwing of eggs and fireworks at members of the public. I can produce a copy of this analysis as my item RWL/3.

Signature  Signature witnessed by: _____

PTO

Continuation of statement of

Since September 2008, police have contacted the families of 25 young people (aged 16 and under) who have been stopped drinking alcohol in the area of London Road. These interventions have included making visits to the family home with a member of the City's Anti-Social Behaviour Team to speak about the consequences of their behaviour.

In conclusion, London Road is a high priority area for us in terms of policing as it suffers from a significantly high number of anti-social behaviour incidents. The perception is that these incidents are often fuelled by alcohol and the analysis that the police have undertaken backs this perception up. The supply of alcohol to both young people under the age of 18 and to street drinkers is clearly a huge contributing factor to these problems. Mesopotamia has been identified locally as serving to street drinkers and our own test purchase operations add weighty evidence to this belief.

Signature



Signature witnessed by: _____

PTO

Central Area Joint Action Group (JAG) Review of Anti-Social Behaviour Incidents and Crime in and around London Road 1st September to 31st December 2008

Thursday 15th January 2009
Brighton Police Station

Kylie Lewington
Anti-Social Behaviour Intelligence Analyst

Purpose of report: The purpose of the JAG document is to facilitate joint approaches problem solving within the community. This report should enable well-informed allocation decisions in relation to reducing crime and disorder on the district.



Central JAG report January 2009

Kylie Lewington Anti-Social Behaviour Intelligence Analyst

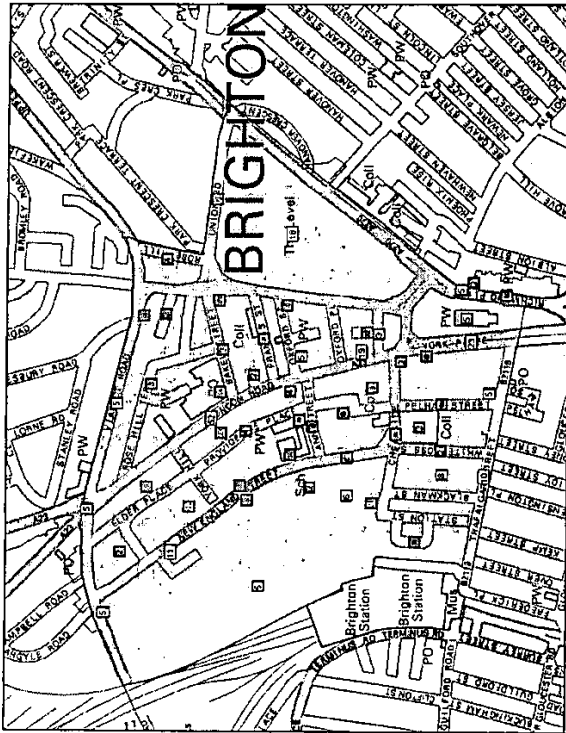
Analysis of Social Disorder incidents on Beat 4:

- 2420 Social Disorder incidents were recorded in the Central Area of Brighton between 1st September 2008 to 31st December 2008.
- 674 of these 2420 incidents- 28% originated from Beat 4- St Peters and North Laines.
- Hotspot analysis of Social Disorder incidents stemming from Beat 4 reveals that the hotspot for Social Disorder on this Beat is located in the London Road area, there is also an additional cluster of Social Disorder incidents around York Place. The map below illustrates the plotted locations and density hotspot of these incidents on this beat:

Density hotspot and plotted locations of Social Disorder incidents on Beat 4-01/09/2008 to 31/12/2008



Analysis of Social Disorder incidents in the London Road/ New England Quarter:

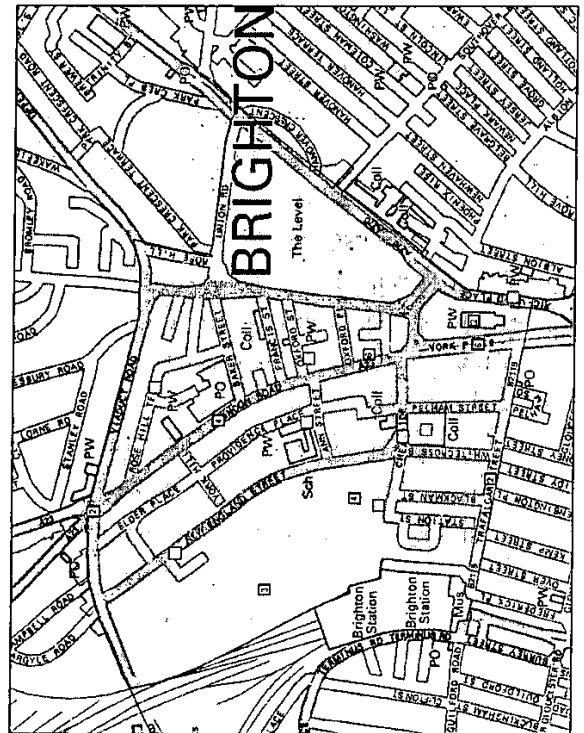


The bordered area coloured in grey to the left of the page illustrates the New England Quarter/ London Road/ Level area. 248 Social Disorder incidents stemmed from within this area during this timeframe, 37 of these incidents refer to youth disorder (15%), with 85% of social disorder incidents not making reference to "youths", "kids" or "teenagers" etc.

The core time for social disorder incidents stemming from this locality was between 16:00 to 00:00hrs, peaking at 21:00hrs, incidents occurred throughout the week however the peak days for reported of ASB in this area are Saturdays and Mondays.

This paper will briefly review the youth disorder incidents stemming from this location and will then go onto analyse the "non-youth disorder" incidents as well as street nuisance incidents originating from this area.

Analysis of Youth Disorder incidents in the London Road/ New England Quarter:



The map to the left of the page shows the plotted locations of the youth disorder incidents recorded in the New England Quarter/ London Road/ Level area between 1st September to 31st December 2008.

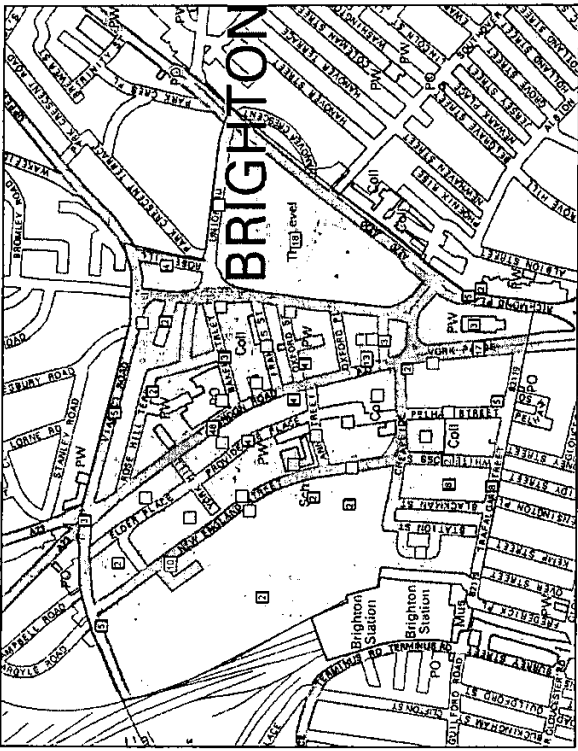
Problems locations for youth disorder in this vicinity include:

- McDonalds (6 incidents)- reports of youths being abusive to staff/ assaulting other youths
- London Road (4 incidents)- reports of free running, groups of confrontational youths running along London Road and reports of youths throwing missiles.
- York Place/ St Peters Church (8 incidents)- complaints about groups of noisy abusive youths, youths assaulting others youths and youths throwing eggs and fireworks at members of the public.

Analysis of these incidents reveal that youth disorder incidents in this area increased over the weekend period, the peak day being Friday, the core time being between 16:00 to 00:00hrs, peaking at 19:00hrs.

Although youth disorder is a concern in this area, these figures suggest that this ASB is not a priority of local residents and members of the public who frequent this area.

Analysis of Non Youth Disorder incidents in the London Road/ New England Quarter:



The map to the left demonstrates the plotted locations of non-youth disorder incidents recorded in the New England Quarter/ London Road/ Level area between 1st September to 31st December 2008. Problems locations for youth disorder in this vicinity include:

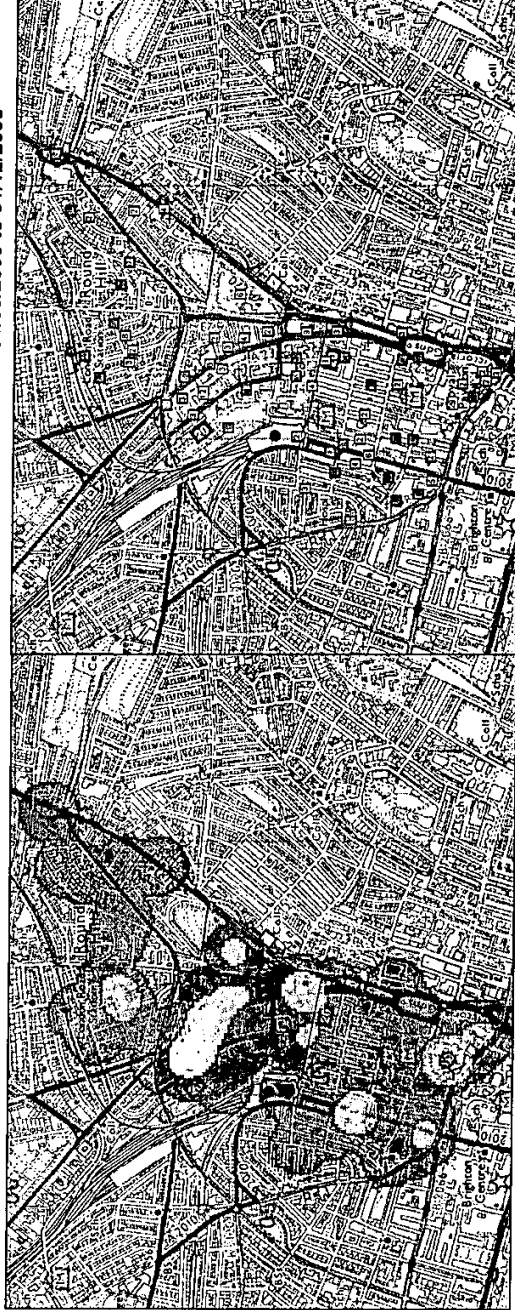
- London Road (59 incidents)- reports of problems ejecting customers, assaults in the area, rough sleepers and street drinkers causing obstructions, reports of assaults, aggressive begging, people throwing missiles and alleged robberies. These incidents increased Monday to Wednesday and Saturdays, the core time being between 12:00 to 21:00hrs.
- The Level (18 incidents)- these incidents included reports of fights, intoxicated individuals making threats and being abusive as well as people attacking others. The peak days for this incidents were Tuesdays and Wednesdays, the core time being between 12:00:21:00hrs.
- York Place/ St Peters Church/ Richmond Parade (27 incidents)- these incidents include reports of street drinking, problems ejecting people from shops, people acting in a threatening manner, alleged acts of criminal damage, people "loitering" in the area and trying to sell methadone prescriptions. There is also a suggestion that the off-licence at 17 York Place- "Mezopotamya" is regularly selling alcohol to street drinkers. These incidents peaked on Saturdays with Tuesdays and Mondays also proving problematic for reports of non-youth disorder, incidents peaked at 15:00hrs then again between 00:00 to 02:00hrs.

Analysis of the above incidents would suggest that non-youth related social disorder is a concern to local residents and members of the public who frequent this area with London Road and the York Place/ St Peters Church being particularly problematic for ASB on this Beat.

Analysis of Street Nuisance incidents in the London Road/ New England Quarter:

- 449 Street Nuisance incidents were recorded in the Central Area of Brighton between 1st September 2008 to 31st December 2008,
- 182 of these 449 incidents- 40% originated from Beat 4- St Peters and North Laines.
- Hotspot analysis of Social Disorder incidents stemming from Beat 4 reveals that the hotspot for Social Disorder on this Beat is located in the New Road/ Pavilion Gardens area, however street nuisance is also a problem in the New England Quarter/ London Road/ Level area with New England Street and York Hill (12 incidents); York Place and St Peters Church (9 incidents) are the main locations for street nuisance in this neighbourhood. The map below illustrates the plotted locations and density hotspot of these incidents on Beat 4:

Density hotspot and plotted locations of Street Nuisance incidents on Beat 4-01/09/2008 to 31/12/2008



- The street nuisance incidents relating to New England Street/ York Hill all refer to complaints about street drinking. There is a distinct core time for these incidents; between 13:00 to 14:00hrs however these incidents occur throughout the week. These incidents refer to aggressive street drinkers, street drinkers being rowdy and shouting and make reference to the same group hanging around the area on a daily basis.
- The incidents originating from York Place and St Peters Church occur over a slightly wider timeframe; between 11:00 to 17:00hrs with the majority of these incidents also referring to problems with street drinkers. Again there was no peak day for these incidents.

Analysis of street nuisance incidents originating from Beat 4 would suggest that street drinking is a concern of the residents and members of the public working and frequenting the New England Quarter/ London Road/ Level area.

TOTAL CRIME:

Table 1: A breakdown of the types of crime committed across Central Area per ward, 1st December to 31st December 2008

Beat	Burglary	% diff month on month	Criminal Damage	% diff month on month	Drug Offences	% diff month on month	Fraud & Forgery	% diff month on month	Other Offences	% diff month on month	Theft & Handling	% diff month on month	Violent Crime	% diff month on month	TOTAL	% diff month on month
Regency	37	60.9	36	7.1	15	11	=	12	-25.0	224	-5.5	99	-6.6	434	0.9	
St Peters & North Laine	23	-11.5	38	-53.8	6	12	-7.7	4	=	110	-10.6	55	-19.1	248	-13.0	
Queens Park	12	-20.0	21	-22.2	7	2	-60.0	3	=	36	-44.6	33	-29.8	114	-34.5	
Hanover & Elm Grove	5	-44.4	15	-37.5	2	0	-100.0	0	-100.0	15	-37.5	8	-33.3	45	-41.6	
East Brighton (Beat 22)	6	50.0	9	-18.2	3	2	=	2	-	20	=	17	-29.2	59	-4.8	
TOTAL:	83	7.8	119	-21.4	33	27	-15.6	21	-16.0	405	-13.6	212	-17.5	900	-12.5	

- The total amount of recorded crime in the Central Area of Brighton between 1st December to 31st December 2008 is down by 3% compared to the same period in 2007 (-28 crimes).
- Most crime types saw a decrease in recorded crime in this period in 2008 compared to 2007 with the exception of Criminal Damage and Burglary Offences (+7%; 8 offences and + 22%; 15 offences respectively). Burglary offences also increased month on month (+8%; 6 offences).
- There continues to be a recorded increase in the number of recorded criminal damage to buildings other than dwellings (+4 crimes) and damage to Vehicles in the Central Area month-on-month, these increases are particularly prevalent in the Regency Beat (+7 and 5 crimes respectively). Conversely, the number of criminal damage to buildings has fallen in the Central Area during this month (-7 crimes); this reduction was most significant on the Queens Park Beat (-10 crimes).
- There has also been a significant reduction in the amount of recorded Violent Crime in December compared to November, with reductions in ABH offences, Common assaults and harassment alarm distress offences. Notably however, there has been an increase in Robbery offences in the Central Area during this month with both Robbery of Business Property and Robbery to Personal Property rising this month (+4 and +5 offences respectively).

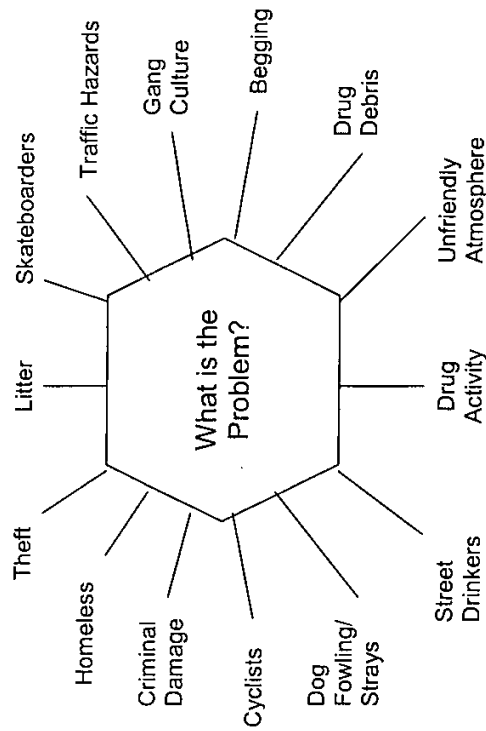
Table 2: A breakdown of the types of crime committed across Central Area per ward, 1st January to 11th January 2009

Beat	Fraud & Forgery					Criminal Damage			Violent Crime		
	Burglary	Drug Offences	Fraud & Forgery	Other Offences	TOTAL	Burglary	Drug Offences	Other Offences	Theft & Handling	Violent Crime	TOTAL
Regency	7	1	7	0	26	7	1	0	51	26	103
St Peters & North Laine	9	2	3	2	16	9	2	2	42	16	88
Queens Park	4	3	0	0	24	4	3	0	13	24	60
Hanover & Elm Grove	7	0	0	0	6	7	0	0	7	6	29
East Brighton (Beat 22)	0	0	0	1	5	0	0	1	5	5	13
TOTAL	27	6	10	3	77	27	6	3	118	77	293

London Road Area Public Questionnaire Results

These are the results from the matrix questionnaires we sent out to the London road area. We sent out 150 questionnaires and received 28 back. The results below have been tallied up by how many times people have mentioned them as they may have given more than one answer for a question and then the top three of each question have been highlighted.

What is the Problem?

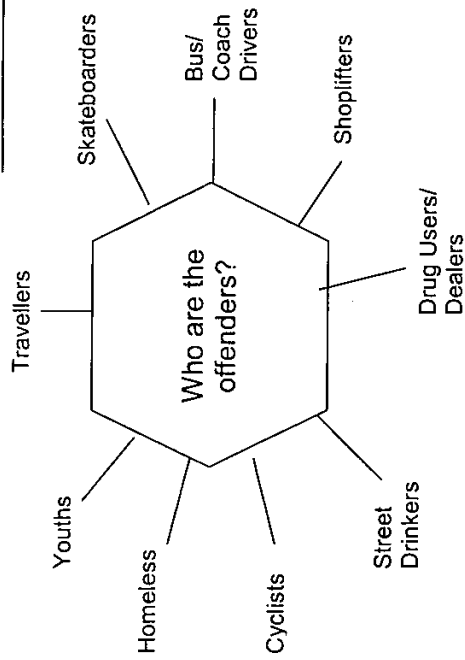


Street Drinkers	18
Drug Activity	15
Anti Social Behaviour	11
Theft	9
Litter	3
Traffic Hazards	1
Begging	3
Criminal Damage	2
Homeless	3
Dog Fowling/ Strays	2
Cyclists	1
Skateboarders	1
Gang Cultures	1
Drug Debris	2
Unfriendly Atmosphere	1

As you can see a majority of the problems are low level nuisance crime.

- The third highest problem is A.S.B
- The second highest problem is Drug Activity
- The highest problem is Street Drinkers

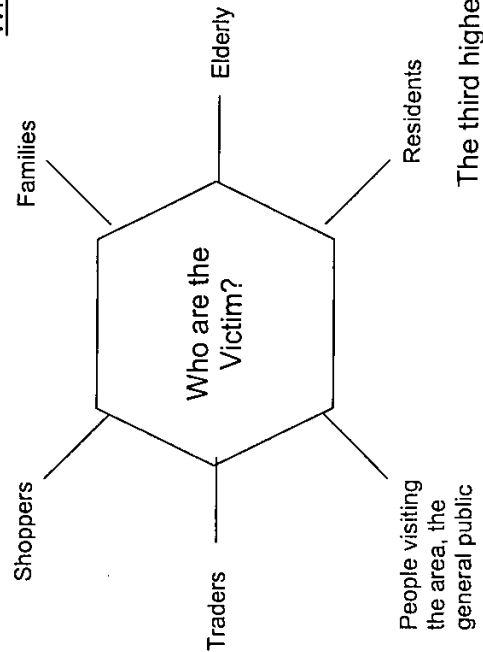
Who are the Offenders?



Drug Users/Dealers	16
Street Drinkers	17
Homeless	6
Youths	6
Cyclists	1
Shoplifters	2
Bus/ Coach Drivers	1
Skateboarders	1
Travellers	1

The third highest chosen offender are Homeless and Youths
 The second highest chosen offender are Drug Users/ Dealers
 The highest chosen offender are Street Drinkers

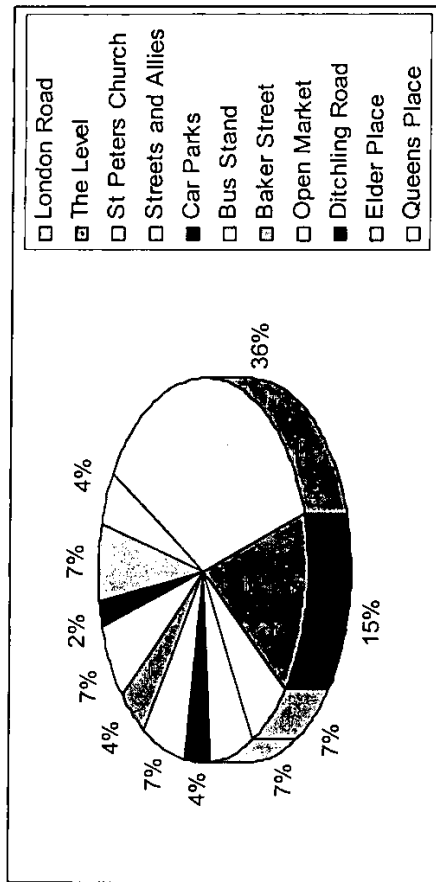
Who are the Victims?



Residents	8
Traders	10
Families	3
People Visiting/ General Public	9
Elderly	2
Shoppers	5

The third highest chosen victim are Residents
 The third highest chosen victims are People Visiting/ General Public
 The highest chosen victims are Traders

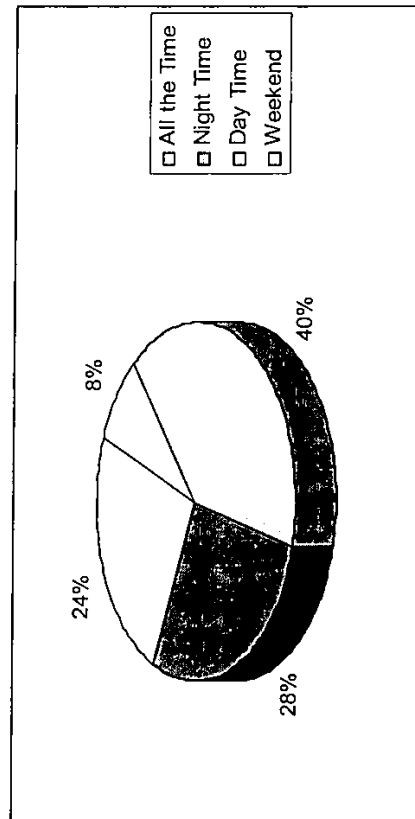
Where is it Occurring?



London Road	17
The Level	7
St Peters Church	3
Streets and Allies	3
Car Parks	2
Bus Stand	3
Baker Street	2
Open Market	3
Ditchling Road	1
Elder Place	3
Queens Place	2

The third highest chosen places is Elder Place, The Open Market, Bus Stand, Streets and Allies and St Peters Church
 The second highest chosen place is The Level
 The highest chosen place is London Road

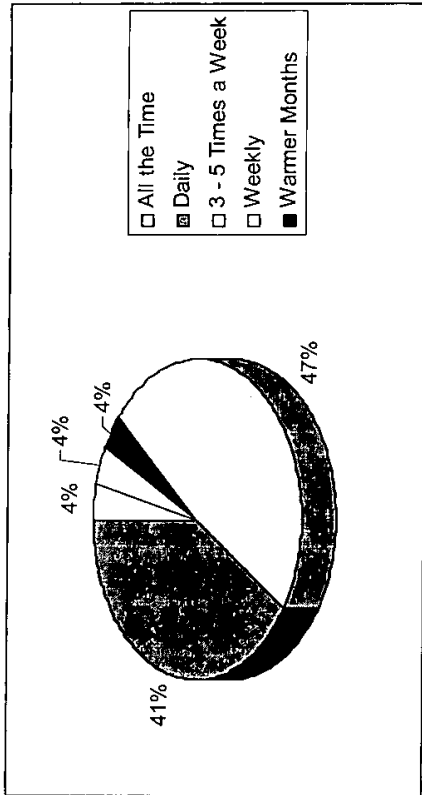
When is it Occurring?



All the Time	10
Night Time	7
Day Time	6
Weekend	2

The third highest time it's occurring is Day Time
 The second highest time it's occurring is Night Time
 The highest time it's occurring is All the Time

How Frequently?



All the Time	13
Daily	11
3 - 5 Times a Week	1
Weekly	1
Warmer Months	1

the third highest answer for how frequently was 3 -5 Times a Week, Weekly and Warmer Months
 The second highest answer for how frequently was Daily
 The highest answer for how frequently was All the Time

What is the Impact?

The Impact that the people who answered the questionnaire were:-

- Fearful children
- Failing businesses
- Not wanting to leave the house
- Risk to shop staff
- Unsafe at night
- Deterioration of area
- Uncomfortable walking in the dark
- Area attracting less people
- Being knocked over by vehicles and bicycles
- Everyone on guard
- Worries of broken windows and break ins
- Stress
- Residents moving
- Being woken up before 6AM
- Lack of confidence with the area
- People taking alternative routes

The third highest chosen impact was a Lack of Confidence in the Area
 The second highest chosen impact was Less People Visiting the Area.
 The highest chosen impact was Failing Businesses

What three things would you change?

Below is list of answers that were given for this question.

- Greater police presence
- Full time park keeper on Level
- Ban street drinkers
- Spread Bus stops -- stops over crowding
- Clamp Down on People Buying Stolen Goods
- Ban drug using in car parks
- Better parking -- Driving enforcements
- More homeless hostels
- Better lighting
- Zero tolerance
- Skateboarders
- Fast Response
- Crackdown on A.S.B
- Stop shops serving alcohol all day
- Improved street cleaning
- Higher class shops
- More CCTV
- More stop and searches on suspects
- Buses/ Coaches
- Give the Homeless and Children Place to go
- More drug clinics
- Begging
- Empty premises being secured better
- More money invested in London Road

The top three thing that the people who answered this questionnaire would most likely to change are, starting from least to most popular are:-

- More CCTV
- Ban street drinker
- Greater police presence

London Road Local Action Team – Planning Meeting 20th November 2008

Summary of event

1. Introduction and background

The Environment Improvement Team has been working in the London Road area for around 18 months, focussing on hotspot areas for disorderly behaviour and street drug and alcohol use. Following concerns raised with the ward councillors, we were asked to support the Councillors and police in establishing a Local Action Team (LAT) for the area, which would provide a helpful forum for residents, traders and service providers to discuss issues of crime and disorder and to develop localised solutions and strategies for improvement.

The purpose of this meeting was to draw together interested parties who may wish to contribute to a future LAT, and to have a broad discussion of the issues to identify a series of community priorities which could form the basis for the initial work of the LAT.

2. In attendance

The event was well attended with around 70 participants, which included a mix of local residents, traders and those who work in the area, representatives from a range of community agencies, and a panel of service providers from the City Council and partner agencies to respond to questions raised.

The service providers represented included:

- BHCC Environment Improvement Team (Public Safety Division)
- BHCC City Services (Graffiti and Street Cleansing)
- BHCC Highways Operations (Carpark management)
- BHCC Urban Rangers
- BHCC Neighbourhood Management Team
- Sussex Police Neighbourhood Policing Team
- Sussex Police Street Community Policing Team
- BHCC Drug & Alcohol Action Team (DAAT)
- Crime Reduction Initiatives (CRI)
- Equinox Alcohol Outreach Service
- Business Crime Reduction Partnership

3. Mapping the issues

At the start of the event, participants were asked to identify by placing stickers on a map the incidence of a range of common concerns or issues. Those identified were:

- Disorderly groups gathering
- Street Drinking
- Drug use and/or dealing
- Flytipping/Litter & Debris
- Squatting/misuse of vacant buildings
- Graffiti

The next section of this report will summarise the findings of this exercise.



3.1 Frequency (number of stickers placed for each issue)

31	Disorderly groups gathering
47	Street drinking
28	Drug use and/or dealing
4	Squatting/misuse of vacant buildings
15	Flytipping/ Litter and debris
7	Graffiti

3.2 Hotspot areas (sites and issues of most concern)

St Peters Area	
13	Disorderly groups gathering
13	Street drinking
8	Drug use and/or dealing
2	Flytipping/ Litter and debris

Providence Place Gardens	
4	Street drinking
7	Graffiti

City Point/Sainsbury's	
2	Street drinking
1	Flytipping/ Litter and debris

Around Somerfield Supermarket	
6	Disorderly groups gathering
3	Street drinking

The Level	
7	Disorderly groups gathering
16	Street drinking
7	Drug use and/or dealing
1	Flytipping/ Litter and debris
1	Graffiti

London Terrace Alley	
1	Disorderly groups gathering
1	Street drinking
1	Drug use and/or dealing
2	Squatting/misuse of vacant buildings
1	Flytipping/ Litter and debris
1	Graffiti

York Hill	
3	Drug use and/or dealing
3	Flytipping/ Litter and debris

4. Priority areas for consideration

There followed a Question and Answer session which enabled those in attendance to raise questions directly with the service providers present, and the questions and discussion touched on a range of subjects.

From this session, the following areas emerged which those present would like to discuss further and see action on:

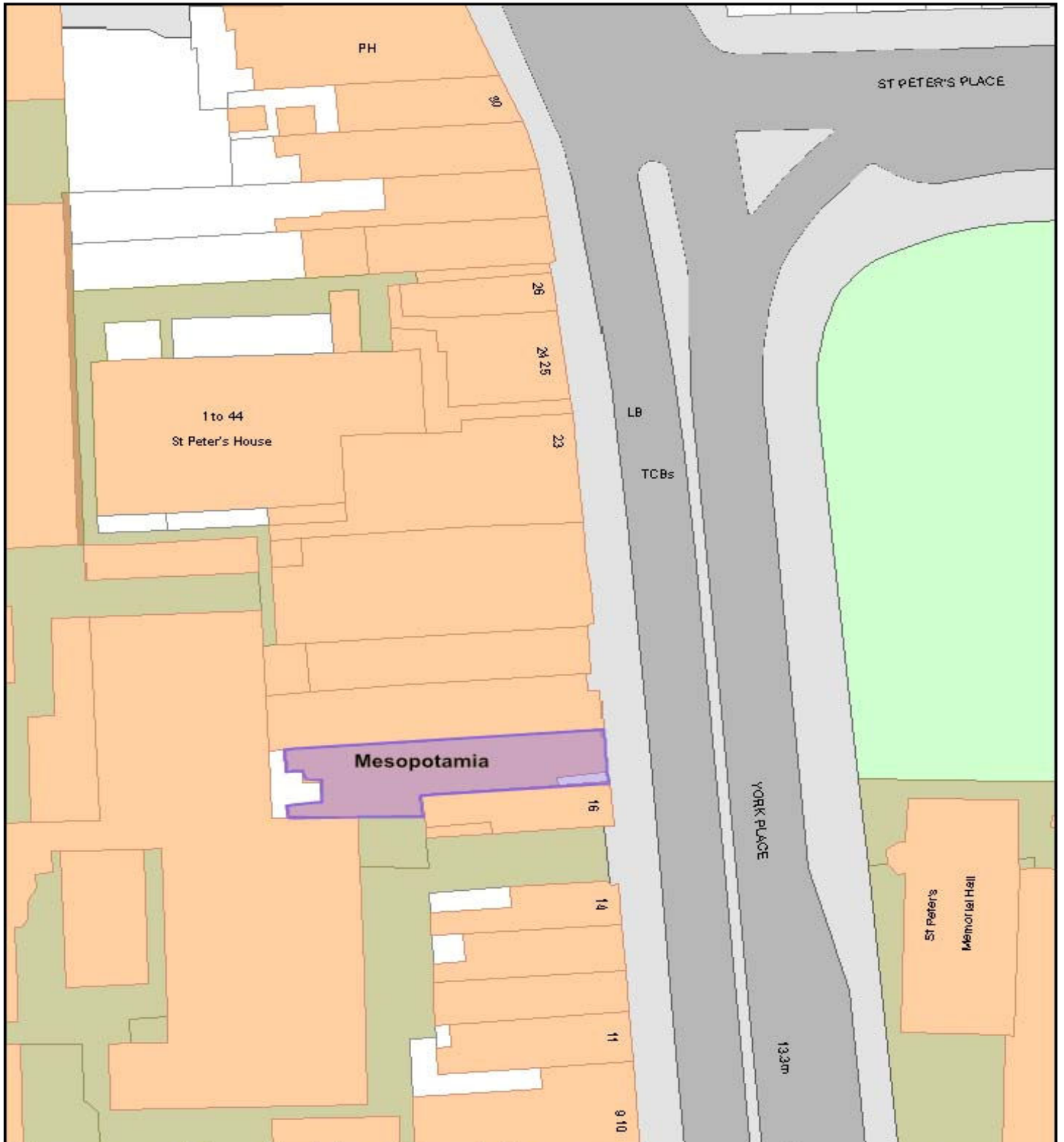
Item	Issues noted
Street Drinking	Perceived lack of enforcement action Possible problems with off licence premises
Police presence on the Level/general police presence issues	Perceived lack of visible police patrols – particularly around the Level.
Police/community relationships	how to get to know your 'beat bobby' – not just when reporting a problem
Licensing issues/cumulative impact zone	Seek extension of the current cumulative impact zone to include London Rd area
Substance misuse services within the community	Concern around the concentration of substance misuse services in the area. How to develop stronger community links with substance misuse service clients
Graffiti projects	Adopt-a-box, community clean up, issues around graffiti mural projects
The Level	Significant interest in the development of long standing plans to regenerate the Level and Skatepark – could feature as a specific meeting topic for a public event in the future.
Reporting crime	Advice on reporting crime Concern around intimidation by perpetrators
Environment Improvements	Identify further 'hotspot' areas for physical improvement
Drug litter	Discarded needle reported found in school playground – how to report/respond to hazardous drug litter issues.

It is recommended that the issues/areas identified above form the basis for initial discussion and early focus at the London Road Local Action Team as it develops.

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APPENDIX C

Mesopotamia, 17 York Place, Brighton, BN1 4GU



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